



# **TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION**

**Monday, April 25, 2011**

**City Council Chambers**  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

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

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**Mayor Lou Ogden**

**Council President Chris Barhyte**

**Councilor Monique Beikman      Councilor Wade Brooksby**  
**Councilor Frank Bubenik      Councilor Joelle Davis**  
**Councilor Ed Truax**

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at <http://www.ci.tualatin.or.us/government/CouncilPackets.cfm>, 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 a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

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

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

## PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

- The Mayor opens the public hearing and identifies the subject.
- A staff member presents the staff report to the Council.
- Public testimony is taken.
- The Council then asks questions of staff, the applicant or any member of the public who testified.
- When the Council has finished its questions, the Mayor closes the public hearing.

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.

- The Mayor opens the public hearing and identifies the case to be considered.
- A staff member presents the staff report to the Council.
- Public testimony is taken:
  - In support of the application
  - In opposition or neutral
- The Council then asks questions of staff, the applicant or any member of the public who testified.
- When the Council has finished its questions, the Mayor closes the public hearing.
- 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 192.660(2)(m) security issues. All discussions within this session are confidential. Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR APRIL 25, 2011

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

**B. ANNOUNCEMENTS**

1. Proclamation Declaring May 1-7, 2011 as Public Service Recognition Week in the City of Tualatin
2. National Prescription Drug Take-Back Day Announcement
3. Walk + Bike to School Day Announcement
4. 124th Avenue Project Update

**C. CITIZEN COMMENTS**

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

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, H) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

1. Approval of the Minutes for the Work Session and Meeting of April 11, 2011 and the Special Work Session on April 12, 2011
2. Approval of a New Liquor License Application for Dickie Jo's Burgers
3. Approval of a Change of Ownership Liquor License Application for E.B. Smokey's

**E. SPECIAL REPORTS**  
*None.*

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

1. Amend the Sign Regulations to Allow an Electronic Message Display for a High School Campus in the RL Planning District; Amending TDC 31.060, 38.100 & 38.130-140 (PTA-11-02)

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

1. Resolution for a Conditional Use Permit for Tualatin Heated Storage, a Dwelling Unit for Watchman and Family in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) (CUP-11-01)

**H. GENERAL BUSINESS**

1. Ordinance No. **1320-11** (PMA-10-02) and Ordinance No. **1321-11** (PTA-10-04) Adopting a Comprehensive Plan Implementing the Southwest Tualatin Concept Plan; Amending TDC Chapters 1,2,4,7,9,11,12,13,14,37,73, and 75; Adding a New Chapter 64 Manufacturing Business Park (MBP) Planning District; and Amending the Community Plan Map 9-1

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

**K. EXECUTIVE SESSION**

**L. ADJOURNMENT**





... business and community working together

Submitted under "Citizen  
Comments" at the 4/25/11  
Council meeting

April 25, 2011

Dear Mayor Ogden and Council:

On behalf of the Tualatin Chamber of Commerce and the businesses we represent, I am writing on behalf of the Chamber Board regarding our views on enhancing citizen involvement.

We salute the Tualatin City Council and concerned residents of Tualatin for working diligently to improve the process for ensuring that the citizens of Tualatin are aware of, and involved in, issues that may affect them.

The Board discussed its' mission in regards to augmenting citizen involvement and the proposed Citizens Involvement Organization. We agreed that we feel strongly about the following:

- 1) Enhancing citizen involvement is necessary and will improve the public process over what we've experienced this past year. The parameters of any neighborhood associations' authority should be carefully crafted to ensure their effectiveness without creating unnecessary layers of bureaucracy.
- 2) Civic involvement includes both residents *and* businesses. Both are affected by developments in the city and have the right to be equally informed and involved.
- 3) The Chamber wants to be an active participant in the development and implementation of the enhanced civic involvement process and structure.

The Tualatin Chamber Commerce appreciates your time and consideration. It is our hope that you will involve the Chamber and its membership as you work through the process of enhancing citizen involvement.

Respectfully,

Robert Knight  
President, Tualatin Chamber of Commerce

Cc: Jan Guinta  
Mike Riley

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

Phone: 503/692-0780  
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chamber@tualatinchamber.com  
www.tualatinchamber.com



# CITY COUNCIL SIGN-UP SHEET

DATE: April 25, 2011

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.	Robert Knight			Tualatin Chamber	CIO's
2.	Linda Mohott			Tualatin Chamber	Celebrat Tualatin
3.	Ginger Moshofsky	9310 SW Skokomish Ln	mo-chef@yahoo.com	Mask & Mirror Comm Theatre	
4.	Jennifer Pitt	10915 SW Brynson Fen	enijedi@aol.com		Blake street
5.	Marianne Germond	17935 SW Shawnee	mgthgt@gmail.com		TULLS Rudyard Kipling
6.	Steve Pozo	22875 SW Miami Dr	Steve@cakesdelux.com		TULLS Rudyard Kipling
7.	Judy Pozo	↓	judy.pozo@comcast.net		↓
8.	Michael Fulsman I give my minutes to Judy Pozo. mfulsman	22395 SW Chikhat Terr	mfulsman@ttsd.k12.or.us		↓



# CITY COUNCIL SIGN-UP SHEET

Page 2 of 2

DATE: April 25, 2011

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.	Lance Lewallen	22820 SW Miami Dr			THS Reader Board
2.	Brently Colisch	8847 S W Stone Dr.			Readerboard
3.	Emily Leen I give my minutes to Judy Pozo	22655 SW Eno Al.			THS Electronic Readerboard
4.	Jessica Blank	14917 SW Ashley Dr.			Reader Book
5.	Scott Campbell	10925 SW Byron Ter Tualatin OR			Blake Street Greenway
6.	Darin Barnard	10740 SW Clear St Tualatin OR			Reader Board
7.	Viggo Hagberg	22200 SW Chilkat Terrace Tualatin OR			Tults Electronic Board
8.					

**City Council Meeting**

**Item #: B.**

**Date:** 04/25/2011

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**Information**

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**Attachments**

A - Proclamation

B - National Prescription Drug Take-Back Day



# Proclamation

## *Proclamation Declaring the Week of May 1-7, 2011 as "Public Service Recognition Week"*

*In Honor of the Public Employees at the City of Tualatin:*

WHEREAS public service is an honorable calling that involves a wide variety of challenging and rewarding professions, including providing recreational services, maintaining public safety, improving transportation, protecting our environment and performing administrative and management activities which are essential to efficient and effective operation of government; and,

WHEREAS Tualatin's city employees contribute significantly to the quality of life for the Tualatin community, with their commitment to excellence, high ethical standards, and diversity of skills; and

WHEREAS excellence in the delivery of public service helps keep Tualatin strong and prosperous and a wonderful place in which to live, work and play; and

WHEREAS this commemoration provides an opportunity to express our appreciation for the many contributions public employees make to our daily lives.

