



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, November 22, 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.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR NOVEMBER 22, 2010

A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page No.

1. Proclamation Declaring the Week of December 6 – 12, 2010 as “Human Rights Week”
and December 10, 2010 as “Human Rights Day” in the City of Tualatin
- Presented by Human Rights Council Representatives Chair Alfonso
Lopez-Vasquez & Toni Garreton
2. Starry Nights and Holiday Lights Presentation – Carl Switzer, Community Services
3. Photo Red Light Presentation – Avery & Tualatin-Sherwood Road – Police Chief Barker

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 Minutes of the Work Session and Meeting of November 8, 2010
2. Resolution No. **5012-10** Accepting Public Improvements Constructed in Association
with SW 115th Avenue Half-Street Improvements.

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing to Consider an Ordinance relating to Conditional and Permitted Uses
in Residential Planning Districts, and Amending the TDC 31.060, 35.030, 40.015,
40.020, 40.030, 41.020, and 41.030 (PTA-09-09)

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS**Page No.**

1. Speed Hump Criteria
2. Ordinance **1312-10** Relating to Building Specialty Codes; Adopting the.....
Solar Installation Code, the Energy Efficiency Code, the Fire Code
and Fire Alarm Verification; and Amending TMC 4-1-010
3. Ordinance **1313-10** Relating to Bancroft Bonds; and Amending the TMC 2-4-040 and 2-6-100
4. Ordinance **1314-10** Prohibiting Motor Vehicle Traffic on a Portion of Blake Street; and
Adding a New Section, TMC 8-3-150, to the Tualatin Municipal Code

H. ITEMS REMOVED FROM CONSENT AGENDA

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

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

CITY COUNCIL SIGN-UP SHEET

DATE: November 22, 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.	Tom Miller	17340 SW Cheyenne		Self	PTA 09-09
2.	Eric Barber	6050 SW Port Oxford		Self	Could attend use
3.	Robt Basak	10605 SW Hazel Brook		Hazel Brook Assoc in	Could attend use PTA 09-09
4.	Robert H. H. H.	201			
5.	Jonna Karsichon	21558 SW 108th Ave			Could attend use
6.					
7.					
8.					

Submitted for the record at
11/22/10 Council meeting, Item
E-1 (PTA-09-09)

November 21, 2010

The Honorable Lou Ogden, Mayor
Chris Barhyte, President
Jay Harris, Council Member
Monique Beikman, Council Member
Donna Maddux, Council Member
Ed Truax, Council Member
Joelle Davis, Council Member
City of Tualatin
18880 S.W. Martinazzi Avenue
Tualatin, OR 97062

Dear Mayor Ogden and Members of the City Council:

It has been brought to our attention the city is holding a hearing on an additional amendment to our land use in the City of Tualatin, specifically An Ordinance Relating to Conditional and Permitted Uses in Residential Planning Districts, and Amending TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, and 41.030 (PTA-09-09) This amendment would forbid land owners in the city of Tualatin to own and raise animals other than normal household pets. Owners of properties outside the city limit could continue using the property as they see fit, until they annex.

This amendment applies specifically to properties north of Hazelbrook Road. The members of the Hazelbrook Neighborhood Association are opposed to this proposed change to the above mentioned ordinance for the following reasons:

1. The majority of the land north of Hazelbrook Road between the Tualatin Golf Club on the east and Highway 99 on the west has been declared flood plain or floodway by the City of Tualatin. With minor exceptions, this land can never be developed for residential use beyond that which currently exists.
2. The majority of this land has historically been used for agricultural purposes, including the raising of livestock. This includes grazing pasture for cows, horses, goats, sheep and chickens. Most of the land owners have a large enough partial of land to support these animals. Cows and horses additionally graze land which would become a fire danger in the summer if the brush and grasses were not controlled. (see undeveloped park land on Jurgens Lane)
3. Passage of this amendment would reduce the future value of the properties in this area because the use of the undevelopable land would be unduly restricted.
4. The City of Tualatin would allow annexed residents to get a conditional use permit for \$1,300.00 before the ordinance goes into effect in order to continue the current use of the properties. Residents in this area would now have to pay the City of Tualatin for the right to use their land as they have traditionally done or be prohibited from its use after the ordinance is passed.

5. If anyone who had cows, horses, or other agricultural animals wants to join the City because of services that would be needed, they would then be required to remove the animals from their property (ie. Septic tank failure and sewer hook-up or well goes dry).
6. This restricts the livability of the residents of this neighbor. Many Tualatin residents stop to show their children what a calf, chicken or horse looks like thus educating future residents.

We are requesting that if the City of Tualatin wants to pass this ordinance, the properties north of Hazelbrook Road and the two properties on Cheyenne Way that have floodplain acreage be grandfathered in to the conditional use for the raising of agricultural animals as currently listed in the existing ordinance. This will conform to your wishes and not restrict the future use of Hazelbrook properties.

Sincerely,

Bonnie and Ken Peterson
Carol and Jim Greenough
Dave and Judy Martin
Phillipa Peach and Chris Mitchell
Kelly and Russ Streit
Rochelle Martinazzi
Tom and Charlene Miller
Michael and Norma Frison
Roberto and Susan Robles
Ken and Martha Johnson
Robin Hamblet and Elizabeth O'Brien
Pil Broome and Liz Newhouse
Dick and Linda Hallberg
Dan and Kathy Scott
Pat and Tom Horn
Mark and Betsy Bryan
Bob and Chris Bosak
Jim Toman
Rodger Poppert
Loran & S. Richards
Joan Pastor
Gordon Pastor
M. Tcherven
Danell Jacob
Pat Hornicak
Ilse VonHagen
Jerry & Jack Brosy

① Name Bonnie & Ken Peterson
Address 10155 SW Jurgens Lane
Tualatin, OR 97062
Signature Bonnie Peterson

② Name Dore & Judy Martin
Address 10275 SW HAZELBROOK
TUALATIN, OR 97062
Signature Judy Martin

Name Judy Martin
Address 10275 SW HAZELBROOK
Tualatin, OR 97062
Signature Judy Martin

③ Name Phillipa Peach / Chris Mitchell
Address 10445 SW Hazelbrook
Tualatin, OR 97062
Signature Phillipa Peach

④ Name Rockelle Martinezz
Address 10050 SW HAZELBROOK
TUALATIN, OR 97062
Signature Rockelle MARTINEZZ

⑤ Name Michael R. Frison
Address 10465 SW Hazelbrook Rd.
Tualatin, OR 97062
Signature Michael R. Frison

⑥ Name Roberto Robles
Address 11105 SW HAZELBROOK
Signature Roberto Robles

⑦ Name KEN & MARTHA JOHNSON
Address 17255 SW 108th AVE
TUALATIN, OR 97062
Signature Ken Johnson

⑧ Name TIBBY O'BRIEN
Address 17035 SW 108th
Tualatin, OR 97062
Signature Elizabeth O'Brien

Name ROBIN HAMBLIST
Address 17035 SW 108th AVE
TUALATIN, OR
Signature Robin Hamblist

⑨ Name Phil BROOKER & LIZ NEWHOUSE
Address 17020 SW 108th AV
TUALATIN, OR 97062
Signature Phil Brooker

⑩ Name Dick & Linda Hallberg
Address 17000 SW 108th Ave
Tualatin, OR 97062
Signature Linda Hallberg

⑪ Name Dan & Cathy Scott
Address 17010 SW 108 Ave
TUALATIN, OR 97062
Signature Dan Scott

⑫ Name Tom Horn Pat Horn
Address 16930 SW 108th
Tualatin, OR
Signature Tom Horn

⑬ Name Jim & Carol Greenough
Address 9965 SW Jurgens Lane
Tualatin, Oregon 97062
Signature Jim Greenough

⑭ Name Mark & Betsy Bryan
Address 17315 SW Cheyenne Way
Tualatin, Or 97062
Signature Mark Bryan

15

Name Tom Miller
Address 17340 Cheyenne
way Tualatin, OR
Signature Tom Miller

Name Charlawn Miller
Address 17340 SW
Cheyenne way Tualatin,
Signature Charlawn Miller

Name _____
Address _____
Signature _____

Name _____
Address _____
Signature _____

16

Name Kelly & Russ Streit
Address 10085 SW Hazelbrook Rd
Tualatin, OR 97062
Signature Kelly Streit

Name Russ Streit
Address 10085 SW Hazelbrook
Tualatin OR 97062
Signature Russell Streit

Name _____
Address _____
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Name

Address

Phone

Jim Toman 11605 SW Hazelbrook Rd 503 692-0152

~~Angela Papad~~ 11515 SW HAZELBROOK RD 503 692 1548

Lorann Richards 11475 SW Hazelbrook Rd 503-692-4936

Joan Pastow 11155 S.W. Hazelbrook Rd

~~Isadora Pastow~~ 11235 S.W. Hazelbrook Rd.

M. Tcherwen 11035 SW HAZELbrook Rd, 503-691-6666

Jana Jason 10985 SW Hazelbrook Rd

~~Janet~~ 11475 SW HAZELBROOK RD 503-267-1530 971-832-2473

Patricia J. Hornick 10675 SW HAZELBROOK + 2nd St 503-691-048

She. D. von Hagen 10855 S.W. Hazelbrook Rd Tualatin OR 503 692 5061

A. Brozy 10935 SW Hazelbrook Rd Tualatin OR

Geraldine Brozy 10935 SW HAZELBROOK RD, TUALATIN, OR

Art & Bob 10625 SW HAZELBROOK RD Tualatin OR 503-692-5343

Mary C. Bosak 10605 SW HAZELBROOK RD, TUALATIN, OR

Proclamation

Proclamation Declaring December 6 - 12, 2010 as "Human Rights Week" and December 10, 2010 as "Human Rights Day" in the City of Tualatin

WHEREAS on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS the Universal Declaration of Human Rights asserts recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace; and

WHEREAS disregard for human rights has resulted in acts which have offended the conscience of mankind, and where the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear has been proclaimed as the highest aspiration of the common people; and

WHEREAS the Universal Declaration is referred to as the primary definition of human rights Standards and is increasingly referred to as customary international law, by which all countries should abide; and

WHEREAS the primary responsibility to promote respect for these rights and freedoms lies with each individual in the City of Tualatin, and each of us can play a major role in enhancing human rights; and

WHEREAS the people of the City of Tualatin reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life.

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

Section 1. December 6 - 12, 2010 to be "*Human Rights Week*" and December 10, 2010 as "*Human Rights Day*" in the City of Tualatin; and

Section 2. Encourage residents to study and promote the ideas contained in the Universal Declaration of Human Rights to the end that freedom, justice, and equality will flourish and be made available to all.

INTRODUCED AND ADOPTED this 22nd day of November, 2010.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY

City Recorder

Starry Nights and Holiday Lights

A Tree Lighting Celebration at the Tualatin Commons

8325 SW Nyberg Street

Friday, December 3, 2010 • 5:30 p.m. - 8:30 p.m.

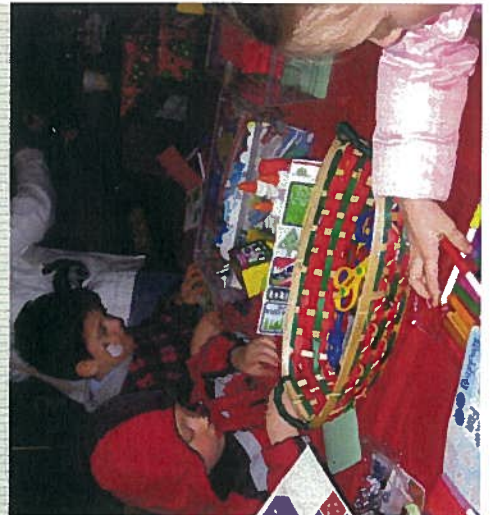
Join us for the lighting of the floating tree, children's choirs, free children's crafts & activities, free refreshments, and Santa!

Please bring non-perishable food items to donate to the Tualatin School House Food Pantry.

Free!



City of Tualatin



- Music and choirs
- Lighting of the Floating Holiday Tree
- Crafts and treats
- Santa



Starry Nights and Holiday Lights

A Tree Lighting Celebration at the Tualatin Commons

8325 SW Nyberg Street

Friday, December 3, 2010 • 5:30 p.m. - 8:30 p.m.

Join us for the lighting of the floating tree, children's choirs,
free children's crafts & activities, free refreshments, and Santa!

Please bring non-perishable food items to donate to the Tualatin School House Food Pantry.

Free!



City of Tualatin



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date

11-22-10

Recording Secretary

M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: November 22, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION
AND MEETING OF NOVEMBER 8, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of November 8, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF NOVEMBER 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux *[arrived at 5:09 p.m.]*, and Ed Truax, Councilor-elect Frank Bubenik; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Aquilla Hurd-Ravich, Acting Planning Manager; Eric Underwood, Development Manager; Ben Bryant; Victoria Eggleston, Volunteer Coordinator; Crystal Reynolds, Community Services Officer; Kathy Kaatz, Operations Program Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:01p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Neighborhood Enhancement Efforts in Stoneridge*

City Manager Sherilyn Lombos said this past August several councilors and the mayor visited with some neighbors in Stoneridge to discuss their efforts to enhance the neighborhood. This is a follow-up to that visit.

Community Services Officer Crystal Reynolds, Operations Program Coordinator Kathy Kaatz, Volunteer Coordinator Victoria Eggleston, and a neighborhood representative were present. After introductions, City Manager Lombos recited a number of issues that were raised and documented. Those issues were street sweeping, traffic calming, on-street parking, solid waste and recycling, and code enforcement.

Operations Director Dan Boss explained street sweeping services and the difficulty in providing service due to the number of cars and abandoned cars parked on the streets in Stoneridge. He went on to explain ways to be able to get the sweeping and a variety of ways to enforce. Currently the City sweeps monthly. It has been suggested to utilize a "no parking zone," by providing signage and to have the ability to tow.

Discussion followed on the issue of towing and it was suggested there should be a "phase-in" process, which could begin with signage, followed by a warning process, etc. before actual towing. Including the cost of towing in the phase-in process was also mentioned and providing bilingual information.

Traffic calming was discussed and the issue of speeding in and around the Stoneridge area. City Engineer Mike McKillip addressed the costs associated with locating a speed hump near the park, and the eligibility, with the current speed hump criteria.

Discussion followed and it was suggested to follow the process first and see if the traffic counts meet the criteria. Also mentioned is the belief that the speed hump criteria currently in place is flawed and should look at the whole process itself. Discussion followed on what approach should be taken. Some expressed moving forward with speed humps, in spite of the process in place. Discussion followed. It was mentioned that allowing for a speed hump in Stoneridge without meeting the criteria, but not in other parts of the city would be difficult.

Discussion continued and it was suggested the criteria could be amended to allow for exemption of areas of critical concern. It was noted there's been a lot of work done in Stoneridge and Council needs to continue to support it. It was discussed about ways to be able to help Stoneridge and to also follow the speed hump criteria currently in place.

Consensus of all Council present was to review and change the criteria, keeping in mind allowing for a speed hump in Stoneridge.

Some suggestions on solid waste and recycling were discussed and continuing to participate in the City-wide Bulky Waste events. Also mentioned was garbage service has been problematic, with overflowing receptacles, some without service altogether. A suggestion to "require" a larger size garbage receptacle was discussed, and to continue with active code enforcement issues there.