NOW THEREFORE, BE IT RESOLVED, that the Tualatin City Council proclaims May 1-7, 2011, as *Public Service Recognition Week* in the City of Tualatin, and encourages all citizens to recognize the crucial role of public employees.

INTRODUCED AND ADOPTED this 25<sup>th</sup> day of April, 2011.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder

# Got Drugs?

Turn in your unused or expired  
medication for safe disposal

**Saturday, April 30th**

**10am-2pm**

**Tualatin Police Department**

**8650 SW Tualatin Rd.**

**Tualatin, OR 97062**

**Drive-thru Convenience.**

**No Questions Asked!**

*dispose*  
**unused**

**Rx**

For more  
information,  
please visit  
[www.dea.gov](http://www.dea.gov)



THE WHITE HOUSE  
AT DRUGFREE.ORG



Federation of  
STATE  
MEDICAL  
BOARDS

Health Assistance  
Team Connection



CADCA



DARE  
Drug Abuse Resistance Education

NRSA



## STAFF REPORT CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 4-25-11  
Recording Secretary W. Smith

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Maureen Smith, Executive Assistant  
**DATE:** 04/25/2011  
**SUBJECT:** Approval of the Minutes for the Work Session and Meeting of April 11, 2011 and the Special Work Session on April 12, 2011

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### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of April 11, 2011, and the minutes of the Special Work Session on April 12, 2011.

### RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

### FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

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**Attachments:** A - Work Session Minutes of 4/11/11  
B - Meeting Minutes of 4/11/11  
Special Work Session Minutes of 4/12/11





## OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION APRIL 11, 2011

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**Present:** Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax (arrived at 5:33 p.m.)

**Staff Present:** City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Community Development Director Alice Rouyer, Management Intern Ben Bryant, Assistant to the City Manager Sara Singer, Executive Assistant Maureen Smith

### 1. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:11 p.m.

### 2. COMMUNITY ENGAGEMENT DISCUSSION

Mayor Ogden opened the work session and noted the entire session will be a discussion on citizen involvement, and acknowledged the many hours of work that has been done by citizens on the community involvement effort. He noted there is a well thought out proposal and creation of a structure that worked well for the Citizen Involvement Organization (CIO) from their perspective. Mayor Ogden said the Council had not been actively involved in that creation, but at a June 2010 work session the Council had looked at the issue of beginning some type of process.

Mayor Ogden said Council needs to look at what the primary purposes are of citizen involvement, the goals and objectives of the entire Council with values and expectations, establish and agree on a purpose first, then function and form. Jeanne Lawson, JLA Public Involvement Inc., was present to facilitate the discussion, noting JLA is already part of the City's update to the Transportation System Plan (TSP) public involvement process.

Ms. Lawson proceeded with an exercise, having each councilor jot on note paper their values/expectations for citizens involvement - what do they want citizen involvement to look like in the community. Ms. Lawson commented that after speaking with councilors and the Citizen Involvement Organization (CIO) ad hoc committee members, there



appears to be a common goal among everyone. Ms. Lawson added Tualatin has a huge volunteer base, which indicates the level of commitment from the community.

Each councilor explained their statements, which were subsequently arranged in order of similarity. Various themes emerged from each councilor's statements - effective communication, effective feedback, accessibility, fiscally responsible, process integrity, and capacity building. A breakdown of each theme was reviewed by each councilor and their value statements.

Discussion followed and it was mentioned the importance of having a process in place that would be well known by everyone in the community, whether they would use it or not. Ms. Lawson continued by noting the challenge is to take everyone's thoughts and form some policy statements, and there is clearly a commonality of values/expectations among councilors. Discussion continued.

Ms. Lawson noted she was asking Council not to "evaluate" the proposal from the ad hoc committee, but what other information does Council need in order to assess it. Council continued discussion and arrived at several questions that need to be answered:

- Level needed of city support
- How would the CIO program support timely communication-pertinent/relevant information
- How does the structure support providing clear, simple accessibility to city government for citizens
- How do you start-up the CIOs
- What if only a few start up
- Can there be flexibility in the bylaws
- What are the reasons for the structure
- What was the range of discussion - opposing/supporting views
- What is the distinction/overlap between CICC and Tualatin Tomorrow
- Are the central committee and subcommittee structures required - how do they work
- Can it grow - can the program be phased
- What is the expected nature of level of influence of any CIO recommendations

Ms. Lawson asked and all Council decided to continue meeting as a group. The next steps would be how do the policy statements match with what the citizens arrived at, and to set up a group discussion with the Council and the ad hoc committee members. Ad hoc committee member Jan Giunta commented that she wanted to make sure Council comes to the discussion with "fact-based" information and not just opinions. Ms. Lawson explained the thought is to have the ad hoc committee come to the table on how the information in the proposal was arrived at. Council President Barhyte commented he brings issues from a City Council perspective that is more than just based on facts.

The discussion concluded.

### **3. ADJOURNMENT**

The work session adjourned at 7:00 p.m.

Sherilyn Lombos, City Manager

*Maureen Smith* Maureen Smith, Recording Secretary



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 11, 2011

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**Present:** Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax, Councilor Joelle Davis

**Staff Present:** City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Parks and Recreation Manager Carl Switzer, Library Manager Abigail Elder, Teen Program Specialist Julie Ludemann, Volunteer Services Coordinator Victoria Eggleston, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer

### **A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:11 p.m.

Pledge of Allegiance was led by Council President Barhyte.

### **B. ANNOUNCEMENTS**

1. *Proclamation Declaring the Month of April 2011 as National Earthquake Preparedness Month in the City of Tualatin*

Councilor Davis read the proclamation declaring National Earthquake Preparedness Month in the City of Tualatin.

2. *Proclamation Declaring April 10 - 16, 2011 as "National Library Week" in the City of Tualatin*

Councilor Bubenik read the proclamation declaring National Library Week in the City of Tualatin.

3. *Proclamation Declaring April 10-16, 2011 as "Volunteer Appreciation Week" in the City of Tualatin*

Councilor Brooksby read the proclamation declaring National Volunteer Appreciation Week in the City of Tualatin. Also noted was the recent Arbor

Day tree-planting event where many volunteers took part, and in addition to hundreds of volunteer hours donated by the citizens of Tualatin. On Thursday, April 14, 2011 an event is being held recognizing the City's volunteers.

4. *Proclamation Declaring April 25 - 30, 2011 as "National Community Development Week" in the City of Tualatin*

Councilor Beikman read the proclamation declaring National Community Development Week in the City of Tualatin.

5. *Tualatin Police "Tip-a-Cop" Fundraiser Event*

Police Chief Barker announced the Tip-A-Cop fundraiser event at Claim Jumper Restaurant for Oregon Special Olympics on Thursday, April 14, 2011.

6. *National Prescription Drug Take-Back Day Announcement*

Police Chief Barker also noted the Police Department in partnership with the Drug Enforcement Administration (DEA) is participating in the "National Prescription Drug Take-Back Day" event on April 30, 2011, 10:00 a.m. to 2:00 p.m. at the Police Department parking lot. This is an opportunity for citizens to bring in unwanted or expired prescription medications (liquid or solid) and over-the-counter medicines and dispose of them in a way that is safer for the environment and our community.

**C. CITIZEN COMMENTS**

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

Brenda Bajdek-Slumski, 22883 SW Cowlitz Drive, Tualatin, OR , Tualatin Library Foundation Board President, spoke about the upcoming *Vine2Wine* wine tasting event the Foundation is hosting on April 23, 2011. Ms. Bajdek-Slumski noted the event sponsors and gave a brief history of the Library Foundation. Tickets are available at various locations that include West Coast Bank, Umpqua Bank, and the Chamber of Commerce. For more information about the event, visit their website at [www.tualatinlibraryfoundation.org](http://www.tualatinlibraryfoundation.org).

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, H) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

Item E-1 was placed on the Consent Agenda.

1. Approval of the Minutes for the Work Session and Meeting of March 28, 2011
2. Resolution Canvassing Results of the Special Election Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on March 8, 2011
3. Resolution Denying the Request for a Sign Variance for Legacy Bridgeport Clinic in the General Commercial (CG) Planning District at 18010 SW McEwan Road (Tax Map 2S113DD, Tax Lot 1800) (SVAR-10-01)
4. Tualatin Library Advisory Committee Annual Report

**E. SPECIAL REPORTS**

1. Tualatin Youth Advisory Council Presentation
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Members of the Youth Advisory Council (YAC) presented a PowerPoint outlining upcoming activities this spring and summer.

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

1. Ordinances Adopting a Comprehensive Plan Implementing the Southwest Tualatin Concept Plan; Amending TDC Chapters 1,2,4,7,9,11,12,13,14,37,73, and 75; Adding a New Chapter 64 Manufacturing Business Park (MBP) Planning District; and Amending the Community Plan Map 9-1 (PTA-10-04 and PMA-10-02)
- 

Mayor Ogden opened the *Legislative* public hearing and noted the hearing will follow the structure similar to quasi-judicial.

Community Development Director Alice Rouyer, Planning Manager Aquilla Hurd-Ravich, and Associate Planner Cindy Hahn were present and noted all materials presented are entered into the record. A PowerPoint was presented on the Southwest Concept Plan (SWCP).

The plan is for industrial development of 614 acres currently outside the city limits. The land was added to the Urban Growth Boundary (UGB) in 2002 and 2004. The SWCP identifies land uses, infrastructure needs, natural and cultural resources. The vision is for a mix of light industrial and high-tech on large lots in a corporate campus setting. A new Chapter 64 is proposed in the Tualatin Development Code (TDC), to include a new planning district - Manufacturing Business Park (MBP). Staff noted the feedback from Council at the last meeting regarding moving the "call centers" use to a "conditional use" permit process. The materials presented do not indicate the change, but will be included when the final ordinance comes back for adoption.

The proposed MBP Planning District is similar to the Leveton district of high-tech and campus-like environment. Uses proposed in Chapter 64 come from the industrial and light-industrial areas. Benefits of the plan were reviewed, such as anticipated jobs, and estimated annual property tax revenues, and income tax. The public outreach that's been done includes numerous open houses, and public surveys, and through the feedback and comments received, the "Blake Street" alignment was removed from the plan. Staff noted the Tonquin Industrial Group (TIG), which is made up of six businesses in the SWCP, has been involved with the process since 2002.

Various scenarios for Council consideration were reviewed. Scenario 1: remain unincorporated; Scenario 2: annex to the City as a non-conforming use; Scenario 3: annex to the City as a conforming use under an overlay district that allows uses similar to the City's Light Manufacturing (ML) Planning District.

Community Development Director Alice Rouyer said this is exciting work ahead for Tualatin and she is happy to answer questions Council may have.

#### PROPOSERS

*Tim Ramis, 2 Centerpoint Drive, Lake Oswego, OR, attorney*, present on behalf of members of the Tonquin Industrial Group, said the TIG is comprised of six businesses that occupy approximately 50 acres of land in the SWCP area. The property owners wanted to convey a few points to Council. Mr. Ramis said there are currently successful businesses in the area occupied by the TIG. The TIG is supportive of the proposed SWCP and have been working with the City since 2002. Mr. Ramis said they are requesting the hearing be continued in order to give property owners and staff adequate time to arrive at development code language to address the annexation issue of the businesses being non-conforming uses.

*Henry Stuckey, 11670 SW Waldo Way, Tualatin, OR*, is a business owner in the Tonquin Industrial Group and said he has worked with the City for many years, and was surprised to see the manufactured zoning in a position of being "non-conforming." He views the businesses being in "limbo" for the next 20 years if there would not be an overlay.

*Craig Hopkins, 7430 SW Varns, Tigard, OR*, representing Tualatin Valley Sportsmen Club, commonly known as Tri-County Gun Club, is a direct neighbor of the proposed plan. Mr. Hopkins wanted Council to know while considering the existing uses of the land, what's being proposed is reasonably compatible with TIG's activity. He said he is encouraged with the project and hope all can ultimately work together on this project.

OPPONENTS - None.

#### COUNCIL DISCUSSION

Discussion on the potential of an overlay district, and whether it is a decision that has to be made now or can be done later. Planning Manager Hurd-Ravich explained the basic idea would be to provide two levels of zoning, the underlying would be MBP, and an overlay would be applied only to the 50 acres, with special provisions in Chapter 64 that would relate just to the overlay. Planning Manager Hurd-Ravich believes Council can adopt the ordinance now and direct staff to come back with an overlay. Staff would work with TIG and have public review before bringing back to Council for ordinance adoption.

Mr. Stuckey asked if it could be done sooner rather than later and explained he had the opportunity for a business to locate on his property and was not able to negotiate the deal in time, with having to deal with the current county land designation of FD-20, which applies to unincorporated urban lands.