2. *Gateway Project Update*

City Manager Lombos introduced the Gateway Project and noted the artist selection is scheduled to come before Council on December 13, 2010.

Development Manager Eric Underwood presented a PowerPoint and gave a brief background on how the process was arrived at to date. A Call to Artists Request for Proposals (RFP) garnered 25 proposals and a selection committee was appointed. After two committee meetings and review of the proposals an artist was chosen. Staff will bring back to Council at the December 13, 2010 meeting. Councilor Maddux explained as a member of the committee, how the selection was made and believes the outcome is a good one.

Mayor Ogden said this doesn't preclude looking at the "ice age" as a whole, and it was noted there is space that will be available for future art.

3. *Update on Economic Development Efforts*

Development Manager Eric Underwood gave an update on the function of the economic development program in Tualatin, involves working with local, state and regional agencies.

Development Manager Underwood went on to explain the City's "Economic Gardening" program, originating from Littleton, Colorado, which takes existing companies and identifying their needs to help them grow in the community. It works by providing businesses with "key tactical information" that typically only big businesses have access to. Tualatin has experienced a high success rate, and Chad Freeman, State Business Development Officer was also present, and said he had a chance to work on some recent projects such as Novellus.

Brief discussion followed.

4. *Update on 2008-2010 Council Goals*

City Manager Lombos noted the Strategic Management Plan was developed in 2008 by Council, which included goals and actions through 2010. The retreat will give Council the opportunity to develop goals for the next two years. City Manager Lombos reviewed the list of started, ongoing and completed issues, and said only a few haven't been "started", primarily due to no funding. Updated have been added, with the last one in November 2009. It was explained how the goals setting process will happen over the two days of the retreat.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda with no changes. Mentioned was the Basalt Creek Planning Area, and having a joint meeting with Wilsonville to discuss the planning process. It was suggested to hold the meeting sometime in January.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

Upcoming meetings were reviewed and City Manager Lombos mentioned January 11, 2011 will be the first day of the "quiet zone" and an event planned with local, and state officials, etc.

Mayor Ogden noted the public hearing will likely be continued at the request of the applicant.

Councilor Truax note an upcoming meeting as chair of the Willamette Water Coalition, in connection with the Tonquin Trail, and associated water issues.

Councilor Beikman reported at the Washington County Coordinating Committee (WCCC), talk continues about projects to place on a list that will to be forwarded to Metro.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

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

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

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



TUALATIN CITY COUNCIL MEETING MINUTES OF NOVEMBER 8, 2010

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

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was led by Councilor Beikman.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Youth Advisory Council Update

Tualatin Youth Advisory Council (YAC) representatives were present and gave a PowerPoint update on YAC on recent activities, such as the annual Haunted House and West Coast Giant Pumpkin Regatta. Also four members of the YAC will be attending the upcoming National League of Cities conference in December, and participating in the Washington County Youth Summit with the focus on anti-bullying efforts.

2. Commuter Rail / High Speed Rail / Passenger/Freight Rail Updates

City Engineer Mike McKillip gave an update on the commuter rail quiet zone which will be implemented on January 11, 2011. Some barricades have been placed at the station to alert people of the change.

High Speed Rail – City Engineer McKillip gave a brief updated. ODOT is moving ahead on a draft analysis. A team of consultants and public involvement process is getting in place, and a policy steering committee will be set up. Oregon also received approximately \$4 million in funding from the Federal Department of Transportation. More information to come.

Passenger/Freight Rail – The Oregon Transportation Commission (OTC) is looking at ways to fund improvements to the existing and future passenger/freight rail. City Engineer McKillip said staff will pass on more information to Council as it pertains to Tualatin, as it becomes available.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

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

1. Approval of the Minutes of the Work Session and Meeting of October 25, 2010
2. Resolution No. 5009-10 Termination of the Contract with Multnomah County for Mosquito Control Services
3. Resolution No. 5010-10 Authorizing an Intergovernmental Agreement with Metro and the City of Tualatin for a Construction Excise Tax Grant to be Utilized for Concept Planning the Basalt Creek and West Railroad Planning Areas in Pursuit of Incorporating the Land Into the Comprehensive Plan
4. Resolution No. 5011-10 Authorizing a Memorandum of Understanding with the Cities of Tualatin and Wilsonville and Washington County for Concept Planning the Basalt Creek and West Railroad Planning Areas

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Public Hearing to Consider an Ordinance Changing the Planning District Designation From Low-Density Residential (RL) to Medical Center (MC) of Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and .25 Acres of Abutting Right-of-Way; and Amending the Community Plan Map 9-1 (PMA-09-03)
[CONTINUED from October 11, 2010]

Mayor Ogden opened the public hearing and noted the continuance from the November 8, 2010 meeting. There has been a request by the applicant to continue the hearing to January 24, 2011.

Councilor Harris commented on the difficulty for the community to be able to keep up with the amount of continuances this hearing has had, and suggested that issues get addressed beforehand. Mayor Ogden noted point well taken, but also said that neighbors have been significantly involved in the process and all were notified and could have been present, if needed.

MOTION by Councilor Barhyte, SECONDED by Councilor Davis to continue the hearing to January 24, 2011. MOTION CARRIED. [7-0]

G. GENERAL BUSINESS

1. Consideration of a Development Agreement Between the City of Tualatin and Legacy Health Systems
[CONTINUED from October 11, 2010]

Removed from the Agenda.

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adjourn the meeting at 7:28 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

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



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 11-22-10
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*
Mike Darby, Engineering Technician II *[Signature]*

DATE: November 22, 2010

SUBJECT: A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED IN ASSOCIATION WITH SW 115TH AVENUE
HALF-STREET IMPROVEMENTS

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with the half-street improvement of SW 115th Avenue, south of SW Itel Street.

RECOMMENDATION:

That Council adopt the attached resolution approving and accepting the constructed improvements.

EXECUTIVE SUMMARY:

All public improvements were constructed as part of the SW 115th Avenue half-street improvements.

The improvements were done as required by Public Works Construction Permit 10-26, issued on August 6, 2010, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are no impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

Attachments: A. Resolution

RESOLUTION NO. 5012-10

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED IN ASSOCIATION WITH SW 115TH AVENUE
HALF-STREET IMPROVEMENTS

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Pacific Realty Associates, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 10-26 to construct a half-street improvement of SW 115th Avenue, south of SW Itel Street, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Works Construction Permit issued on August 6, 2010; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

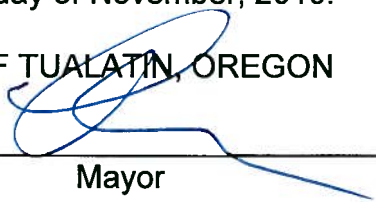
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 22nd day of November, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date

11-22-10

Recording Secretary

[Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Aquilla Hurd-Ravich, Planning Manager *AHR*
William Harper, Associate Planner *[Signature]*

DATE: November 22, 2010

SUBJECT: AN ORDINANCE RELATING TO CONDITIONAL AND PERMITTED USES IN RESIDENTIAL PLANNING DISTRICTS, AND AMENDING TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09)

ISSUE BEFORE THE COUNCIL:

City Council consideration to revise the list of conditional uses allowed in residential planning districts. This action is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) in the following chapters: 40 Low-Density Residential (RL) Planning District; 41 Medium Low-Density Residential (RML) Planning District; and 35 Non-Conforming Uses. Some definitions in Chapter 31 will also be amended.

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 amendment is an application prepared by the Community Development Department in response to the City Council's direction to revise the list of non-residential uses allowed as conditional uses in RL and other residential planning districts.
- On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process. The Council continued their review and discussion on CUP uses in residential planning districts during Work Sessions on February 8, 2010 (II), July 12, 2010 (III) and August 23, 2010 (IV).

At the September 27, 2010 Work Session (V), the Council finished their discussion on the conditional uses and further discussed increased building height [40.030(4)(n)] and "grandfathering" of certain existing uses to allow

enlargement of the use when non-conforming. The minutes of the work sessions are included in Attachment A.

- Based on the Council's discussions and direction from the five Work Sessions on conditional uses in residential planning districts, staff prepared draft language amending the lists of uses in TDC Chapters 40 (RL), 41 (RML), amending the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amending terms and definitions in TDC 31.060 (Attachment D).

As proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts.

Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will no longer be listed as conditional uses in residential planning districts. The existing cemetery and power substation currently with conditional use permits in RL will become non-conforming and allowed to expand or enlarge on the property.

A "school" use in residential district will be specified as "Kindergarten-12th Grade", the term "church" will be expanded to "...and other places of religious worship" and "country club" will be specified as "Country Club with golf course". Additional building height is proposed to be reduced from the 75 ft. currently allowed as a conditional use in residential planning districts to a maximum 50 ft. height.

- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning District Objectives; TDC Chapter 8-Public, Semi-Public and Miscellaneous Land Uses; TDC Chapter 32 Conditional Uses; TDC Chapter 35 Non-conforming Uses, Structures and Signs; TDC Chapter 40 RL Planning District; TDC Chapter 41 RML Planning District. The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment C) examines the application with respect to the criteria for a Plan Amendment.
- The application and draft amendment language were prepared on October 4, 2010 following the September 27 Council Work Session V, the Council's last review of the list of uses and a discussion of grandfathering certain uses to allow existing facilities to expand or enlarge as non-conforming uses. There were minor revisions and corrections to the proposed language following the

November 2 TPAC meeting. As a City-initiated, legislative matter, the 120-day period for a quasi-judicial action does not apply.

DISCUSSION:

PUBLIC INVOLVEMENT:

The proposed amendment is a legislative amendment and no neighbor/developer meeting was required. A "Measure 56" Notice and accompanying explanation of the proposed changes to the list of conditional uses was sent to each residential property owner within the Tualatin Planning Area with information about the public hearing scheduled for November 22. The recipients were invited to review the PTA-09-09 information on the City's web site or contact the Community Development Department with questions.

A collection of messages and summarized comments from respondents to the Measure 56 Notice and other notifications are presented in Attachment F.

RECOMMENDATION/REQUEST FOR DIRECTION:

On November 2, 2010, the Tualatin Planning Advisory Committee (TPAC) voted 4-1 (Sivley voted no), recommending that the City Council approve the revised list of conditional uses and PTA-09-09 with the exception of the proposed language for Non-conforming Uses in TDC 35.030(2)(b). TPAC disagreed with the proposed revision to the restrictions on altering or enlarging a non-conforming use, stating that the provision "discriminates against a single business" by leaving out the "private club" use from the uses eligible for an exemption from the restrictions on non-conforming uses.

Staff recommends that the City Council consider the staff report, the proposed amendment language and the supporting analysis and findings and provide direction.

ALTERNATIVES TO RECOMMENDATION:

The alternatives for Council are:

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

OUTCOMES OF DECISION:

Approval of the proposed PTA with the language in Attachment D would result in the following:

1. Uses no longer listed as conditional uses in residential planning districts:
cemeteries; colleges; business service, processing storage or display & other activities incidental to permitted residential uses; retail nursery; sanitarium;

private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station.

2. Conditional Use no longer allowed in RL District, retained as conditional use in other residential planning districts. "Nursing or convalescent home" will be removed from the list of conditional uses in the RL Planning District and allowed as a permitted use in RML, RMH and RH residential planning districts using the revised term "Nursing Facility".
3. Non-Conforming Uses allowed to expand: The existing cemetery (Winona Cemetery- 9900 SW Tualatin Road) and the existing electrical substation (PGE— 6280 SW Borland Road) located in a residential planning district and with a conditional use permit would become non-conforming uses that will be allowed to enlarge or expand on the property the conditional use was approved for, subject to Architectural Review approval of improvements.
4. Non-Conforming Uses not allowed to expand: The Stafford Hills Racquet and Tennis Club can be built and operated as a legal non-conforming use as per the use approved in conditional use permit CUP-09-01 for a "private club" and as per the facilities and improvements approved in Architectural Review AR-09-08 and subject to the continuation of non-conforming use provisions of TDC 35.020 and restrictions on the alteration or enlargement in TDC 35.030.
5. Changed from Conditional to Permitted Uses: Public park, playground & recreation building will be removed from the list of conditional uses and added as a permitted use in residential planning districts.
6. Change in Definition or Category: Community buildings will be included with "governmental structure or land use" as a conditional use in residential planning districts.

Uses will be specified including "School K-12" and "Country Club with golf course". Additional building height will be limited to 50 ft., reduced from the 75 ft. currently allowed as a conditional use in residential planning districts. Health care facility terms such as "nursing home" will be revised and defined for consistency with current terms for senior and disabled long term care facilities as established in the Oregon Revised Statutes and Administrative Rules and by the Oregon Department of Human Services.

7. Home Occupations will remain as an allowed activity in residential planning districts.

Denial of the PTA would result in the following:

1. The list of conditional uses in the RL, RML, RMH, RH and RH/HR Planning Districts will not be changed and new or expanded non-residential conditional uses will be allowed under the conditional use provisions of TDC Chapters 32 and 40.

FINANCIAL IMPLICATIONS:

The Applicant is the City of Tualatin. No fee is required. Funds have been budgeted in the Planning Division's FY 10/11 budget to prepare and process City-initiated amendments.

- Attachments:**
- A. Council Work Session Minutes
 - B. Background
 - C. Analysis & Findings
 - D. Proposed Text Amendment Language-TDC 31.060; 35.020; 40.020; 40.030; & 41.020
 - E. Map 9-1 showing Residential Planning Districts and Locations of Affected Conditional Uses
 - F. Messages and Comments from the Public



City of Tualatin

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Approved By Tualatin City Council

Date 11-9-09

Recording Secretary *M. Smith*

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 12, 2009

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

ABSENT: Mayor Ogden* [* denotes excused]

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

A. CALL TO ORDER

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

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Council reviewed the Consent Agenda with no changes.

1. Conditional Use Permits in Residential Planning Districts

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

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

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

2. Public Hearing/Land Use Notification Requirements

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



City of Tualatin

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Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Stacy Crawford, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed the work session at 5:01 p.m. to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The Council Work Session reconvened at 6:05 p.m.

Council/Commission Meeting Agenda Review

Council reviewed the Agenda and removed Item B4 –Crime Report Update from the Council Meeting agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses in Residential Planning Districts

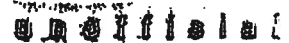
Associate Planner William Harper gave an update based on a previous work session where the Council went through the list of current conditional uses in Residential Planning Districts. A discussion occurred regarding the impacts and consequences of removing or leaving in an activity, particularly cemeteries, from the Residential Planning Districts. Council asked for additional information and discussed the cost of traffic impact analysis for a Plan Amendment and a Conditional Use. Councilor Barhyte suggested this topic be discussed further during a special work session.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with changes made as noted above.

FEB 27



3. *Basalt Creek Planning Area – Agreements with Washington County and City of Wilsonville*
City Manager Lombos said staff has been in discussions with Wilsonville on the area of land between the two cities. She noted Wilsonville's Assistant Community Development Director Stephan Lashbrook was present and intern Ben Bryant, shared with Wilsonville to begin concept planning on the Urban Growth Boundary (UGB) Expansion Area.

Community Development Director Doug Rux gave an overview of the Memorandums of Understanding (MOU) and what has taken place to date. The concept planning process will take approximately one and a half to two years to complete and Metro's requirement is to complete the work by September 2012.