It was asked and explained by staff that rail access was considered not appropriate for this area, mainly due to the close proximity to residential areas. If it is a desire by Council to see an "allowance" it could be addressed by staff somehow in the overlay. Mr. Ramis commented that from regulatory and a City standpoint, when it comes to rail, is that an issue want to have a hand in deciding with an overlay or an issue to leave with the County.

It was asked and answered that all 50 acres would need to be annexed, not just one piece of property. It was asked and explained by staff the variety of ways to pay for infrastructure such as System Development Charge (SDCs), Local Improvement Districts (LIDs), cost recovery districts, or combination of SDC reserves and developer investment.

Discussion followed. It was asked and explained by City Engineer McKillip the criteria for annexation and having adequate infrastructure and funding.

It was asked and explained about the FD-20 designation by Washington County was when the land came into the UGB. It was asked and Mr. Ramis explained that the FD-20 designation language wasn't fully known and the assumption of the proposed mix of light and industrial uses, led the property owners to believe they would be compatible with the SWCP. Possible uses for the area were discussed, and staff explained the impact that is created by the new development and the issues associated with infrastructure.

Councilor Truax commented that the SWCP will be a great addition, and potential build-out many years out, he struggles now with the idea of taking existing businesses and have them be "non-conforming uses." He wants to protect the businesses there now and give them an opportunity to grow, and he is in favor of continuing the hearing and have staff work with TIG to come up with some language to accommodate an overlay.

Mayor Ogden closed the oral testimony portion of the hearing.

#### COUNCIL DELIBERATION

Councilor Davis said she is in favor of allowing the continuance and to assure TIG businesses continue to be allowed to grow. Mayor Ogden commented that a concept plan was done based on a vision of expectation of that land. Discussion followed on realizing the impacts of changing how the vision was planned for originally. It was asked about the milestones to meet with the grant funds received for the concept planning, and staff explained the timelines that would be needed if the hearing continued, which would take from two to four months.

Discussion concluded and Council directed staff to begin the process of bringing back a plan text amendment for an overlay.

**G. PUBLIC HEARINGS – Quasi-Judicial**  
*None.*

**H. GENERAL BUSINESS**  
*None.*

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

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Davis noted she participated in a recent meeting with representatives from the utilities, and parks protection group on coming together with ideas on addressing the

Council Beikman announced on Wednesday, May 4, 2011 is a "Walk + Bike to School Day " event, with students from Bridgeport and Byrom Elementary Schools participating, along with parents, teachers, and community leaders, and noted the Youth Advisory Council will also be participating in the event.

Council President Barhyte, chair of the Metropolitan Area Communications Commission (MACC), said it appears Frontier Communications is not providing cable service any longer, but will be providing Direct TV service. It was suggested to contact MACC if subscribers have any issues (phone number on the back of the bill). There is also the question if Frontier has a valid franchise agreement as they are to provide cable service.

Council President Barhyte announced he is resigning from the City Council as he is moving outside the city limits of Tualatin. He will stay on the Council until end of June or shortly thereafter.

**K. EXECUTIVE SESSION**  
*None.*



**L. ADJOURNMENT**

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to adjourn the meeting at 9:08 p.m.

**Vote: 7 - 0 CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



**OFFICIAL MINUTES OF THE SPECIAL WORK SESSION  
OF THE TUALATIN CITY COUNCIL FOR APRIL 12, 2011**

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- Present:** Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Joelle Davis (arrived at 6:08 p.m.), Councilor Frank Bubenik (arrived at 5:11 p.m.), Councilor Ed Truax
- Absent:** Councilor Wade Brooksby
- Staff Present:** City Manager Sherilyn Lombos, City Attorney Brenda Braden, Police Chief Kent Barker, Operations Director Dan Boss, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer
- Attendees:** Bob Martin, Parks Maintenance Manager; Becky Savino, Program Coordinator; Bert Olheiser, Street/Storm/Sewer Manager; Mick Wilson, Water Division Manager; Kathy Kaatz, Operations Program Coordinator; John Wall, IT Manager; Clay Reynolds, Facilities Maintenance Manager; Larry Braaksma, Police Captain; Mark Gardner, Police Captain; Carl Switzer, Parks and Recreation Manager

**A. CALL TO ORDER**

Mayor Ogden called the special work session to order at 5:04 p.m.

**B. ANNOUNCEMENTS**

**C. AGENDA**

Agenda for April 12, 2011 Special Work Session

**Council Priorities and Budget Update**

City Manager Sherilyn Lombos began the discussion on Council Priorities and Budget Update for FY 2011/12, and reviewed the agenda - purposes and outcomes, update of fiscal health diagnostic, Council priorities and budget impact, and next steps and budget timeline.

Finance Director Don Hudson displayed a PowerPoint outlining the discussion and started with review of the fiscal health diagnostic, indicating ongoing revenues and expenses, and a history of one-time sources, and one-time expenses. He explained how the one-time expenses and one-time sources works with contingency, and there is an appropriate amount set aside to meet the reserves and contingency. The City is in a stable condition, which is not necessarily the case with other cities. Hudson reviewed the revenues, property taxes, franchise fees, state shared revenues, municipal court revenue; expenditures include current service levels continue to be funded, PERS impact, negotiated contract agreements, fuel/utility rate increases, and municipal court staffing.

Council priorities were reviewed, which are: comprehensive website redevelopment, health

and wellness campus/eastside redevelopment, review downtown redevelopment plans, comprehensive community engagement, and addressing community recreation. Website redevelopment was mentioned, and proposed to use "one-time" funds to accomplish this priority. Continued review of priorities; health and wellness campus/eastside redevelopment, and the downtown redevelopment plans are already addressing this priority through many avenues. Community engagement is another priority, which includes the visioning effort of *Tualatin Tomorrow* .

Tualatin Tomorrow Interim Project Manager Bethany Wurtz was present and spoke about the various aspects of Tualatin Tomorrow - who they are and what they do. Ms. Wurtz also reviewed their goals for the coming year, along with the proposed budget request for FY 2011-12.

***A break was taken from 5:45 p.m. to 5:54 p.m .***

Community Services Director Paul Hennon presented a PowerPoint on the "Council Goal on Recreation." Clarifying the Council goal statement of developing a senior citizen recreation program and intentions was reviewed. An overview of current conditions and age groups served, types of programs, locations of programs, attendance, and departments offering programs was given.

A pie chart was displayed on the distribution of participation by age group. Community Services Director Hennon explained how the breakout works in comparison to the programs that are being provided by Tualatin. He continued with review of changing conditions, in particular the Pohl Center, which is staffed by the Loaves & Fishes (L&F) organization. A recreation program position was eliminated due to budget constraints, the center director is now shared with Sherwood's center, with the nutrition manager supervising in the director's absence, and the increasing demands for older adult services. An addition and renovation project for the center is scheduled to be completed by December 2011.