Brief discussion followed. It was asked and explained in the MOU about the mention of cities and counties working together and what it is intended to accomplish.

4. *Neighborhood Traffic Mitigation Process*

City Engineer Mike McKillip and Civil Engineer Kaaren Hofmann presented information on a process to facilitate neighborhood requests for traffic mitigation measures. Ms. Hofmann presented a PowerPoint displaying a page on the City's website that will go into effect if Council approves. A petition application and form will be part of the information available to citizens, and Ms. Hofmann explained the proposed process. It was asked and explained this process does not include signalization requests at this time. Questions were asked and explained about how the process could work and how staff would address the surrounding areas. Ms. Hofmann said she spoke with some property owners and their favorable response to the proposed process and webpage. Discussion followed on how to best address the process with respect to the requestor. It was suggested to have the application and petition forms on the website to be stamped as "samples". Council agreed to have staff move forward with the newly revised process

5. *List of Conditional Uses Allowed in Residential Districts*

City Manager Lombos said this issue has been discussed in two separate work sessions. The second session brought back additional information and a considerable amount of time was spent discussing what conditional uses should be allowed in residential. It was explained by the mayor his thoughts on involving residents in the process. Mention was made of the some of the uses that are *currently* allowed in the RL district that don't seem to belong. Discussion followed on what would be appropriate uses and whether or not to have a special work session.

It was suggested by Council to survey what other cities allow in their RL Planning Districts and also bring back information that Council has previously discussed. It was suggested instead of a special work session to start an early regular work session to allow for continued discussion.

6. Community Development Director Doug Rux gave a brief update on the Tonquin Employment Area. He noted staff has had discussions with Sherwood on this issue, and have made some changes.
7. A brief update was given by Assistant to the City Manager Carina Christensen on the first Council "Meet 'n Greet" session held Saturday. Council mentioned some of the issues that were brought up by citizens. The next Meet 'n Greet is scheduled during the Crawfish Festival in August.

Staff will be gathering factual information to deal with this issue and get back to Council for review, and to testify at the county's hearing. Discussion followed on getting as much information as possible and staff will get information on the City's website, Twitter, RSS feed, Facebook, and it was also asked to put information on FlashNews Alert. It was asked how this can be dealt with and explained how the process works with a Hearings Officer. [REDACTED] in the [REDACTED] brought into this discussion, with respect to the Urban Growth Boundary [REDACTED].

3. Conditional Uses Allowed in Residential Zones

City Manager Lombos began the discussion on Council consideration of conditional uses currently allowed in residential that are no longer suitable or compatible with residential development.

Associate Planner Will Harper presented a PowerPoint on PTA-09-09, review of conditional uses in residential planning districts and examples of existing conditional use facilities/activities.

A table of conditional uses in residential planning districts was reviewed with Council and determining whether each conditional use listed is suitable or should be removed.

Discussion followed and it was asked and answered that the City has authored its own rules when it comes to conditional use permits process.

Council continued review and determination of conditional uses listed in the table, and will review electrical substations and nursing homes/assisted living at a future work session. It was suggested to also revisit the City's conditional use permit process.

C. CITIZEN COMMENTS

N/A

D.

beginning of the



City of Tualatin

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TUALATIN CITY COUNCIL WORK SESSION MINUTES OF SEPTEMBER 27, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Ben Brandt, Intern to the City Manager; Carl Switzer, Parks and Recreation Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Stacy Crawford, Recording Secretary

ABSENT: Councilor Donna Maddux* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:07 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses Allowed in Residential Planning Districts

City Manager Lombos began the discussion on Council consideration of conditional uses currently allowed in residential that are no longer suitable or compatible with residential development. It was asked by Council to have further review of electrical substations and nursing homes/assisted living.

Associate Planner Will Harper reviewed information on Nursing/Convalescent Homes. It was asked and answered that Farmington Square facility does not fall under the term "Nursing/Convalescent Homes." Staff would like to do more work as terms overlap, etc. State and federal regulations were also discussed.

Council decided to change building height maximum to 50ft. for Medium-Low Density Residential (RML), Medium-High Density Residential, and High Density Residential Planning Districts, but allow water reservoirs a greater height. Council decided to remove convalescent and/or nursing homes as an RL use, and allow in RML through RMH-HR. State definitions and regulations were reviewed, and it was suggested to revise current terms to align with state regulations. Council decided to remove as a conditional use in RL-RH/HR. Council also reviewed and determined to allow existing conditional use to expand by the grandfathering of electrical substation and above ground natural gas pump station.



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APPLICATION FOR PLAN TEXT AMENDMENT

City of Tualatin Community Development Dept – Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. PA-09-09
Fee Rec'd. NA
Receipt No. NA
Date Rec'd. 10-29-09
By W Harper

.....
PLEASE PRINT IN BLACK INK OR TYPE
.....

Nature of amendment requested AMEND LIST OF CONDITIONAL USES ALLOWED
IN RESIDENTIAL PLANNING DISTRICTS + AMEND NON-CONFORMING PROVISIONS.

State the specific section number(s) of the Code to be amended 40.030 ; 41.020 ;
31.060-Definitions ; 35.030 Non-Conforming Uses .

As the applicant and person responsible for this application, I, the undersigned hereby acknowledge that I have read the instructions and information sheet and understand the requirements described therein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Applicant's Signature _____

Applicant's Name William Harper Phone 503 691-3027

Applicant's address ASSOCIATE PLANNER COMMUNITY DEVELOPMENT DEPT.
(street) (city) (state) (zip)

Applicant is: Owner _____ Contract Purchaser _____ Developer _____ Agent _____

Other CITY STAFF

If the request is for a specific property: NA

County _____ Map # _____ Tax Lot #(s) _____

Owner's Name _____

Owner's Address _____
(street) (city) (state) (zip)

Owner recognition of application: NA

(signature of owner(s))

Attachment A-
Application Materials

ATTACHMENT B

PTA-09-09: BACKGROUND INFORMATION

Pertinent background information for the proposed PTA-09-09 and other supporting documents is summarized in this section.

The amendment is an application prepared by the Community Development Department in response to the City Council's direction to revise the list of non-residential conditional uses allowed in the RL and other residential planning districts.

On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process. At the Work Session, Council members reviewed the list of conditional uses in Residential Planning Districts and discussed some preliminary recommendations on the individual non-residential conditional uses listed in Tualatin Development Code (TDC) 40.030 that apply to the RL (Low Density Residential), RML (Medium-Low Density Residential), RMH (Medium-High Density Residential), RH (High-Density Residential) and RH/HR (High-Density/High Rise Residential). The recommendations ranged from:

1. Retaining the conditional use as currently listed;
2. Removing a conditional use in residential districts while retaining existing uses or allowing the use in another Planning District (such as Institutional, Commercial or Medical Center);
3. No longer allow the particular use.

In the four subsequent Work Sessions, the Council reviewed information about existing conditional uses in Tualatin, the burdens for an existing conditional use when required to change from a residential designation to another planning district, current requirements for non-conforming uses and options to allow existing conditional uses to be 'grandfathered', and the conditional uses allowed in several other comparable cities in Washington, Clackamas and Multnomah Counties. Based on the review in the Work Sessions, Council indicated their interest in the following changes to the residential conditional uses:

1. Retain schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing as conditional uses allowed in residential districts;
2. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH, RH and RH/HR Planning Districts. Additional building height will be reduced from 75 ft.

3. Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will be removed as allowed uses in residential planning districts. Non-conforming use provisions will be modified to allow the existing cemetery and power substation currently with conditional use permits in RL to expand or enlarge on the property ("grandfathering").

ATTACHMENT C

PTA-09-09: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

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

The proposed amendment to the Tualatin Development Code (TDC) amends the lists of uses in TDC Chapters 40 Low-Density Residential (RL) and 41 Medium Low-Density Residential (RML), amends the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amends terms and definitions in TDC 31.060. The public interest is to:

- 1) Review the conditional uses allowed in residential planning districts and determine whether the uses are or are not suitable or desirable for location within a residential area. Determine uses to be retained as a conditional use, changed to a permitted use, or removed as an allowed use in all or certain residential districts. Modify the terms and definitions of certain uses for suitability in residential districts and consistency with current State of Oregon provisions and development practices.
- 2) Consider the impacts on existing conditional uses in residential planning districts when removing or revising the lists of conditional uses. Consider providing existing conditional uses that become non-conforming through the proposed amendment and are determined to be an appropriate facility in a particular location, a viable means to continue a reasonable operation or to change the planning district designation to a one that allows the use.
- 3) Consider the effect of changing the list of allowed uses in residential planning districts on the residential land supply in respect to Statewide Land Use Planning Goal 10-Housing and the Metro Urban Growth Management Functional Plan (MUGMFP) Title 1–Table 1 Dwelling Unit Capacity.

Based on the Council's discussions and direction from the five Work Sessions on conditional uses in residential planning districts, staff prepared draft language amending the lists of uses in TDC Chapters 40 (RL), 41 (RML), amending the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amending terms and definitions in TDC 31.060.

As proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts.

Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will no longer be

listed as allowed uses in residential planning districts. The existing cemetery and power substation currently with conditional use permits in RL will become non-conforming and allowed to expand or enlarge on the property.

A “school” use in residential district will be specified as “Kindergarten-12th Grade” and “country club” will be specified as “Country Club with golf course”. Additional building height is proposed to be reduced from the 75 ft. currently allowed as a conditional use in residential planning districts to a maximum 50 ft. height. (Attachment A, pg. 2)

Public Interest #1. The City Council began the review of conditional uses in residential planning districts in response to concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL planning district and other residential districts and the Council’s ability to address development issues in the conditional use and quasi-judicial land use process.

The list of conditional uses in residential areas in the current TDC is similar to the list of conditional uses in earlier versions of Tualatin’s Zoning Code from the 60’s & 70’s and the Community Plan/ Development Code from 1978 thru today. Allowing schools, churches, community buildings, parks, country clubs, hospitals, government and public facilities in residential areas as a conditional use is very common among cities in Oregon and other states. Traditionally and practically, these uses (especially schools & churches) have been considered semi-public uses that belong with and are supportive of residential neighborhoods, subject to conditions deemed necessary by the local government.

With changing urban and residential development trends and with changes to how residents view the benefits and impacts of public and private facilities located in or near their neighborhood, the older or existing lists of conditional uses may include outdated terms or in today’s development marketplace, include activities that may not be viewed as compatible with residential areas as they maybe once were. From just the aspect of building or facility size, siting even a traditionally acceptable and desired use such as a new school or church in a residential area can be a controversial and difficult land use issue to consider in a conditional use permit process.

Since the current lists were established, another change significantly affected how a City can address a conditional use permit land use application. Conditional use permits can no longer be employed as a way to restrict locating a listed use and its improvements on a property where decision makers, neighboring property owners or other interests believe it is unsuitable. Following decisions by Oregon courts on land use and conditional uses, local decision-makers are constrained from denying a conditional use permit unless it can be shown that the proposal does not meet the conditional use criteria and any specific harms or impacts cannot be legally or physically mitigated. A conditional use permit applicant must show that the applicable Development Code provisions are met (eg. specific Planning District standards for setbacks or lot size and TDC Chapter 73 Community Design standards for screening of outdoor activities, etc.) and the five criteria for conditional use approval in TDC 32.030

(1-5) are satisfied. In the public hearing, the local decision makers must make a judgment if the applicable standards or the conditional use permit criteria are met as proposed, or not. If a standard or criteria could be met or mitigated by a limitation or required improvement, the City can grant the particular conditional use with conditions of approval such as requiring additional parking or screening of outdoor storage.

The conditions of approval must meet the legal tests of having a direct relationship between the proposed use and meeting a particular standard, and are proportional to the specific impacts of the use to public facilities or surrounding properties. A condition requiring a large-scale (ie. costly), off-site public facility improvement may not meet legal tests in a conditional use permit process, but may be legally defensible as a condition in a specific development project in an Architectural Review or Subdivision decision. Denial of a conditional use permit is difficult because it would require detailed findings of fact showing that the proposed use will cause specific harms or impacts that cannot be legally or physically mitigated.

As discussed by the Council in the Work Sessions and proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. The Council agreed that the uses were desirable facilities in the community and generally appropriate in a residential planning district given the level of activity in comparison to residential uses, the scale of typical facilities and agreed that the existing facilities located in residential districts were examples of that appropriateness. The proposed language includes revisions for clarity such as adding "Kindergarten thru 12th Grade" to the "schools" conditional use and specifying that a country club "with golf course" is the allowed use.

Also the Council believed that "additional building height" conditional use be reduced from 75 ft. to 50 ft. for compatibility with neighboring residential development. The need for a future review of the criteria and standards for conditional uses with an additional review of the list of conditional uses was discussed at Work Sessions IV and V.

In discussion, the Council believed that public parks, playgrounds and recreation buildings were very appropriate uses in residential areas and recommended they be allowed as permitted uses. Each public park in Tualatin has conditional use approval for location in a residential planning district. The City's parks and recreation facilities are designed to fit in a residential setting and City park siting and design is subject to an extensive public involvement process administered by the Community Services Department and the Tualatin Parks Advisory Committee.

Out of the Council's concern for the appropriateness of the scale of a large nursing home facility in comparison to nearby single family residential properties, the proposed amendment would remove Nursing Homes from the RL Planning District. Nursing homes are redefined in respect to current Oregon Department of Human Services terminology and the residential care services marketplace (ie. recently with the Marquis Companies assisted living, skilled nursing and independent living project). As proposed,

nursing homes will be allowed as conditional uses in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts where the scale of a care facility is comparable to multi-family developments allowed in those districts.

In Work Session, the Council determined that cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station are not appropriate as new conditional uses in residential planning districts. Concerns were expressed about the uses listed above for potential higher levels of on-site and off-site activity, the larger scale of buildings and facilities, an increase in traffic in residential areas and for potential conflicts with single family and multi-family residential use. The Council was also concerned about the ability to address issues of the compatibility of larger scale buildings compared to nearby residential development and traffic impacts to residential streets in the conditional use permit process.

The proposed language in amendment PTA-9-09 is a product of the Council's review of conditional uses in residential planning districts and the Council's determinations of uses that are desired and suitable for location in a residential area. The proposed language provides clarification, specifies certain forms of uses and provides updated terms and definitions of conditional uses allowed. The proposed amendment satisfies the Public Interest #1.

Public Interest #2. In Work Session, the Council examined existing conditional uses located in residential districts as examples of how the use was suitable for the residential location and to consider the impact on individual facilities such as schools, churches, day care centers, cemeteries and others if the use was no longer listed as an allowed use and became a non-conforming use. The Council members believed that the existing Winona Cemetery (Only cemetery in residential area)(Located in RML on SW Tualatin Road) and the existing PGE Substation (Only power substation in residential area) (Located in RL on SW Borland Road) conditional uses are suitable in their current locations and, subject to their respective conditional use permits, should be allowed to expand or enlarge on the property the facility was approved on. The proposed amendment to TDC Chapter 35 is intended to allow the "grandfathering" of the Winona Cemetery and the PGE substation as exceptions to standards in TDC 35.020 limiting the expansion or enlargement of non-conforming uses.