Discussion followed on the Loaves & Fishes program, their primary objective being providing a nutrition program. A considerable subsidy is provided to the Center through the L&F organization, with the City historically contributing \$11,000 annually to L&F. To meet the Council goal of providing more older adult programming, there would need to be additional staff and funding, another option is the City managing the Center and continuing to partner with L&F for the nutrition program, and offer more programming for people of all ages, which would require \$85,000 in new funding.

Discussion continued on Center funding, and how to address the recreation/management of the Center. It was noted that centers are typically 98% volunteer-driven. Council asked staff for a comparative of what type of services would be able to be provided with the variable amounts of funding considered. Finance Director Hudson displayed the modeling spreadsheet and entered numbers to view how the proposed additional funding for the Center changes the budget alignment.

Discussion followed. Council asked how the budget "gap" would be addressed, and City Manager Lombos said it is not uncommon that there is a "hole" in the out years, partly due to assumptions that are made. She added in the coming years there also needs to be a discussion with Council on service level priorities and how to fund one-time expenditures.

A question was asked if by making adjustments during the year, should there be rethinking of the assumptions going into it. It was noted that it would be good information to know what the gap has been over the past several years. City Manager Lombos noted staff is budgeting tighter than before and there is not as large a gap as in years past. Discussion of whether or not to fund the proposed increases. The assumptions that are made and the adjustments during the fiscal year have typically ended up with a balanced budget. It was suggested to go ahead with the additional funding and deal with the "fall out", if needed, in future years.

Discussion continued and a suggestion was made that getting quarterly reports on budget issues during the fiscal year would be helpful for Council. Council President Barhyte questioned adding to the budget when looking at holding the line on benefits, etc. Council consensus was to go ahead with the changes, and address the outcome in future fiscal years.

The next steps are the upcoming Budget Advisory Committee meetings in May, with budget adoption at the June 27, 2011 Council/Commission meeting agenda.

#### **Process for Council Vacancy**

Council briefly discussed the appointment process with the Council vacancy created by the resignation of Council President Chris Barhyte. Discussion followed on whether to get the position on board by July 1, 2011. Staff discussed the current application and its need to be revamped to include additional information. Discussion followed and it was decided to have applications ready by May 2, 2011, hold interviews on either June 8 or 15, and appoint the selected candidate at the second Council meeting in June.

#### **D. EXECUTIVE SESSION**

*None.*

#### **E. COMMUNICATIONS FROM COUNCILORS**

*None.*

#### **F. ADJOURNMENT**

Mayor Ogden adjourned the special work session at 7:57 p.m.

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 4-25-11  
Recording Secretary M. Smith

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Executive Assistant

**DATE:** 04/25/2011

**SUBJECT:** Approval of a New Liquor License Application for Dickie Jo's Burgers

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### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Dickie Jo's Burgers.

### RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Dickie Jo's Burgers.

### EXECUTIVE SUMMARY:

Dickie Jo's Burgers has submitted a new liquor license application under the category of Limited On-Premises Sales, which allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises. The business is located at 19221 SW Martinazzi Avenue. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval.

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

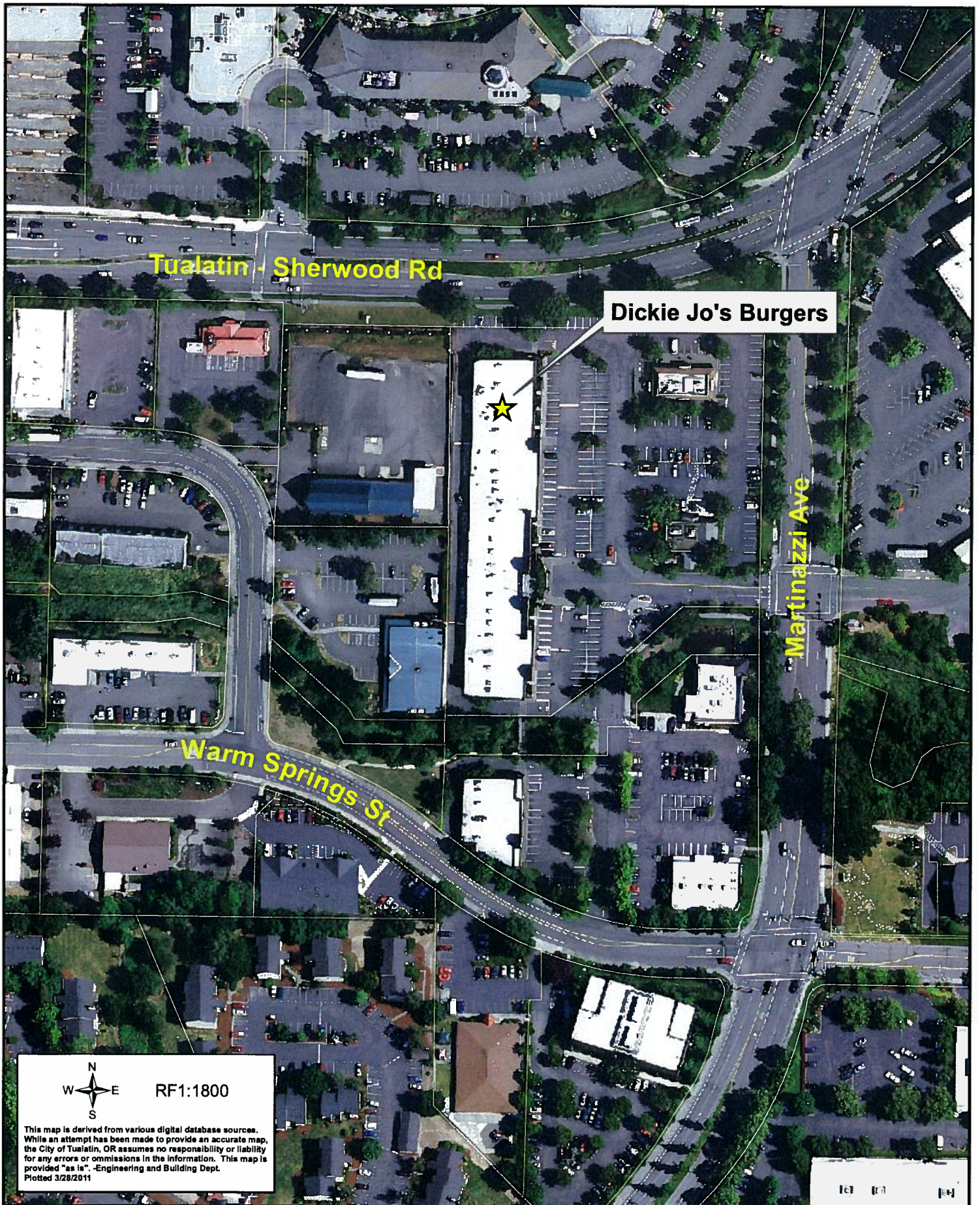
### FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