The revisions to the Non-conforming Use provisions and identification of the existing cemetery and existing electrical substation as eligible for grandfathering satisfies Public Interest #2.

Public Interest #3. The Council was observant of the effects of actions such as creating non-conforming uses that would have the potential to remove land from the City's residential land inventory. The proposed PTA-09-09 amendments to conditional uses in the residential districts will not change schools, churches and parks as allowed uses.

The typically large property size of the three uses represents the largest amount acreage of non-residential uses in RL and other residential districts. The proposed amendment does not force or encourage school, church or public park facility to seek a change to a commercial or institutional planning district. The existing cemetery and electrical substation are allowed to expand at their existing locations, remaining in the residential district. The uses proposed to be removed from residential districts (and not grandfathered) are not existing conditional uses and do not represent a reduction of the residential land supply.

The City's residential land supply, minimum residential density, multi-family mix and residential capacity obligations for Oregon Goal 12 and Metro Regional Urban Growth Functional Plan are not expected to be affected by the proposed amendment. Public Interest #3 is met.

The public interest items 1-3 are met and granting the amendment is in the public interest. Criterion "1" is met.

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

As stated above, the proposed amendment is the product of City Council interest in having suitable and appropriate uses in residential areas. The Council has responded to concerns about the non-residential use currently allowed in the RL- RH Planning Districts and carefully considered which ones are suitable and represent minimal impacts on residential development. Granting the amendment at this time, rather than delaying its implementation to a later date, will ensure that non-residential development and larger scale development in the residential areas can be compatible and adequately mitigated where necessary.

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

Criterion "2" is met.

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

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 4.050 Community Growth Objectives (6) "Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs."

The proposed changes to the list of conditional uses allowed in residential planning districts is intended to minimize conflicts between residential development and non-residential uses that have an activity level, scale of building and facility and traffic impacts that are not suitable or appropriate for residential areas. The proposed amendment conforms to TDC 4.050(6).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

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

The various characteristics of areas in the City.

RL Planning Districts are primarily characterized by low-density, detached, single-family dwelling development. The RML, RMH, RH Planning Districts are primarily characterized by the attached, 2-3 story, multi-family housing developments. Schools, churches, parks are the predominant non-residential use in terms of land acreage and facility size.

The proposed amendment changing the lists of allowed uses in the RL and RML Planning District acknowledges the compatibility of schools, churches and parks and retains other non-residential uses that are consistent with the scale, appearance, activity levels and traffic patterns of residential housing development. The intent of the proposed amendment is to maintain or improve compatibility with the characteristics of the residential areas of Tualatin .

The suitability of the area for particular land uses and improvements.

As discussed above, the Council examined the suitability of the non-residential conditional uses currently allowed in RL thru RH/HR Planning Districts. The proposed amendment refines the existing list somewhat and removes uses with the accompanying development improvements and activities that are considered unsuitable in the residential districts.

Trends in land improvement and development.

At this time, the existing re-developable or undeveloped land in Tualatin's residential districts is limited and often constrained by irregular lot configurations and environmental restrictions on natural features such as streams and wetlands. Market trends to smaller residential lot sizes and the prevalence of the physical constraints reduces the interest of residential development on the re-developable or undeveloped lots and makes the properties more viable for non-residential uses allowed by conditional use. In the future if Tualatin adds additional territory for residential uses, It will be important to have the desired kinds of uses such as schools, churches and infrastructure as allowed uses and a revised list of conditional uses deemed appropriate for residential districts.

Property values.

The proposed amendment is focused on residential districts and would not be expected to have effects on residential property values. The proposed changes to the list of conditional uses allowed in residential districts will have no effect on the property value of developments such as schools, churches and parks. There is little or no effect for

uses that are not established at this time or for the “grandfathered” uses of cemetery and power substation. Existing conditional uses proposed for removal from the list such as “private club” would become legal non-conforming and can remain as established or approved.

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

The proposed amendment emphasizes residential uses and residentially supporting uses in the RL, RML, RMH, RH and RH/HR Planning Districts.

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

The amendment does not affect right of way and access.

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

Not applicable because the proposed amendments do not impact or alter natural resources associated with a development.

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

Not applicable because proposed amendments do not impact or alter natural resources associated with a development.

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

The purpose of the proposed amendment is to revise the list of conditional uses in residential districts to emphasize residential uses and residentially supporting uses in the RL, RML, RMH, RH and RH/HR Planning Districts. The conditional uses allowed are compatible with residential development and ensure an aesthetic surrounding.

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

Proof of a change in a neighborhood or area.

The proposed amendment is focused on residential planning districts as a whole and not on a particular neighborhood or area.

A mistake in the plan map or text.

None is alleged.

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

Criterion "4" is met.

E. 5. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding conditional uses because it does change the conforming status of existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. 6. Oregon Statewide Planning Goals

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981, and through post-acknowledgement amendments, as complying with all the applicable Statewide Planning Goals. The proposed PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules as follows:

Goal 1 – Citizen Involvement – The general public, through Tualatin’s local program of citizen involvement, including public TPAC committee meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed amendment will change the list of conditional uses in residential planning districts, allowing some, removing some from the current list and “grandfathering” an existing cemetery and power substation. Conditional Use Permits are considered in a quasi-judicial land use decision process that includes substantial opportunity for citizen involvement.

The proposed amendment is consistent with Statewide Planning Goal 1.

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

Goal 3 – Agricultural Lands – Not applicable.

Goal 4 – Forest Lands – Not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – Not applicable.

Goal 6 – Air, Water and Land Resource Quality – Not applicable.

Goal 7 – Areas Subject to Natural Disasters and Hazards – Not applicable.

Goal 8 – Recreational Needs – The proposed amendment classifies public parks as a permitted use and continues to allow golf courses as a conditional use. The recreational needs of the City are not harmed by the proposal.

Goal 9 – Economic Development – Not applicable.

Goal 10 – Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that uses allowed in residential planning districts are compatible with residential development. The proposed amendment will not jeopardize the City maintaining its regional housing density and housing mix standards that are a principal element of Goal 10 implementation (in the Metropolitan Housing Rule, OAR-660-007). The amendment does not remove land from the inventory, does not change the density or designation of residential land and does not force a plan map amendment to change a property's designation from residential to another non-residential designation such as Institutional. Therefore, the proposed amendment complies with the Housing Rule. The Metropolitan Housing Rule is a State of Oregon Administrative Rule that applies to the cities and counties within the metropolitan Portland urban growth boundary. While applying to the Portland region, it is not imposed by Metro, the Regional Government

There is no evidence that the proposed amendment will create a barrier to development of new housing in residential districts. The proposed amendment, therefore, is in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

Goal 11 – Public Facilities and Services – The proposed amendment includes language allowing an existing power substation to expand or enlarge as a non-conforming use. New substations will not be allowed in residential planning districts, but will remain as allowed uses in commercial, industrial and institutional districts. The proposed amendment, therefore, is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation – No change to transportation system demand or capacity is attributed to the conditional use in residential plan amendment. The proposed amendment is consistent with Statewide Planning Goal 12.

Goals 13 through 19 – Statewide Planning Goals 13 through 19 were considered and found not applicable to the proposed amendment.

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

G. 7. Metro's Urban Growth Management Functional Plan (UGMFP).

Staff reviewed the PMA in terms of the Metropolitan Service District's Urban Growth Management Functional Plan as provided in Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan. The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the Residential Planning District as "IN-Inner Neighborhood" and "ON-Outer Neighborhood". The proposed amendment revising the

list of non-residential conditional uses allowed in residential planning districts is consistent with the Functional Plan as follows:

Title 1 – Housing and Employment Accommodation – Table 1 in Title I states the City's housing capacity from 1994 and 2017 is 4,054 dwelling units. The housing capacity target is to be achieved by providing a potential for housing development within the City's Planning Area considering an amount of zoned and developable residential land (land designated in RL – RH/HR Residential Planning Districts) and an amount of land eligible for residential development (land in commercial or MC Planning Districts eligible for residential uses). The purpose of the proposed amendment is to sort out undesirable or incompatible non-residential conditional uses from residential planning districts. The opportunity achieve the target housing capacity is not reduced. The proposed amendment is consistent with Title 7

Title 2 – Regional Parking Policy – Not applicable.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation – Not applicable.

Title 4 – Industrial and Other Employment Areas – Not applicable.

Title 5 – Neighbor Cities and Rural Reserves – Not applicable.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities – Not applicable.

Title 7 – Affordable Housing – The purpose of the proposed amendment is to sort out undesirable or incompatible non-residential conditional uses from residential planning districts. The opportunity for affordable housing is not affected. The proposed amendment is consistent with Title 7.

Title 8 – Compliance Procedures – Notice of the proposed amendment was mailed to the METRO Chief Operating Officer on October 15, 2010. The proposed amendment is consistent with Title 8.

Title 9 – Performance Measures – Not applicable.

Title 10 – Functional Plan Definitions – Not applicable.

Title 11 – Planning for New Urban Areas – Not applicable.

Title 12 – Protection of Residential Neighborhoods – Not applicable.

Title 13 – Nature in Neighborhoods –Not applicable.

Granting the amendment is consistent with the METRO's Urban Growth Management Functional Plan.

Criterion 7 is met.

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

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

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CONDITIONAL AND PERMITTED USES IN RESIDENTIAL PLANNING DISTRICTS, AND AMENDING TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09),

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on November 22, 2010, related to a Plan Text Amendment to amend TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code 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 November 22, 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 [_ - _],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated November 22, 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:

Section 1. TDC 31.060 the following definitions are amended to read as follows; with the remainder of the definitions remain unchanged:

Nursing or Convalescent Home. ~~A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or in-firm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may~~

Attachment D

include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Nursing Facility. A State of Oregon Licensed Intermediate or Long-term care facility including facilities identified as a nursing home, skilled nursing facility, or convalescent care as defined in Oregon Revised Statutes (ORS) Chapters 678 and Chapter 442.

Retirement Housing. Housing occupied by persons who are 58 years of age and older, including couples with one person 58 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this code. Retirement housing does not include "nursing facility or convalescent home" as defined below by this code.

Retirement Housing Facility. Retirement housing consisting of dwelling units in a multi-family structure or complex.

Section 2. TDC 35.030 is amended to read:

(1) A nonconforming structure or use of land may be continued, but shall not be altered or enlarged, except for the uses listed in (2) below ~~warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District~~ which can be altered and enlarged. For purposes of this chapter, enlargement or alteration of a nonconforming structure or use of land shall not include improvements to required paving, landscaping, or other aesthetic improvements to the premises. Structural expansion or any change in the external dimensions of the building shall be considered an alteration or enlargement, unless such changes are primarily for aesthetic improvements. A structure conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the Tualatin Community Plan. A non-conforming structure or use of land may be altered or enlarged when such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.

(2) (a) Warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District;

(b) The Winona Cemetery (9900 SW Tualatin Road) and PGE Substation(6280 SW Borland Road) conditional uses located in the RL Planning District that obtained conditional use approval before December 22, 2010.

(3) (2) See TDC 35.200 for signs.

Section 3. TDC 40.015 is amended to read:

Housing density shall not exceed 6.4 units per net acre, except as set forth below:

(1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.

(2) The maximum density for ~~nursing and convalescent homes~~ and retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre.

Section 4. TDC 40.020, Permitted Uses, is amended to read:

(1) Single-family dwellings, including manufactured homes.

(2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets.

(3) Home occupations as provided in TDC 34.030 to 34.050.

(4) Public transit shelters.

(5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(6) Residential homes.

(7) Residential facilities for up to 15 residents, not including staff.

(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(9) Sewer and water pump stations and pressure reading stations.

(10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.

(12) Transportation facilities and improvements.

(13) Public park, public playground, and public recreation building.

Section 5. TDC 40.030 is amended to read:

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

(1) Common-wall dwellings.

(2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.

(a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it

abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent and for lots greater than 6,499 square feet shall be 35 percent.

(l) 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(7) - (12).

(4) Other uses as specified below:

~~(a) Cemeteries.~~

~~(ab) Churches, or other places of religious worship and accessory uses.~~

~~(c) Colleges.~~

~~(d) Community buildings (public).~~

~~(be) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.~~

~~(cf) Governmental structure or land use including public park, playground, recreation building, community buildings (public), fire station, public library or museum.~~

~~(g) Retail nursery.~~

~~(dh) Hospital or sanitarium.~~

~~(ei) School, kindergarten thru grade 12.~~

~~(fj) Water reservoir with a maximum height of 75 feet.~~

~~(k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.~~

~~(gl) Golf course, country club with golf course, private club.~~

~~(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin Community Plan Map. The City Council may limit the number of animals to be allowed on a specific parcel of property.~~

~~(hn) Increased building height to a maximum of 7550 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.~~

~~(o) Nursing or convalescent home.~~

~~(ip) Retirement housing conforming to the standards in TDC 34.160 - 34.170.~~

~~(q) Electrical substation and above ground natural gas pump station.~~

Section 6. TDC 41.015 is amended to read:

Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 41.150.

(2) The maximum density for singlewide manufactured dwelling parks or parts of parks used for singlewide units shall not exceed 12 dwelling units per net acre.

(3) The maximum density for residential facilities, nursing facilities and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre.

Section 7. TDC 41.030 is amended to read:

No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:

(1) Townhouses and multi-family dwellings, including duplexes and triplexes.

(2) Condominiums constructed in accordance with TDC 40.030(2).

(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.

(4) Single family dwellings in a small lot subdivision.

(5) Greenways, and Natural Areas, including but not limited to bike and pedestrians paths and interpretive stations.

(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.

(7) Residential homes.

(8) Residential facilities.

(9) Nursing facility.

(910) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(1140) Sewer and water pump stations and pressure reading stations.

(1244) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

I-5. (~~1312~~) Wireless communication facility located within 300 feet of the centerline of

(~~1413~~) Accessory dwelling units in a small lot subdivision as provided in TDC
34.300 - 34.310.

(~~1415~~) Transportation facilities and improvements.

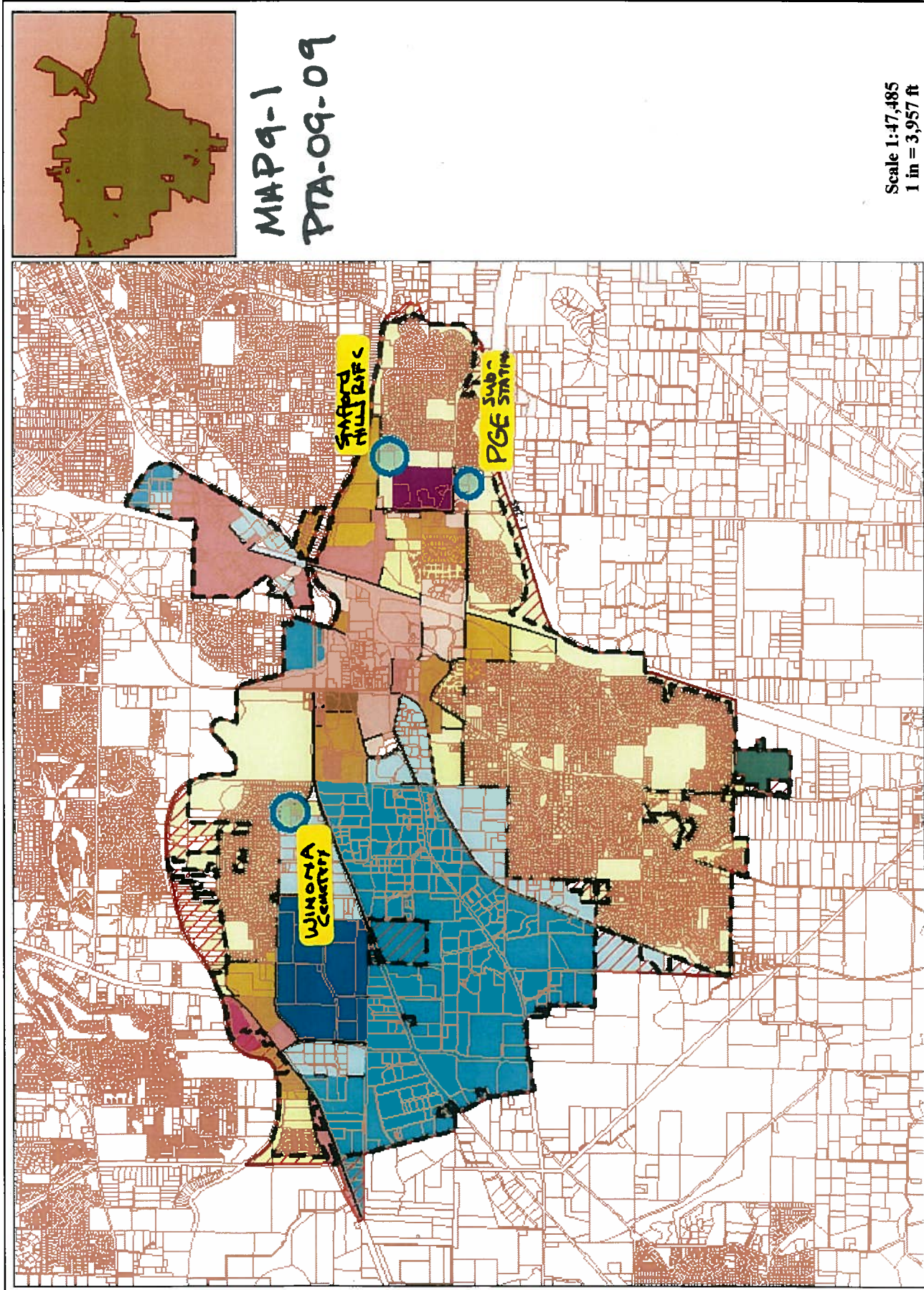
INTRODUCED AND ADOPTED this 22nd Day of November, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



Attachment E
Map 9-1 showing Residential Planning Districts and
Locations of Affected Conditional Uses

ATTACHMENT F

PTA-09-09: MESSAGES & COMMENTS RECEIVED

Messages and Comments received for the proposed PTA-09-09 are compiled in this Attachment.

EMAILS

William--

Thank you very much for your patience and time in responding to my questions. I now understand what the purpose of the ordinance is and why it is needed. I really appreciate you taking the time to answer my question in detail.

Jeffery S. Nighbert

On Nov 8, 2010, at 11:08 AM, Will Harper wrote:

Mr. Nighbert: Thank you for your questions regarding the Plan Text Amendment PTA-09-09. A response to your individual questions follows the question in Blue Arial Bold Text

-----Original Message-----

From: Gail Nighbert [<mailto:gjnigh@frontier.com>]

Sent: Thursday, November 04, 2010 3:30 PM

To: Will Harper

Subject: Questions about changes to PTA 09-09

William--

I recently received a letter from the City of Tualatin notifying me of an proposed ordinance to change land use regulations affecting permissible uses of my property and other properties in residential districts. I felt the "Here's what that means:" portion was good attempt to explain to layman land owners such as myself about the ordinance, but fell short on the purpose, timing and benefits of the change. I was also not really familiar with some of the terms and all the subtle legal meanings those terms have.

Here are my concerns and questions:

1. What is the Definition of a "Residential Planning District"? Is a "residential planning district" the same as a residential neighborhood, like the one I live in: "Lake Forest"? **In Tualatin, the residential planning districts ("zones") are RL (Low-density Residential), RML (Medium Low-density Residential), RMH (Medium High-density Residential), RH (High-density Residential), and RH/HR (High-density/High Rise Residential). If you live in an area of single-family detached homes, you are most likely in the RL Planning District. Multi-family homes such as apartments and attached townhouses are allowed in the RML thru RH/HR districts with a higher number dwelling units per acre allowed (density).**

1b. Not the same. A residential "neighborhood" by identity (like Lake Forest, a name of a residential subdivision) or by organization is typically within the RL Planning

District and possibly one of several “neighborhoods” in the vicinity or within the RL Planning Districts designated across the City.

2. What is the difference between conditional and permitted use? Why is this differentiation now being applied to public parks and playgrounds? **In Tualatin like most other cities, certain uses such as “single family homes” are allowed outright as a permitted use and no review of the use itself is required. A conditional use such as a school or church may be of a large size, have more activity and traffic or may have impacts on neighboring development compared to what a permitted use may have and more oversight is considered necessary. A conditional use is listed as an allowed use subject to meeting criteria for compatibility and suitability at a particular location and obtaining approval of the Tualatin City Council in a public hearing process.**

In regard to public parks and playgrounds, the City Council believes that the long-standing park planning and development process that involves the Council, the Tualatin Parks Advisory Committee and a process of public involvement conducted by the Community Services Department for each park improvement is sufficient and the conditional use permit process is duplicative. See questions #2 & #3 for additional response.

2. Why is this ordinance needed at this time? Who requested this change? Who would benefit from this change? What are the pro's and con's of this change? **For #2, I will refer you the information prepared for the Tualatin Planning Advisory Committee meeting on November 2. The first several pages of the memorandum address these questions in a form identical to what the City Council will receive for the November 22 meeting. Here is the link. <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/docs/TPAC/11-2-10TPAC.pdf>**

3. Why would public parks, playgrounds and recreation buildings suddenly need to be permitted instead of allowing them to exist under conditional use? What benefits would be gained? Would this ordinance make it difficult for the city to build and maintain public parks such as "Ibach Park"? Would it reduce the amount of parks and playgrounds in our neighborhoods? **Currently, all city parks in residential districts are approved as conditional uses and changing the designation to permitted uses will not affect the parks, will not make it more difficult to build and maintain new or existing parks, and would not have an effect of reducing parks or playgrounds.**

In the process of reviewing the non-residential conditional uses, the City Council questioned the need for the duplicative conditional use permit process for parks and playgrounds when the Council believes that the current park planning and development process accomplishes the same things without the formality of a public hearing and a land-use decision. The benefit will be reduced process for creating,

expanding or improving parks with an equal amount of Council, public and neighbor involvement in the planning and design steps.

4. To me, it is very very important to maintain the quality of Tualatin neighborhoods and protect them from uses and intrusions that would degrade their value and livability.

Does this ordinance help or hurt this ideal? **The council's interest and stated intent for revising the list of conditional uses is to be protective of residential livability. This amendment is consistent with an emphasis on residential neighborhoods that you speak of.**

Jeffery S. Nighbert
22168 SW 111th Ave
Tualatin, Oregon 97602
End

How does Oregon Revised Statute 227.186 effect the Tennis Club being built across from Brown's Ferry on Nyberg? Also, how does it effect any future building on the lots between Meridian Park Hospital and Fox's Hills?

Thanks, Jud Ericksen

Mr. Erickson: Thank you for your question. The proposed amendment to the list of allowed "conditional uses" in residential planning districts (PTA-09-09) will affect the "Stafford Hills Racquet & Fitness Club" as follows:

1. The Stafford Hills development received a conditional use permit for a "private club" use in the RL (Low-Density Residential) Planning District in 2009. Architectural Review for the indoor and outdoor tennis, clubhouse and activity center facility with supporting landscaping and parking was approved in January of this year.
2. The proposed PTA-09-09 will remove "private club" as an allowed use in the RL and other residential Planning Districts. The language will change "country club" use to a "country club with golf course" conditional use, omitting a country club organized around some other kind or recreational or social activity.
3. If #2 above is adopted by the City Council, the Stafford Hills project can proceed with development as approved in its existing conditional use permit and the Architectural Review. It will be considered a "legal, non-conforming use" and can be completed and remain indefinitely subject to the original approvals and the provisions of the Tualatin Development Code regarding a "non-conforming use".

In summary, the Council will decide whether to keep or remove the "private club" use from residential districts. If removed, it will close the door on any new "private club" uses in the city's residential districts. Stafford Hills can be built out and operate at the SW Nyberg Lane location indefinitely.

In response to your 2nd question, the proposed amendment will shorten the list of non-residential conditional uses allowed on the vacant property east of Legacy Meridian Park Medical Center

(on the western border of Fox Hills). A "hospital" use will remain as a conditional use in the PTA-09-09 version to be considered on November 22.

PTA-09-09 does not affect the proposed Plan Map Amendment PMA-09-03 application from Legacy Health systems requesting a change of zoning from RL residential to MC-Medical Center.

If you want to review the proposed amendment, contact me at one of the addresses below.

William Harper, AICP

Associate Planner

City of Tualatin | Community Development Department - Planning Division
18880 SW Martinazzi Avenue | Located at 18876 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

End

Mr. William Harper

Just want to let you know my wife as Tualatin land owners. We are oppose to any changes to the list of Permitted and Conditional land uses.

We like seeing chickens and tall houses around.

If your not the person to voice our opposition to? Please let us know.

Regards,
Peter

Peter J Gall
Senior Director IC Test
Micro Systems Engineering
6024 SW Jean Rd.
Lake Oswego, Or. 97035
<http://www.biotronik.com>

Office: (503)635-4016 Ext.1317
Cell: (503)522-1112
Fax: (503)697-5298
peter.gall@biotronik.com
End

PTA-09-09 COMMENTS RECEIVED BY PHONE

1. General questions about effect of PTA-09-09 on single family residential homes & property. (No change for single family residential uses.)
2. General questions about effect of PTA-09-09 on multi-family residential property. (No change for multi-family residential uses.)
3. Concern about removing CUP for agricultural animals from allowed uses. Properties north of SW Hazelbrook Road with existing animals on property. Currently not in City of Tualatin.

4. Question about how PTA-09-09 will affect Home Occupations. (Home Occupations provisions are unchanged.)

CITY OF TUALATIN
RECEIVED

NOV 19 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION



ZUPANCIC RATHBONE

LAW GROUP, PC

5335 Meadows Road, Suite 161
Lake Oswego, Oregon 97035
Main: 503-968-8200
Direct Dial: (503)968-8200, x13
Fax: 503-968-8017
jim@zupgroup.com
www.ZRLawGroup.com

November 10, 2010

Sent via email and first class mail

Brenda Braden, City Attorney
City of Tualatin
18880 S.W. Martinazzi Ave.
Tualatin, OR 97068

Re: Tualatin Planning Advisory Committee ("TPAC" Meeting)
November 2, 2010
PTA-09-09 (Conditional Use Permit List of Uses in Residential Zones)

Dear Brenda:

This letter relates to the proposed adoption of PTA-09-09 concerning a proposed Comprehensive Plan Text Amendment and changes to the list of "permitted" and "conditional" uses in residential zones.

Staff verbal reports and discussion at the above referenced TPAC meeting confirmed that the proposed PTA-09-09 targets Stafford Hills Club as the only existing non-exempt legal non-conforming use in the City of Tualatin that is impacted by PTA-09-09. Carve-outs, exemptions and "grandfathered" uses, as proposed, leave Stafford Hills as the only non-exempt property on the list of impacted properties. Accordingly, the TPAC adopted a resolution that recommended adoption of PTA-09-09 with the exception of its failure to "grandfather" Stafford Hills Club as afforded to other existing legal nonconforming uses under PTA-09-09. Exempting or grandfathering Stafford Hills Club along with the other existing legal nonconforming uses would remedy this unfairness and avoid the impropriety of "spot zoning."

As you know, it has long been the law in Oregon that small scale rezonings are quasi-judicial actions requiring certain procedural safeguards. *Fasano v. Washington County Comm.* 264 Or 574, 507 P2d 23(1973). While technically not changing the zoning of the Staff Hills Club property, PTA-09-09 ostensibly restricts alteration or enlargement of the project, even if subsequently approved by the Architectural Review Board or City Council. Both we and the TPAC find this result unfair, unwarranted and unnecessary.

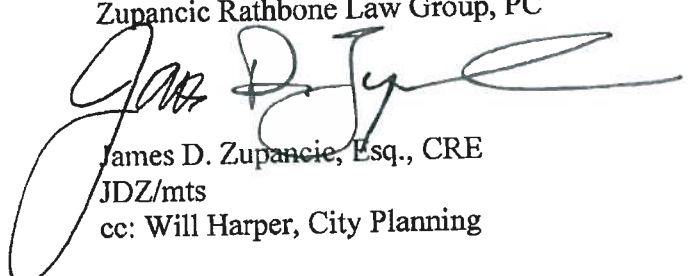
We have no objection to the adoption of PTA-09-09 provided that it exempts all impacted uses for which conditional use permits were approved prior to December 31, 2010.



ZUPANCIC RATHBONE
LAW GROUP, PC

If you disagree with our analysis, please let me know. Otherwise, we would appreciate your advising the City Council of the legal requirements to appropriately include Stafford Hills Club along side other "grandfathered" properties.

Sincerely,
Zupancic Rathbone Law Group, PC



James D. Zupancie, Esq., CRE
JDZ/mts

cc: Will Harper, City Planning

Will Harper

From: vlw14@comcast.net
Sent: Sunday, November 21, 2010 5:17 PM
To: Will Harper
Subject: Pending Land Use change

**CITY OF TUALATIN
RECEIVED**

NOV 22 2010

Hello Mr. Harper,

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

I do not think I will be able to attend the hearing Monday evening and wish to ask a question about the proposed land use change.

The language impacts conditional uses in residential areas. I am specifically concerned regarding the "keeping of agricultural animals". You list existing uses for the cemetery and the PGE power station as one that will continue to be allowed. Are these changes going to impact the small farms, horse facilities, etc. along Hazelbrook Rd.

If so - I am opposed. Those uses were here long before we developed the residences between Hazelbrook and Tualatin Rd. I think they should continue as long as folks who own these properties (now and into the future) wish to have cows, horses, chickens, etc.

Please clarify this matter.

Thank you for your time.

Veronica Williams
10540 SW Kiowa St.
Tualatin
503.691.9666 (H)
503.320.2897 (M)



Gary Bullard
8488 SW Blake St.
Tualatin, OR 97062

CITY OF TUALATIN
RECEIVED

NOV 17 2010

November 15, 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

PTA-09-09

To: City of Tualatin City Council
c/o Will Harper, Associate Planner
503-692-0147

RE: PTA-09-09

Honorable Mayor & Council:

I was notified of the proposed changes to the RL Planning District by a notice in the mail. After review and consideration of the proposed changes, I have concern with a portion of the proposed changes.

I disagree strongly with the inclusion of parks and recreational facilities to the list of permitted uses. Here are the reasons for my objection:

1. These types of uses can generate substantial noise and light at time periods incompatible with regular residential neighborhood uses.
2. Staff and Council cannot possibly consider every negatively impact such a use could make on a neighborhood.
3. Removal of the conditional use process takes away the voice that citizens/businesses adjacent to a newly proposed currently have.
4. Removing the conditional use process removes the neighborhood from the possibility of knowing about an incoming use, and therefore removes the possibility for early mitigation of a potential problem.