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**Attachments:** A - Vicinity Map  
B - OLCC License Types  
C - Application





RF1:1800

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 3/28/2011



## **OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES**

### **Brewery – public house**

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

### **Brewery**

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

### **Certificate of Approval**

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

### **Distillery**

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

### **Direct Shipper Permit**

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

### **Full On Premises Sales**

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

### **Growers Sales Privilege**

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

### **Limited On Premises Sales**

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

### **Off Premises Sales**

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

### **Warehouse**

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

### **Wholesale Malt Beverage & Wine**

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

### **Wine Self Distribution Permit**

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

### **Winery**

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises. [ORS 471.223]



**CITY OF TUALATIN**  
**LIQUOR LICENSE APPLICATION**

**REC'D**  
**CITY OF TUALATIN**  
**MAR 17 2011**

Date 3/14/11

MAYOR \_\_\_\_\_ COUNCIL \_\_\_\_\_ POLICE \_\_\_\_\_ ADM. \_\_\_\_\_  
FINANCE \_\_\_\_\_ COMM. DEV. \_\_\_\_\_ LEGAL \_\_\_\_\_ OPER. \_\_\_\_\_  
COMM. SVCS. \_\_\_\_\_ ENG. & BLDG. \_\_\_\_\_ LIBRARY \_\_\_\_\_

**IMPORTANT:** This is a three-page form. You are required to complete all sections of the form.  
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.  
**Thank you for your assistance and cooperation.**

**SECTION 1: TYPE OF APPLICATION**

- ☒ Original (New) Application - \$100.00 Application Fee.  
☐ Change in Previous Application - \$75.00 Application Fee.  
☐ Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # \_\_\_\_\_  
☐ Temporary License - \$35.00 Application Fee.

**SECTION 2: DESCRIPTION OF BUSINESS**

Name of business (dba): DJ BURGERS, INC. DBA: DICKIE JO'S BURGERS

Business address 19221 SW MARTINAZZI ST City TUALATIN State OR Zip Code 97062

Mailing address \_\_\_\_\_ City \_\_\_\_\_ State OR Zip Code \_\_\_\_\_

Telephone # 503 912 9091 Fax # N/A

Name(s) of business manager(s) First TRAVIS Middle L Last DOW

Date of birth \_\_\_\_\_ Social Security # \_\_\_\_\_ ODL# \_\_\_\_\_ M ☒ F \_\_\_\_\_

Home address \_\_\_\_\_ City \_\_\_\_\_ State OR Zip Code \_\_\_\_\_  
(attach additional pages if necessary)

Type of business RESTAURANT

Type of food served BURGERS, DOGS, FRIES, SHAKES, ETC.

Type of entertainment (dancing, live music, exotic dancers, etc.) RECORDED MUSIC, TV SPORTS

Days and hours of operation SEVEN DAYS 11:00 am - 5:00 pm

Food service hours: Breakfast N/A Lunch 11 am <sup>SAME menu ALL DAY</sup> Dinner 5:00 pm - 9:00 pm

Restaurant seating capacity 93 Outside or patio seating capacity TBD

How late will you have outside seating? 9 pm How late will you sell alcohol? 9:00 pm



How many full-time employees do you have? 731 Part-time employees? 20 - APPROX 25 TOTAL EMPLOYEES

### SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants DJ BURGERS, INC.

Type of liquor license (refer to OLCC form) Limited on Premise (Beer Only)

Form of entity holding license (check one and answer all related applicable questions):

☐ **INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_

Residence address \_\_\_\_\_

☐ **PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_

Residence address \_\_\_\_\_

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_

Residence address \_\_\_\_\_

☒ **CORPORATION:** If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name DJ BURGERS, INC.

Business address 2261 UNIVERSITY ST EUGENE OR 97403

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_

Residence address \_\_\_\_\_

(c) Are there more than 35 shareholders of this corporation? Yes X No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: JAMES J. WEST Date of birth: [REDACTED]

Residence address: [REDACTED]

Full name of treasurer: PHILLIP C. WEST Date of birth: [REDACTED]

Residence address: [REDACTED] OR 97405

Full name of secretary: PHILLIP C. WEST Date of birth: [REDACTED]

Residence address: SAME

☐ **LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

☐ **OTHER:** If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

**SECTION 4: APPLICANT SIGNATURE**

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 \_\_\_\_\_ 3/14/11  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**For City Use Only**

Sources Checked:


☒ DMV by [Signature] ☒ LEDS by [Signature] ☒ TuPD Records by [Signature]  
☒ Public Records by [Signature]  
☒ Number of alcohol-related incidents during past year for location.  
☒ Number of Tualatin arrest/suspect contacts for \_\_\_\_\_

It is recommended that this application be:

☒ **Granted**

☐ **Denied**

Cause of unfavorable recommendation: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ 3/30/11  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Kent W. Barker  
Chief of Police  
Tualatin Police Department



## STAFF REPORT CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 4-25-11  
Recording Secretary W. Smith

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Maureen Smith, Executive Assistant  
**DATE:** 04/25/2011  
**SUBJECT:** Approval of a Change of Ownership Liquor License Application for E.B. Smokey's

---

### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a change of ownership liquor license application for E.B. Smokey's.

### RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the change of ownership liquor license application for E.B. Smokey's.

### EXECUTIVE SUMMARY:

E. B. Smokey's (*formerly 501 Sports Cafe*) has submitted a change of ownership liquor license application for Full On-Premises Sales - Commercial Establishment (which allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises). The business is located at 8503 SW Warm Springs Street. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the change of ownership liquor license application and recommended approval.