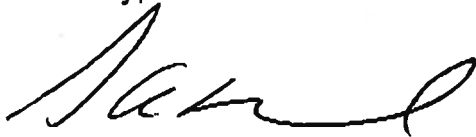
Consider if a citizen donated their home to the City, with the stipulation that it be used as a recreational center (such as the Van Raden Center). However, what if that home is currently surrounded by regular residential uses? What would the impact be to the neighbors in regard to noise and parking problems? What recourse would they have to address these issues? Addressing these problems BEFORE they exist is much easier than having angry or upset citizens complaining to Council, and subsequently teens upset with restrictions coming into play. The same is true with a park that has a skate park built in. Why not allow citizens voice on where the skate park is located – with all the noise and lighting issues – rather than build a permitted use without comment and have citizen complaints for years after.

Having lived next to a "recreation center" which was allowed in a low density residential district in a different city, I know the nightmare of having one installed adjacent to your property, especially when it was rented out on a regular basis. The noise from the parties, and the inebriated renters was unbearable. Enforcing noise restrictions was virtually impossible as it was always a different group renting the facility each weekend. We ended up moving to Tualatin to get away from the problem.

Ongoing problems with noise and light pollution can destroy quality of life. It makes no difference whether it comes from a public or a private source.

I strongly encourage the Council to leave parks and recreational facilities as a conditional use in the RL Planning District.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Bullard", written in a cursive style.

Gary A. Bullard
8488 SW Blake St.
Tualatin, OR 97062



**Zupancic
Group**
Real Estate Counsel and Developers

**CITY OF TUALATIN
RECEIVED**

NOV 18 2010

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

November 17, 2010

The Honorable Lou Ogden, Mayor
Chris Barhyte, President
Jay Harris, Council Member
Monique Beikman, Council Member
Donna Maddux, Council Member
Ed Truax, Council Member
Joelle Davis, Council Member
City of Tualatin
18880 S.W. Martinazzi Avenue
Tualatin, Oregon 97062

Re: PTA-09-09

Dear Mayor Ogden and Members of the City Council:

On November 10, 2010 I sent a letter addressing legal concerns relating to the above referenced PTA unless Stafford Hills Club is "grandfathered" in the same manner as other existing uses.

But the business and job creation impact is of equal concern. This is one of the few "shovel-ready" projects in Oregon. We intend to create more than 100 living-wage jobs at Stafford Hills from construction through operations. To succeed, we need assistance from the City rather than impediments. Disparate treatment and limitations on our operations not only hurts the community we serve but our future employees as well. Any job recovery requires businesses and government to work together collaboratively, in good faith and in a common interest. Job creation and business revitalization will result.

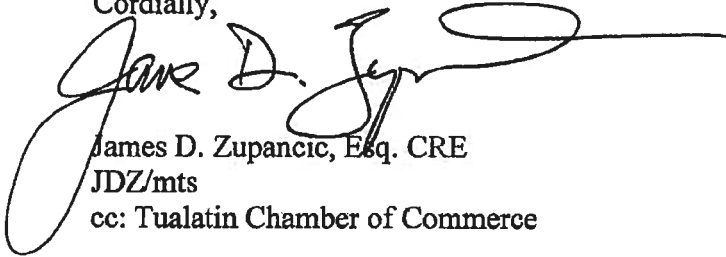
The stigma of becoming a legal nonconforming use is a problem for any business, especially in these challenging economic times. It creates unsettling issues for lenders, investors and business partners and makes achieving success even more challenging. Such a stigma would be devastating for us.

Lastly, the safeguards for the neighborhood to prevent sprawl of our development are already in place. Covenants that run with the land already prevent us from expanding to the west. Nyberg Lane and Fox Hills constrain us to the north and east, respectively, and Legacy will be developing to the south. Our height limitations are part of the CUP. We can't expand "out" or "up" so the neighborhood is adequately protected even if we are "grandfathered."

Stafford Hills Club looks forward to becoming an involved and contributing member of the Tualatin business community and among its most prolific job creators. We only ask that we be dealt with fairly, equitably, in good faith and not impaired to create the jobs our community desperately needs.

I look forward meeting with you on Monday night on this issue.

Cordially,

A handwritten signature in black ink, appearing to read "James D. Zupancic". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James D. Zupancic, Esq. CRE

JDZ/mts

cc: Tualatin Chamber of Commerce



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 11-22-10
Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*
Kaaren Hofmann, Civil Engineer *KH*

DATE: November 22, 2010

SUBJECT: SPEED HUMP CRITERIA

ISSUE BEFORE THE COUNCIL:

Should the Council adopt additional criteria to the existing Speed Hump Policy?

RECOMMENDATION:

- Consider the addition of "Streets where the Council feels there is/are health and safety issues that can be corrected by the installation of speed hump(s)" to the existing Speed Hump Installation criteria.

EXECUTIVE SUMMARY:

In 2000, the City Council adopted a Speed Hump Policy which included criteria for when speed humps would be installed. This policy was reviewed by the Council in 2004 and no major changes were made.

Options for enhancing the safety in Stoneridge Subdivision were discussed at the November 8, 2010 Council Work Session. One option was to install a speed hump adjacent to the Stoneridge Park. It was pointed out that this location would in all probability not meet the criteria for installing a speed hump, specifically "Where documented 85 percentile speed is greater than 30 mph".

Based on this discussion, the City Council directed staff to return with additional criteria that allows the Council to direct the placement of speed humps in areas of critical concern - parks, accident history, and health and safety issues. The proposed language is:

Streets where the Council feels there is/are health and safety issues that can be corrected by the installation of speed hump(s).

OUTCOMES OF DECISION:

If the Council adopts the language, the criteria will be added to the Speed Hump Policy. There may be additional requests of the Council to install speed humps in areas that don't meet the other criteria. If the Council does not adopt the language, the existing Speed Hump Policy will remain in place.

FINANCIAL IMPLICATIONS:

The installation of speed humps costs approximately \$4,000 per hump. There is \$50,000 allocated for traffic calming projects in the current fiscal year budget. The Council has committed to spending a certain portion of this on the installation of radar signs at Tualatin Elementary School. Additionally, there are two projects that citizens have requested through the Traffic Mitigation Process adopted earlier this year.

- Attachments:**
- A. Adopted Speed Hump Policy
 - B. Minutes of January 24, 2000 Council Meeting
 - C. Minutes of the March 13, 2000 Council Meeting
 - D. Minutes of the July 12, 2004 Council Meeting



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

PROCEDURE FOR THE INSTALLATION OF SPEED HUMPS IN THE CITY OF TUALATIN

Amendments are in Italics.

This report has been prepared to present criteria and procedures for the installation of speed humps in the City of Tualatin. This report is based on information compiled from other agencies both regional and national. It is intended that this document is to be used to establish a process whereby the citizens of Tualatin may request the installation of speed humps provided the criteria listed below are met.

Staff is in agreement that if speed humps are properly located and designed, travel speeds will be reduced. However, a certain percentage of drivers will continue to travel faster than the posted speed regardless of the speed humps.

1. Installation Criteria

Speed humps can be installed on streets exhibiting one or more of the following characteristics:

1. No more than two travel lanes.
2. Where documented 85% speed is greater than 30 mph.
3. The street is not classified as a major/minor arterial, a major/minor collector or industrial streets as designated in the Tualatin Development Code (chapter 11).
4. Cul-de-sac or dead end streets greater than 500 feet in length.
5. Is not a common Tri-Met route.
6. *Streets where traffic diversion on adjacent streets is not likely.*
7. The street exceeds an 8% grade where at 5mph over the posted speed, safe stopping and sight distance can be maintained.

8. Speed hump spacing can be 200' to 500' apart.
9. Speed humps should not be placed within 250 feet of a traffic signal or a STOP sign.
10. Speed humps should not be located within 50 feet of an uncontrolled intersection when the STOP sign is on the same street as the speed hump.
11. A speed hump should not be located in front of a driveway.
12. The traffic volume is greater than 250 vehicles per day.

2. Construction Criteria

Dimensions and Cross Sections

For typical residential street installations, the recommended speed hump is 3" in height and 12' in length (see Exhibit A).

Signing

Warning signs shall be placed in advance of the speed humps along with pavement markings. Warning signs shall be placed prior to any segment of road with speed humps. A segment may contain several humps and prior to each individual hump a pavement marking warning shall be installed. Each hump shall also be striped as shown in Exhibit B. All signs and marking shall conform to the Manual of Uniform Traffic Control Devices (MUTCD).

The final location for the proposed speed humps will be determined and approved by the City Engineer.

3. Financing Criteria

To be determined by Council.

4. Decision Criteria

Notification and Investigation

When the City is notified of a problem with vehicular speed of a particular street, staff would initiate the following investigation:

1. Speed and traffic counts would be taken along the subject street to verify if a speeding problem exists.

2. If the 85% speed was found to be in excess of established criteria, staff would make a request for additional enforcement.
3. Staff would request additional signing (speed limit or information signs, etc.) along the subject street (if applicable).
4. Approximately one month after enhanced enforcement and the new signs installed, additional speed counts would be taken by staff to see if 2 and 3 (above) are effective.

Petition Packet

If the measures outlined above are ineffective, a petition packet is obtained from the City by the person making the initial request, if they desire to proceed further. The petition packet contains two forms: 1) a petition of affirmation for the installation; 2) a petition of protest against the installation.

All requests shall be from the residents living on the street proposed for the installation and shall be on formal petition forms. The approval criteria addresses both property owners and residents. City shall erect information signs indicating a petition has been received, stating the intended purpose with information on who to contact for more details.

1. All petitions shall be circulated by the residents living on the street and within the petition area.
2. All petitions shall be individually filed for each street and City Staff will determine the petition area
3. The signing parties shall be property owners living in buildings within the petition area. Each property owner is entitled to one vote.
4. *Executed petitions shall be returned to the Office of the City Engineer within 6 weeks of issuance of the petition.*
5. In order to be considered valid, a petition of affirmation must contain the signatures of at least 50% of the property owners AND at least 66% of the residences along the subject street.

6. After receipt of the petition forms, staff would verify the signing parties outlined above. Staff would contact police, fire, and ambulance providers for additional comments on the proposed installation.
7. A preliminary review of the petition to establish installation guidelines would be conducted by City staff and a report of the findings prepared.
8. Notification would be made to the respective neighborhood or group chairperson, or designated spokesperson, of the outcome of the petition(s) compared to the established guidelines.
9. A community meeting would be held with the neighborhood or group and City staff, with notification of the petition results and staff taking additional comments as warranted. A final report would be prepared.
10. *The final report would be a staff recommended decision mailed to all property owners within the petition area and the City Council. This recommended decision will become final after ten (10) City business days unless a written appeal is received by the Engineering Division at 18880 SW Martinazzi Avenue before 5:00 p.m. The plans and appeal forms are available at the Tualatin Library and at the City offices. Appeals of recommended decisions on Speed Hump Petitions are reviewed by the City Council. An appeal of the recommended decision on the speed hump installation decision must include a \$100 fee.*

5. Standard Removal Guidelines

As with the procedure outlined for the installation of speed humps, any proposed removal should be given the same consideration and should follow the criteria listed in the installation section.

In addition, the following additional criteria shall be met:

1. The speed hump should be in place long enough (but not less than one year from the date of installation) for staff to determine its effectiveness. This analysis should contain speed, volume, and accident information prior to and since the installation.
2. Those who originally signed the petition of affirmation should be notified and given ample opportunity to respond.

3. Signs should be erected indicating that the hump is being considered for removal.
4. Upon removal, staff would notify police, fire, and ambulance service providers to allow changes in response routes or procedures, if warranted.

attachment



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

Approved By Tualatin City Council

Date 2-28-00

Recording Secretary D. Senger

TUALATIN CITY COUNCIL MINUTES OF JANUARY 24, 2000

PRESENT: Mayor Lou Ogden, Councilors Chris Bergstrom, Helen Cain, Steve Chrisman, Kathy Forrest, Sue Lamb, and Tony Weller; Steve Wheeler, City Manager; Doug Rux, Economic Development Director; Mike McKillip, City Engineer; Jim Jacks, Planning Director; Robert Choy, Assistant Planner; and Maureen Smith, Recording Secretary.

ABSENT: None.

Mayor Ogden called the meeting to order at 7:40 p.m.

Councilor Forrest the pledge of allegiance.

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

1. ANNOUNCEMENTS

A. Tualatin High School Representative

Erika Myers, Tualatin High School representative, gave an update on high school activities. She noted students are putting together a web page for the Tualatin Heritage 2000 celebration. The web address is "www.tsd.k12.or.us/schools/tuhs/heritage". She also mentioned the youth advisory council is proceeding and there are 19 interested youth. The purpose of the youth council is to communicate to the City Council youth opinions, help out on issues affecting the community, etc.

2. OPEN MIKE - None.

3. CONSENT AGENDA

MOTION by Councilor Forrest, **SECONDED** by Councilor Bergstrom to adopt the Consent Agenda as read:

- | | |
|-----------------------------------|---|
| B-1 Resolution No. <u>3672-00</u> | Granting a Variance to Allow a 130' High Wireless Telecommunication Tower with 16' Antenna Where a 100' High Support Structure and Antenna is Allowed in a Light Manufacturing (ML) Planning District at 10699 SW Herman Road on Tax Map 2S1 22A, Tax Lot 900 |
| B-2 Resolution No. <u>3673-00</u> | Granting a Conditional Use to Allow a Family Recreation Center (Outdoor Aquatic Facility) in a General Commercial (CG) Planning District at 18120 SW Lower Boones Ferry Road (2S1 24AB, 800 500 & 501) (CUP-99-06) |
| D-1 Resolution No. <u>3674-00</u> | Authorizing Acceptance of Permanent and Temporary Construction Easements in Association with the Construction of the Martinazzi/65 th Avenue Water Line |

LOCATED AT: 18880 SW Martinazzi Avenue

A-1 PUBLIC HEARINGS [continued]

Staff recommends that the Council adopt the staff report and direct staff to prepare a resolution granting CUP-99-07 to operate a family recreation center at 19350 SW 89th Avenue and authorize a \$290.55 (39%) refund of the Conditional Use Permit fee.

PROPOSERS

Dairen Eggers, applicant, said he was forced to open his own center when the Van Raden Community Center closed recently. His primary emphasis is charge a reasonable price for the classes.

Bill Jordan, 22695 SW Tenino Place, Tualatin, OR, spoke in support of Mr. Eggers.

OPPOSERS - None.**COUNCIL DISCUSSION**

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Forrest, SECONDED by Councilor Bergstrom to adopt the staff report and direct staff to prepare a resolution granting CUP-99-07 to operate a family recreation center at 19350 SW 89th Avenue and authorize a \$290.55 (39%) refund of the Conditional Use Permit fee. **MOTION CARRIED.**
[Vote: 7-0]

D. Recommendations from City Engineer**5. Criteria for the Installation of Speed Humps in the City of Tualatin**

Mayor Ogden noted this is not a public hearing but he would be following the basic hearing procedure.