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

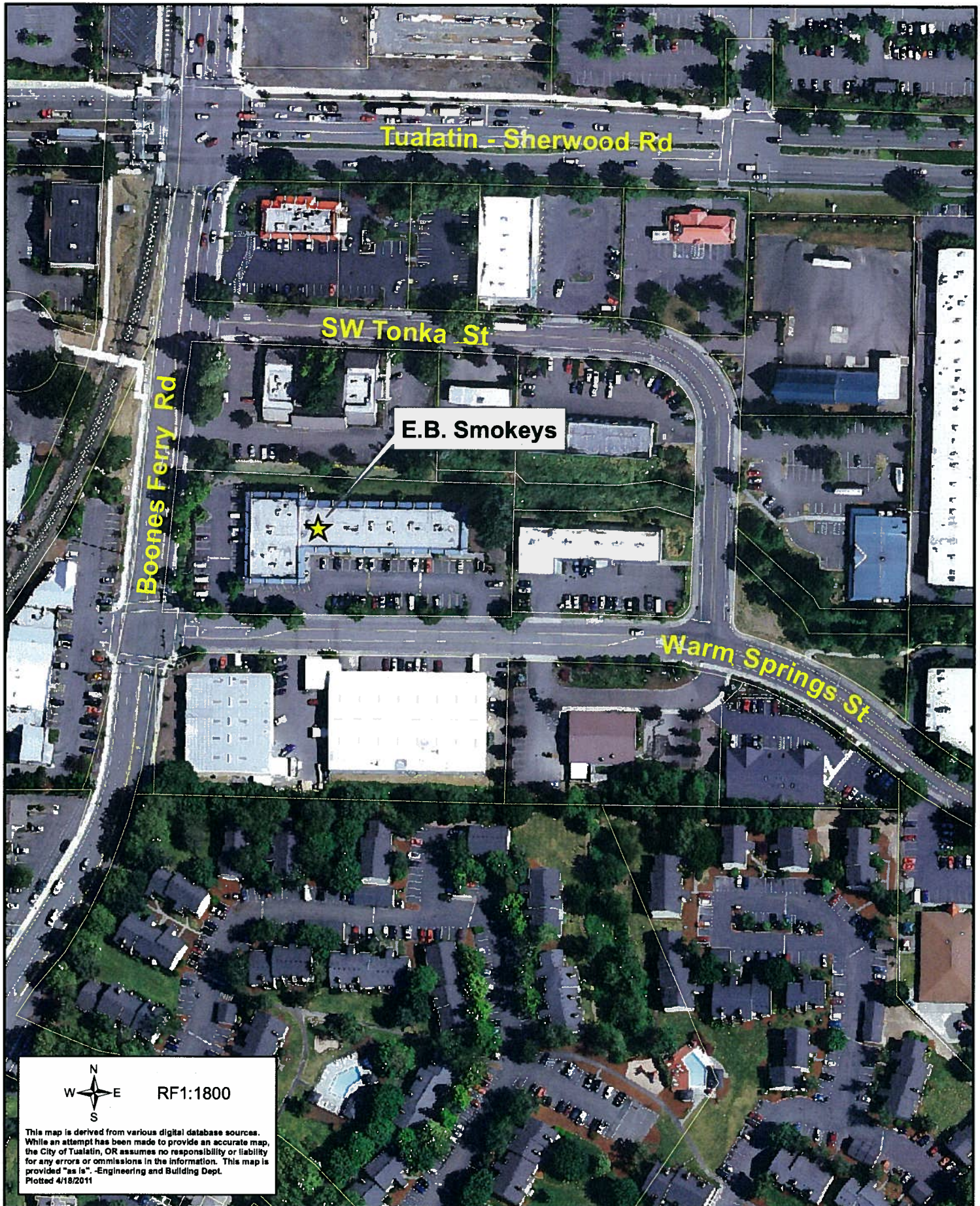
### FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

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**Attachments:**     A. Vicinity Map  
                             B. OLCC License Types  
                             C - Application





RF1:1800

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## **OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES**

### **Brewery – public house**

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

### **Brewery**

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

### **Certificate of Approval**

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

### **Distillery**

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

### **Direct Shipper Permit**

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

### **Full On Premises Sales**

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

### **Growers Sales Privilege**

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

### **Limited On Premises Sales**

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

### **Off Premises Sales**

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

### **Warehouse**

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

### **Wholesale Malt Beverage & Wine**

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

### **Wine Self Distribution Permit**

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

### **Winery**

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises.[ORS 471.223]



**CITY OF TUALATIN**  
**LIQUOR LICENSE APPLICATION**

Date 4/1/11

**IMPORTANT:** This is a three-page form. You are required to complete all sections of the form. If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.  
**Thank you for your assistance and cooperation.**

**SECTION 1: TYPE OF APPLICATION**

- ☒ Original (New) Application - \$100.00 Application Fee.  
☐ Change in Previous Application - \$75.00 Application Fee.  
☒ ~~Renewal of Previous License~~ - \$35.00 Application Fee. Applicant must possess current business license. License # \_\_\_\_\_  
☐ Temporary License - \$35.00 Application Fee.

**SECTION 2: DESCRIPTION OF BUSINESS**

Name of business(dba): E. B. Smokey's

Business address: 8503 SW Warm Springs St. City: Tualatin State: OR Zip Code: 97062

Telephone #: (503) 869-8719 Fax #: \_\_\_\_\_

Name(s) of business manager(s): First Joanne Middle Faye Last Haney

Date of birth: [REDACTED] Social Security #: [REDACTED] ODL# [REDACTED] M \_\_\_\_\_ F ☒

Home address: [REDACTED] City: [REDACTED] State: OR Zip Code: [REDACTED]  
(attach additional pages if necessary)

Type of business: Barbecue

Type of food served: Barbecue

Type of entertainment (dancing, live music, exotic dancers, etc.): juke box, pool, lottery games

Days and hours of operation: 11:00 am - 2:30 am.

Food service hours: Breakfast: \_\_\_\_\_ Lunch: 11-2:30 Dinner: 11-2:30

Restaurant seating capacity: 50 Outside or patio seating capacity: 10

How late will you have outside seating? \_\_\_\_\_ How late will you sell alcohol? 2:30

How many full-time employees do you have? \_\_\_\_\_ Part-time employees? 4

### SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: \_\_\_\_\_

Type of liquor license (refer to OLCC form): The Smokin' Q, LLC  
Renewal

Form of entity holding license (check one and answer all related applicable questions):

☐ **INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

☐ **PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

☐ **CORPORATION:** If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name: \_\_\_\_\_

Business address: \_\_\_\_\_

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

Full name of treasurer: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

Full name of secretary: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

☒ **LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: Joanne Faye Haney Date of birth: [REDACTED]

Residence address: [REDACTED] OR [REDACTED]

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_







# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 4-25-11  
Recording Secretary M. Smith

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** William Harper, Senior Planner  
Alice Rouyer, Community Development Director

**DATE:** 04/25/2011

**SUBJECT:** Amend the Sign Regulations to Allow an Electronic Message Display for a High School Campus in the RL Planning District; Amending TDC 31.060, 38.100 & 38.130-140 (PTA-11-02)

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### ISSUE BEFORE THE COUNCIL:

Council consideration of a request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 38 Sign Regulations to:

- Allow one electronic message display freestanding monument sign on a large high school property in the RL (Low-Density Residential) Planning District;
- Amending 38.140 to allow a monument sign with an electronic message display component subject to standards for size, brightness, duration of message display and hours of operation;
- Allow an electronic sign on a large high school campus property and requiring a minimum distance from residential properties;
- Continue to prohibit animated graphics or moving copy;
- Allowing LED illumination and revising the prohibited sign standards.