Mr. Spofford presented the staff report and entered the staff report into the record. The staff report contains a basic outline for speed humps installation in the City. Mr. Spofford noted the speed humps would not be allowed on arterials, collectors and other selected areas. The cost of installing speed humps would be split 50/50 between the city and the property owners. The cost sharing would eliminate the need to prioritize individual petitions and allow more projects to be constructed, if warranted. Mr. Spofford said there are two alternatives for the Council to consider on this issue: (1) allow speed humps on City streets and adopt the criteria (or modified criteria) as listed in the staff report; and (2) do not allow speed humps, which would continue the current City policy of relying on police enforcement to control speeds in residential areas.

PROPOSERS

Michael Klein, 20939 SW Martinazzi, Tualatin, OR, noted he lives at a section of street south of Avery, and north of Iroquois, between stop signs. Since the City designated Martinazzi a bike route and eliminated parking, it appears to be a much wider roadway than it is, and looks more like a thoroughfare than a residential

D-5 Recommendations from City Engineer [continued]

street. As a result speeding has taken place on this roadway. Mr. Klein said he would like to see the speeding slow down and noted he has sent a letter to Chief of Police. He does not want to drive over speed humps but he wants his children to be able to play in their front yard safely.

Ben Harper, Killarney Lane, Tualatin, OR, said he came in response to his neighbors, and he is very much in favor of speed humps in that area. He said his reason is Killarney Lane has a lot of street traffic to get out onto Boones Ferry Road, and drivers make use of Killarney to get to Boones Ferry Road. He said he has asked police officers to patrol that particular area, and tickets were cited on the street, but drivers slow down when a police officer is present. Mr. Harper concluded that there are excessive speeds through Killarney Lane and he is in support of the speed humps proposal.

OPPONENTS - None.

COUNCIL DISCUSSION

Councilor Cain asked what would it entail to start a petition area for speed humps in a particular neighborhood. Mr. Spofford replied that the City would set the area, depending on where the applicant(s) believe they need the speed humps. Staff would then review the area/location, and for the petition to be considered valid, it must contain the signatures of at least 50% of the property owners and at least 66% of the residences along the subject street. Councilor Cain asked the length of time of the process. Mr. Spofford said depending on the time of year, in order to get a project together it could take three to four months.

Councilor Bergstrom asked about the \$25,000 amount that was budgeted for and Mr. McKillip noted that was a starting amount to budget for in the Five Year Plan.

Councilor Chrisman asked how it would be determined where and how many speed humps would be needed in a particular neighborhood/street. Mr. Spofford said it would be brought before Council with a presentation from the citizens that submitted the request. He added the initial cost per speed hump is \$2500 to \$4000.

Councilor Lamb asked how it was determined that residents would pay half of the speed hump costs. Mr. McKillip said two reasons were arrived at. First, if citizens are involved in participating in the cost, that is one way of prioritizing a need for a certain area. Also after looking at what other cities do, they all have a process of establishing a priority list, which then allows citizens to buy into the priority list. Staff arrived at the shared cost position to eliminate that type of situation of buying-in on a priority list. Also to help with the City's limited resources, and it could also allow for more installations throughout the city. This was an attempt to balance those citizen needs with the use of city-wide resources to go as far as they can. Councilor Lamb also asked if a particular neighborhood had an issue, is there a time of year to deal with it or will it be a revolving process. Mr. McKillip said a citizen could come in any time of the year to start the process.

D-5 Recommendations from City Engineer [continued]

Councilor Weller asked if staff spoke with Tualatin Valley Fire & Rescue (TVF&R). Mr. McKillip said he sent information to various agencies, received comments and received comments late today from TVF&R, which expressed some concern with the speed hump design. If Council decides to move forward, staff can work with TVF&R to arrive at a mutually acceptable design. The design presented is similar to what is used in other cities. Mr. McKillip answered in response to Councilor Weller question of traffic "calming" devices. Mr. McKillip said most are all significantly expensive and sophisticated, which is more in response to diverting traffic, and staff only looked at speed humps, which is the least expensive.

Mayor Ogden asked and Mr. McKillip reviewed the map that indicated where the speed humps would be allowed. Mayor Ogden said it basically excludes major/minor collector streets, except two exceptions. Mayor Ogden asked how will the criterion be general enough to be applied city-wide. Mr. McKillip said those two exceptions (streets) are unusual in the City and there basically is not any other streets in the city that would be similar to allowing speed humps there and not on other major/minor collectors.

Mayor Ogden asked and Mr. Spofford said speed humps will only be allowed in 25 MPH zones, and if drivers travel that speed limit, with the design presented, a driver should not have to slow down from 25 MPH to travel over the speed hump.

Mayor Ogden suggested more significant language should be addressed with regard to the speed humps not being used to divert traffic, but rather to slow down traffic. Mayor Ogden also expressed concern about citizens presenting the issue to Council. Mr. McKillip said it would just be the final buy-off and it is common that the final decision would be made by the Council.

Councilor Weller said he read about a temporary speed hump that was used in a neighborhood, and said he would be interested in knowing its effectiveness. Mr. McKillip said the speed hump used was a rubberized one. Mr. Spofford said the City of Portland uses them but it does not taper down enough at the edge on the temporary speed humps and they are not driver-friendly.

Councilor Lamb said she does not believe this issue needs to come before Council, but suggested Council could hear any "appeal" they may arise by citizens. Mr. McKillip said if Council would rather set it up the process as a City Engineer approval, that could be done.

Councilor Forrest noted she was not in favor of forming mini-local improvement districts (LIDs), as a citizen may not want a speed hump in their neighborhood. Mr. McKillip said the process presented is that the City will share in the cost, and however citizens/neighborhood arrive at their share of the cost is their responsibility, but the City would just need the required number of signatures in a specified area for speed humps.

D-5 Recommendations from City Engineer [continued]

There was discussion among Councilors about the number of speed humps that may be needed in neighborhoods in the City. Councilor Lamb asked and Mr. McKillip said two would be needed in a stretch of road.

Councilor Weller noted four weeks might be a short amount of time to turn around signatures needed for the petition(s).

Councilor Forrest said that after discussing with Council, she would suggest staff make changes as discussed and return to Council at a later date.

Mayor Ogden said he views this issue as a huge quagmire but noted something needs to be done, however. He said the staff can fine-tune the process as it proceeds along, as this is not land-use hearing guidelines that would have to be followed. Mayor Ogden concluded he does not have a problem with Council readdressing this issue with staff at a later date.

Councilor Weller mentioned the detail proposed on the signing and striping, and asked if there could be some type of striping done ahead of the speed hump for drivers to see before approaching the speed hump.

Mayor Ogden suggested this issue does not need to be brought before Council whenever someone wants a speed hump. Mr. McKillip said it could be done, as stated earlier, as an administrative decision with some sort of appeal process to Council. Also staff can come up with a new map and take Avery and Martinazzi off the restricted list, continue with the cost sharing program, look at the signing issue, incorporate comments from TVF&R about curvature and size of the speed hump, and also look at the time period of collection of petitions, as four weeks is likely not enough time to gather signatures.

Mayor Ogden said he is still concerned about forcing half the cost share onto citizens, and he is more in favor of the first come, first served approach until the \$25,000 is gone and then prioritize thereafter. Mr. McKillip said some cities have a system of applying points to prioritizing speed humps. Mr. Wheeler suggested the scenario is possible, and if inundated, the process could be made simple, if someone qualified and they have money to make it can happen.

Councilor Lamb said she does not necessarily like the "first come, first served" scenario, but asked if it could be advertised for applications. Councilor Weller said that could be staff intensive. Councilor Lamb said she does not believe citizens should have to pay for half the cost of the speed humps.

Councilor Cain said if there is a real problem in a neighborhood, that neighborhood would likely take ownership of the problem and would find a way to raise the funds. She believes it gives people ownership and brings neighbors/neighborhoods together.

There was a Council discussion on whether or not to citizens should pay for half the cost of speed humps. There was also continued discussion on how would money be refunded if a determination is made by staff to not put in speed humps after doing an analysis.

D-5 Recommendations from City Engineer [continued]

Mayor Ogden said Council needs more information before making a decision on this issue. Mr. Wheeler said staff will return to Council at a later Council meeting with a revised staff report and two or three options on funding.

5. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(1)() to discuss current and pending litigation was held after the work session.

6. COMMUNICATIONS FROM COUNCILORS

Councilor Cain noted the annual GREATful/DARE barbecue is on February 26, 2000 and will be held at the Wilsonville Holiday Inn. The price of the ticket is \$25.

MOTION by Councilor Forrest, SECONDED by Councilor Lamb to adjourn the meeting at 9:31 p.m. MOTION CARRIED.

Steve Wheeler, City Manager

Recording Secretary Maurice Smith



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

Approved By Tualatin City Council
Date 4-10-00
Recording Secretary MSmith

TUALATIN CITY COUNCIL MINUTES OF MARCH 13, 2000

PRESENT: Mayor Pro Tem Weller, Councilors Chris Bergstrom, Helen Cain, and Sue Lamb; Steve Wheeler, City Manager; Doug Rux, Economic Development Director; Mike McKillip, City Engineer; Rich Spofford, Engineering Associate; and Maureen Smith, Recording Secretary.

ABSENT: Steve Chrisman*, Kathy Forrest*, Lou Ogden* [*denotes excused]

Mayor Pro Tem Weller called the meeting to order at 7:30 p.m.

Councilor Bergstrom led the pledge of allegiance.

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

1. ANNOUNCEMENTS - None.

2. OPEN MIKE - None.

3. CONSENT AGENDA

MOTION by Councilor Lamb, **SECONDED** by Councilor Bergstrom to adopt the Consent Agenda as amended and read:

- B-1 Ordinance No. 1049-00 Relating to Manufacturing Park Districts; Deleting "Warehouse and Distribution Center" and "Public Parking Lot" as Permitted Uses, and "Transit Terminal or Transfer Station" and "Public Recreation Facilities" as Conditional Uses; and Amending TDC 35.030, 35.050, 62.020, 62.030 and 62.060 (PTA-99-13)
- B-2 Ordinance No. 1050-00 Relating to Manufacturing Uses; Deleting Government Structures as a Permitted Use in the Light and General Manufacturing Districts; Adding Schools as a Conditional Use in the ML District; Adding Bus Storage and Maintenance as a Conditional Use in the MG District; and Amending TDC 60.020, 60.040, 60.070, 61.030 and 61.060 (PTA-99-09)
- B-3 Ordinance No. 1051-00 To Adopt the Urban Reserve Plan for Urban Reserve Area 43 (23000 Block of Grahams Ferry Road); Amending TDC 4.070 and 9.044; and Repealing Ordinance No. 1030-99 (PTA-99-05)
- D-1 Resolution No. 3689-00 Accepting Public Improvements Constructed in Association With Jana's Classic Cookies
- D-2 Change Order No. 1 to the Contract Documents for the Construction of SW Boones Ferry Road (SW Tualatin-Sherwood Road to SW Mohawk Street)
- D-3 Change Order No. 5 to the Contract Documents for Construction of SW Tualatin Road

3. CONSENT AGENDA [continued]

- D-4 Resolution No. 3690-00 Authorizing Acceptance of Permanent and Temporary Construction Easements in Association with the Construction of the Martinazzi/65th Avenue Water Line
- E-1 Approval of the Minutes for the Special Meeting of February 7, 2000 and the Meeting of February 14, 2000
- E-2 Resolution No. 3691-00 Approving Accounts Payable for Payment
- E-3 Liquor License Renewals – 2000 – Late Submittal(s)
- E-4 Liquor License Application – New – Cuvee Selections Inc.
- F-1 Core Area Parking District Financial Analysis Report
- F-2 Ordinance No. 1052-00 Establishing 2000/01 Annual Core Area Parking District Tax Rate and Credit
- F-3 Resolution No. 3692-00 To Approve Time Allocations for Parking Lot F in the Core Area Parking District
- G-1 Resolution No. 3693-00 Authorizing a Communications Site Lease Agreement with Nextel West Corporation for a Cell Tower Site at the Operations Center

MOTION CARRIED.

4. ACTION ITEMS**D. Recommendations from City Engineer****5. Criteria for Installation of Speed Humps in the City of Tualatin**

Mr. Spofford presented the staff report. At the January 24, 2000 meeting staff presented a process to install speed humps in the City of Tualatin. The main issue from that meeting was funding options.

Staff is requesting Council approve an Option as stated in the staff report.

PROPOSERS - None.

OPPOSERS

Brenda Eichelberger, 10186 SW Siletz Drive, Tualatin, OR, noted she submitted a letter to Council regarding her concerns. Ms. Eichelberger said the proposed process is reactive, not proactive. She asked to extend the recommendation to include new development, and to use speed humps as a proactive deterrent instead of reactive position.

STAFF DISCUSSION

Mr. McKillip said in terms of speed humps, they are typically used as reactive to solve an existing problem. Staff is not aware of any places that are installing speed humps in advance of development. The speed humps in the Hagen development are on private property, and there was much discussion on the use of them when development took place. Staff could attempt to anticipate problems when development happens, with connectivity etc. Mr. McKillip reiterated he is not certain the City should be installing speed humps ahead of development when it would not be certain what problems may occur.

D-5 Recommendations from City Engineer [continued]

Councilor Lamb asked if language could be added as part of the subdivision criteria to allow for the possibility/consideration of speed humps for a proposed development. Mr. McKillip said in terms of development, it could be done on a case-by-case basis. Councilor Lamb noted Lake Oswego still has a speed hump program but there is no funding allocated.

Mayor Pro Tem Weller reviewed the funding options presented in the staff report. Council briefly reviewed. Mayor Pro Tem Weller asked on the application fee, what staff costs would be. Mr. Spofford said approximately \$250 for a traffic count, and some hours to review the petition and prepare a staff report.

COUNCIL DELIBERATION

Mayor Pro Tem Weller said if the City proceeds with funding speed humps he believes they should be prioritized first, with the limited resources that would be available.

Councilor Lamb asked even with funding of 100%, a neighborhood would still have to meet the criteria. Mr. Spofford said yes, a neighborhood would still have to meet the established criteria.

Councilor Cain said she originally supported a 50/50 venture of sharing costs between the City and a neighborhood. However, Councilor Cain said if the City has the means to provide speed humps for the community, and it is something a particular area needs and wants, and they initiate the petition process, she would support Option C. It was noted that funding would be allocated out of the Road Improvement Fund.

Mayor Pro Tem Weller said at this point he is not comfortable with installing speed humps in a subdivision before knowing if there would be a problem. He said he realized that the program is reactive, and in general speed humps are not a desirable feature. The reason Council is addressing this issue now is because there are problem areas. He noted he is comfortable being reactive at this point.

Councilor Lamb said she supports Option C because if there is established criteria, and the project meets that criteria, then it becomes a public issue. She would then support Option C, with a caveat to adding language in the subdivision review process for the addition of possible speed humps.

MOTION by Mayor Pro Tem Weller to recommend Option C as presented in the staff report. **MOTION WITHDRAWN** by Mayor Pro Tem Weller.

MOTION by Councilor Cain, **SECONDED** by Councilor Lamb to recommend Option C as presented in the staff report, with the addition to allow review of speed humps during subdivision development on a case-by-case basis. **MOTION CARRIED.** [Vote: 3-1; YES – Bergstrom, Cain, Lamb; NO – Weller].

5. EXECUTIVE SESSION - None.

1. ANNOUNCEMENTS *[continued from previous page]*

using the facility opportunities at all the schools. They liked some of the ideas but it was not their first goal. Discussion followed. Councilor Truax said his thought is to being able to utilize a field at Tualatin High School. Mr. Wheeler said the issue with that may be access, and whether there would be enough time to flesh out the logistics of that idea in time to place the issue on the November ballot. Discussion followed on options that could be taken.

Mayor Ogden asked Council whether it would be feasible to determine this issue by the July 28th special work session. It was decided to revisit this issue after the regular meeting.

4. ACTION ITEMS**E. RECOMMENDATIONS FROM CITY MANAGER****1. Approval of Minutes for the Meeting of June 14, 2004**

This item was withdrawn from the agenda.

5. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(1)(e) to discuss real property transactions was held at the beginning of the work session.

6. COMMUNICATIONS FROM COUNCILORS

The work session recessed at 7:29 p.m. and reopened after the regular meeting at 9:02 p.m.

A. Discussion continued on the Avery site and the possible TTSD partnership. Council discussed whether or not to proceed with this project at the high school and which field could possibly be utilized for a synthetic field. Mayor Ogden said citizens expect cooperation and collaboration with TTSD, but this is not for discussion in time for the November ballot. However, Mayor Ogden said he wants to discuss this further at a work session.

B. Mr. Wheeler raised the issue of speed humps and the criteria that is currently used, and whether there should be a relaxed standard in certain residential impacted areas such as near Tualatin High School.

Mayor Ogden said he brought this issue up in response to the speeding of vehicles during the school year and if he were to apply for speed humps in that area if that would that be taken into consideration. Councilor Harris commented that if a special exception is made in one neighborhood it could create more problems. Councilor Barhyte said he is in favor of changing the site criteria for speed humps. Councilor Truax said he is not excited to make it easier to install speed humps. Mayor Ogden said the concept was raised to him due to the speeding in and around the high school. Mayor Ogden suggested that the speed hump policy could be revisited to address some of the issues that have arisen since the policy was put in place, and suggested the whole issue of speed humps be reviewed at a future work session. It was also suggested that some other measure besides speed humps could be done, such as traffic calming devices. Council consensus was to revisit the policy at a future date.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 11-22-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Jim Sayers, Acting Building Official *JS*

DATE: November 22, 2010

SUBJECT: AN ORDINANCE RELATING TO BUILDING SPECIALTY CODES;
ADOPTING THE SOLAR INSTALLATION CODE, THE ENERGY
EFFICIENCY CODE, THE FIRE CODE AND FIRE ALARM
VERIFICATION; AND AMENDING TMC 4-1-010

ISSUE BEFORE THE COUNCIL:

Whether the Council should adopt the most recently approved Energy, Solar, and Fire codes to remain consistent with the State of Oregon code cycle by amending TMC 4-1-010.

RECOMMENDATION:

Staff recommends adopting the 2010 editions of the Oregon Solar Installation Specialty Code, Oregon Energy Efficiency Specialty Code, and the Oregon Fire Code as amended by Tualatin Valley Fire & Rescue by amending TMC 4-1-010 to include reference to the new codes.

EXECUTIVE SUMMARY:

On January 10, 2005, the City adopted the first series of International Codes that were new to Oregon. This marks the fourth code cycle that Oregon has joined with the other 49 states in support of the combined International Codes. Pursuant to state law, the State of Oregon adopts all new building-related codes statewide. Local jurisdictions must then adopt, by ordinance, the State code and certain appendices and sections not previously adopted by the State to enable the local jurisdictions to enforce the code within its corporate limits. These are administrative and specialty-type provisions.

Other section of TMC 4-1 are being updated to reflect the new code changes in administrative processes established by the City of Tualatin and the State of Oregon. These are minor in nature.

On June 1, 2010, the State of Oregon Building Codes Division implemented the enforcement of:

- The Oregon Energy Efficiency Specialty Code
- The new International Fire Code (IFC) with Oregon amendments, further amended by Tualatin Valley Fire & Rescue

On October 1, 2010, the State of Oregon Building Codes Division implemented the enforcement of:

- The Oregon Solar Installation Specialty Code

This ordinance will allow the new codes to be applied within the Tualatin city limits.

OUTCOMES OF DECISION:

If adopted, the City of Tualatin Building Division will remain current with State of Oregon adopted codes and rules, as well as the Tualatin Valley Fire & Rescue amendments to the Oregon Fire Code.

If it is not adopted, the City of Tualatin will be out of compliance with the State Building Code.

FINANCIAL IMPLICATIONS:

Section 107.3 of the Oregon Solar Installation Specialty Code requires that a flat fee be charged for prescriptive solar installations. To cover administrative, plan review, and inspection costs, staff has determined that a flat fee of \$150.00 be charged for prescriptive installations. Complex installations will be included in the Building Division Structural Permit Fee Schedule. The Building Division fee schedule will be updated in January of 2011 to include the prescriptive solar fee.

Attachments: A. Ordinance

ORDINANCE NO. 1312-10

AN ORDINANCE RELATING TO BUILDING SPECIALTY CODES; ADOPTING THE SOLAR INSTALLATION CODE, THE ENERGY EFFICIENCY CODE, THE FIRE CODE AND FIRE ALARM VERIFICATION; AND AMENDING TMC 4-1-010

WHEREAS the State of Oregon adopted the Oregon Energy Efficiency Specialty Code effective June 1, 2010; and

WHEREAS the State of Oregon adopted the Oregon Solar Installation Specialty Code effective October 1, 2010; and

WHEREAS the City Council passed Ordinance 1303-10 on June 14, 2010, adopting the 2010 State Fire Code as adopted by the Oregon State Fire Marshall's office and Tualatin Valley Fire and Rescue Ordinance 07-01, and

WHEREAS Tualatin Valley Fire and Rescue adopted Ordinance 10-02 on August 17, 2010, which amended the Fire Code relative to Fire Alarm Verification and repealed Ordinance 07-01; and

WHEREAS Fire Alarm verification will benefit the City's residents.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 4-1-010 is amended to read as follows:

In addition to compliance with this and other ordinances of the City, building and related activities shall comply with the following additional requirements:

(1) Chapter 1 of the 2010 edition of the Oregon Structural Specialty Code, as adopted by the Administrator of the State Building Codes Division, also Section 115 and Appendices G (Flood-Resistant Construction), and H (Signs); and

(2) Chapter 1 of the 2010 edition of the Oregon Mechanical Specialty Code, as adopted by the Administrator of the State Building Codes Division, and Sections 104.2 and 106.5.3; and

(3) All chapters of the 2008 edition of the Plumbing Specialty Code, as adopted by the Administrator of the State Building Codes Division; and

(4) The April 2010 edition of the Manufactured Dwelling Administrative Rules, as adopted by the Administrator of the State Building Codes Division; and

(5) The 2002 edition of the Administrative Rules governing Manufactured Dwelling Parks, as adopted by the Administrator of the State Building Codes Division; and

(6) The 2003 edition of the Recreational Parks and Organizational Camps Administrative Rules, as adopted by the Administrator of the Building Codes Division; and

(7) The 2010 edition of the Oregon Manufactured Dwelling Installation Specialty Code, with Appendices A and B, as adopted by the Administrator of the State Building Codes Division; and

(8) The 2008 edition of the Oregon Residential Specialty Code, as adopted by the Administrator of the State Building Codes Division; and

(9) The 2010 edition of the Oregon Energy Efficiency Code, as adopted by the Administrator of the State Building Codes Division; and

(10) The 2010 edition of the Oregon Solar Installation Specialty Code as adopted by the Administrator of the State Building Code Division; and

(911) The 2010 State of Oregon Fire Code as adopted by the Oregon State Fire Marshall's office and Tualatin Valley Fire and Rescue Ordinance ~~07-0410-02~~, which includes modifications to the State Fire Code adopted by the City.

No person shall conduct building or related activities without compliance with these standards.

INTRODUCED AND ADOPTED this 22nd day of November, 2010.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY 
Mayor

ATTEST:

BY 
City Recorder



APPROVED BY TUALATIN CITY COUNCIL
Date 11-22-10
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: November 22, 2010

SUBJECT: AN ORDINANCE RELATING TO BANCROFT BONDS; AND
AMENDING TMC 2-4-040 AND 2-6-100.

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to remove commercial and industrial developments from the Bancroft bonding ordinances and allow only residential developments to use Bancroft bonding.

EXECUTIVE SUMMARY:

State law provides a process (referred to as "Bancroft bonds") for residential property owners to apply to make installment payments over a 10-year period for system development charges that arise in the course of their development. The City of Tualatin passed its own provisions for Bancrofting, which also allow developers of commercial and industrial properties to pay over a 10-year period.

Several months ago staff brought forward an application to Bancroft SDC charges on a commercial project, which Council approved. Council then directed staff to bring back an ordinance that would remove commercial and industrial properties from the types of properties that could Bancroft once the approved application was completed. That process is now complete and staff is bringing back the ordinance to remove commercial and industrial properties from the Bancroft bonding provisions.

OUTCOMES OF DECISION:

If Council adopts the ordinance, developers of commercial and industrial properties would be required to pay their system development charges not later than the time of occupancy. The developers would have to obtain private financing for those charges if they wished to pay over time.

If the Council does not adopt the ordinance, developers of commercial and industrial properties would still be able to Bancroft the system development charges over a 10-year period and make payments to the City in semi-annual installments.

FINANCIAL IMPLICATIONS:

If the ordinance is adopted, the City would receive SDC payments sooner, rather than waiting for them to be paid off over time.

Attachments:

Ordinance

ORDINANCE NO. 1313-10

AN ORDINANCE RELATING TO BANCROFT BONDS; AND AMENDING
TMC 2-4-040 AND 2-6-100.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 2-4-040 is amended to read:

(1) Unless deferred, the systems development charge is due and payable at the time that the City issues the building permit. Except as otherwise provided in this chapter, no building permit shall be issued for a development subject to this charge unless the systems development charge is first paid in full.

(2) Notwithstanding subsection (1) of this section, in cases in which the amount due for any one building permit exceeds \$5,000, the applicant may request a payment deferral. The request must be made in writing to the City Engineer no later than the time of application for a building permit. The City Engineer shall grant deferral to the systems development charge, however, such systems development charge shall be paid in full prior to the issuance of an occupancy permit. The amount of systems development charge due on deferred obligations shall be the amount in effect at the time of the issuance of the occupancy permit. Deferred systems development charge obligations shall not be eligible for internal financing or bancrofting as provided in subsection (3) unless so requested at the time of application for deferral. Selection of the credit or offset option must be made at the time of application for deferral. Failure to specify shall be deemed to be selection of the credit option. The selection is irrevocable.

~~(3) Any traffic impact fee may be eligible for internal financing or a bancrofting agreement pursuant to ORS 223.205 through 223.785, the Bancroft Bonding Act, or adopted city process. Bancrofting and installment payment agreements, shall be limited in term in the following manner:~~

Street systems development charge through \$1,000	3 years
Street systems development charge from \$1,001 through \$5,000	5 years
Street systems development charge \$5,001 and more	10 years

~~An installment or Bancroft agreement provided by this section shall have an interest rate as determined, at the time of application, by the chief county or city financial officer and in recognition of the then current market rates and costs associated with the administration of such agreements. Applications for an agreement, as provided in this chapter, must be made at the time of building permit application. A street systems development charge using an agreement shall be a lien pursuant to ORS 223.230 or~~

~~City provision. No offset shall be allowed for any tax satisfied through use of an agreement provided in this section.~~

Section 2. TMC 2-6-100 is amended to read:

(1) When a systems development charge of \$25 or more is due and collectible, the owner or purchaser of a home or dwelling unit within a multi-family condominium project subject to the development charge may apply for payment in 20 semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.208. ~~Owners of commercial, industrial, and multi-family residential property may apply for installment payments upon adoption by the City Council of a resolution providing for one or more of such classes and in consideration of the fiscal impact upon the City.~~

(2) The City Manager shall provide application and contract forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors. The interest to be charged for installment payments and for delinquent payment of such installments shall be established and may be amended by the City Council by resolution.

(3) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment of the lien.

(4) The City Manager shall cause a report to be made of the amount of the systems development charge, the dates on which the payments are due, the name of the owner, and the description of the parcel.

(5) The City Manager shall docket the lien in the lien docket. From the time the lien is docketed, the City shall have a first lien upon the described parcel for the amount of the systems development charge, together with interest on the unpaid balance at the rate established by the City Council. The lien shall be enforceable in the manner provided in ORS Chapter 223.505 to 223.650 or any other method allowed by law.

INTRODUCED AND ADOPTED this 22nd day of November, 2010.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY 
City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: November 22, 2010

SUBJECT: AN ORDINANCE PROHIBITING MOTOR VEHICLE TRAFFIC ON A PORTION OF BLAKE STREET; AND ADDING A NEW SECTION, TMC 8-3-150, TO THE TUALATIN MUNICIPAL CODE

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to prohibit motor vehicle traffic on the portion of the undeveloped right-of-way of Blake Street.

EXECUTIVE SUMMARY:

In earlier planning documents the undeveloped portion of Blake Street right-of-way that is located north of and adjacent to Hedges Park Subdivision was shown as developed as a street. Because of those earlier documents, that portion of Blake Street was originally designated in the City's Southwest Concept Plan to be a street with full motor vehicle access and an elevated railroad crossing.

The neighbors in that area objected and asked Council to remove the street designation and limit the area to pedestrian and bicycle travel only. As a result, the Council directed staff to remove the designation from the Southwest Concept Plan and to bring back an ordinance that would prohibit motor vehicle traffic on that portion of Blake Street right-of-way. The attached ordinance allows emergency vehicles, the city and utilities to access the right-of-way when necessary to provide emergency services, or to construct, install, repair or maintain the area or the utilities that are in the right-of-way.

OUTCOMES OF DECISION:

If Council adopts the ordinance, the Blake Street right-of-way in that area would not be developed as a full street, but could ultimately be developed to have pedestrian and bicycle access.

If the Council does not adopt the ordinance, the right-of-way could still be developed as a full street with motor vehicle access.

Attachments:

Ordinance

ORDINANCE NO. 1314-10

AN ORDINANCE PROHIBITING MOTOR VEHICLE TRAFFIC ON A PORTION OF BLAKE STREET; AND ADDING A NEW SECTION, TMC 8-3-150, TO THE TUALATIN MUNICIPAL CODE

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. A new section, TMC 8-3-150, is added to the Tualatin Municipal Code to read as follows:

Blake Street Right-of-Way.

- (1) The 30-foot-wide portion of Blake Street Right-of-Way that is located north of and adjacent to Hedges Park Subdivision, recorded in Washington County Book of Plats, Book 107, page 46, west of SW 108th Avenue shall be restricted as follows:
 - (a) It shall not be developed for or used by motor vehicle traffic;
 - (b) It may be developed for pedestrian and bicycle use.
- (2) Nothing in this section shall be construed to prevent emergency vehicles or private utility or City maintenance vehicles from accessing this right-of-way when necessary to provide emergency services or to construct, install, repair or maintain the area or utilities under or in the right-of-way.

INTRODUCED AND ADOPTED this 22nd day of November 2010.

CITY OF TUALATIN

BY



Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

BY



City Recorder