### RECOMMENDATION:

At their meeting on April 5, 2011, the Tualatin Planning Advisory Committee (TPAC) reviewed the proposed PTA-11-02 and made the following recommendation:

Approval of PTA-11-02: 4 Yes, 1 No, 1 Abstain.

Staff recommends Council consider the application and staff report and provide direction on the Sign Code amendment proposed by the applicant in PTA-11-02. The proposed Sign Code provisions were drafted with consideration of the existing electronic readerboard standards for the IN (Institutional) Planning District, standards to provide compatibility with the residential character of the RL Planning District, and with references to ordinances developed by other cities to address issues of display brightness, distraction for motorists caused by display motion and animation, and its design and appearance in a campus and residential setting.

### 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 submitted by Kathy Stallkamp representing the Tualatin High Timberwolf Support Organization (THTSO), a Tualatin High School school activity support group. The Tigard-Tualatin School District has authorized the application and the Facilities Manager and the Tualatin High School Principal are supporting the application by the THTSO group.

- Ms. Stallkamp and THTSO seek to amend the sign regulations in the TDC to allow an electronic message display sign for a high school in the Low-Density Residential (RL) Planning District. The purpose of the proposed amendment is to change the standards for signs in the RL Planning District in order to allow an electronic message display on a freestanding monument sign at the Tualatin High School.

The applicant states: "Approximately 2,000 students attend Tualatin High for education during the months of September to June on Monday to Friday from 7:55 am to 2:55 pm. Approximately half of the student population participates in an athletic team or club meeting, before or after the school day. The school is also used by a large variety of community groups such as a religious choir, Washington County Juvenile Department, adult basketball, and parent support organizations. As a result, there are twenty to thirty events (meetings, practices, competitions) occurring at the school on school days. Weekend activities vary greatly involving athletic competitions, school dances, club activities, and community athletic events." (Attachment A)

Tualatin High School currently has an 11 ft. tall freestanding pole sign with a two-sided mechanical readerboard feature located on the SW Boones Ferry Road frontage of the property (Attachment A, pg. 5). A mechanical readerboard consists of a translucent panel (illuminated from behind with fluorescent lights) with a track system where individual letter and number plaques are attached to the panel by hand or a pole to compose a message that can be read for a distance of 200 ft or more. The THS readerboard is used for announcements and messages about school and community activities and events associated with the high school as described above.

An electronic message display system consists of a display panel of small LED (light-emitting diode) lights with a mono-color or multi-color capability that are controlled electronically to display messages. Multiple messages can be displayed on a rotating basis, changed and controlled via a computer inside a building. Message display content, display duration and rotation, light intensity, hours of operation are controllable remotely.

The THS and THTSO have identified a number of persistent problems with the existing mechanical readerboard sign, including:

1. The inability to display more than one or two messages at a time with dozens of requests per week for message space on the sign for upcoming and current activities or events.
2. Frequent loss of individual readerboard letters due to breakage, resulting in incomplete messages and a significant expense to replace the letter sets once or twice each school year.
3. Difficulty for staff and students to regularly change messages due to the location of the sign approximately 150 ft. (650 ft. by paved walkway) from a building entrance, the height of the readerboard panel, safety issues for working on a ladder, exposure to seasonal inclement weather and irregular staff/student availability to update the messages.

- THS and THTSO have identified the need for an "electronic readerboard" for the school as a way to overcome the constant problems and expense with the existing mechanical readerboard on the school site. The benefits of an electronic readerboard for an institution like a high school are:

1. Smaller display panel capable of showing more messages;
2. Messages changed and controlled remotely, avoiding problems with weather and reducing staff/student commitments;
3. Reduced operation and maintenance efforts & costs;
4. More consistent appearance compared to the mechanical readerboard;
5. Reduced chance of displaying incomplete and untimely messages.

- The issues associated with an electronic readerboard include: Determining the appropriateness and compatibility in a residential area and in the RL Planning District;

1. Potential for an overly bright display illumination and glare to cause an unwelcome visual annoyance or

distraction for nearby residents and passersby;

2. Potential to create distractions for drivers caused by changing, moving or animated displays;

3. Establishing reasonable and appropriate standards for operation, including controlling glare, display motion and duration, and limitations on display hours;

4. Limiting electronic displays to a particular use and maintaining existing sign code restrictions on electronic signs for other uses and in commercial areas. Determining the appropriateness and compatibility in a residential area and in the RL Planning District;

- Electronic readerboards are not allowed in all Planning Districts, **except the IN (Institutional) Planning District**. Animation or motion are prohibited in all signs. The IN Planning District was created by a plan amendment in 2006 and applies to the Horizon School property south of SW Norwood Road. The plan amendment included provisions to the Sign Code allowing an "Electronic Message or Electronic Readerboard" element on one freestanding monument sign for a facility in the IN Planning District. The current Horizon School campus monument sign does not include an electronic readerboard element.
- The application proposes allowing an electronic readerboard for the THS property following the existing standards for signs in the IN Planning District. The applicants would like to replace the existing pole sign/mechanical readerboard with a monument-style freestanding sign with a 3 ft. x 6 ft. LED readerboard/message display panel with a one-color display and with fixed copy on the upper portion of the monument identifying the school. (Attachment A, pg. 6)

Based on the applicant's ideas and considering the issues associated with electronic signs and to mitigate some of the concerns raised by residents in the THS area, staff proposes the Ordinance Language in Attachment D that incorporates the IN Planning District monument sign standards with provisions limiting an electronic message display on a monument sign to a high school on a 40 acre property in the RL Planning District and with standards for maximum light intensity (luminance), duration and transition of messages and hours of operation. Animation and motion remain prohibited for all signage. A definition, a revision to the sign illumination standards to allow LED lighting for signs (in addition to incandescent, fluorescent, and neon sources) and a requirement for an automatic light-dimming mechanism on an electronic display are also proposed.

- The Applicant has prepared a narrative that addresses the Plan Text Amendment approval criteria (Attachment A) and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C).
- Records indicate that the Council previously reviewed and approved applications by the TTSD to allow mechanical readerboard signs on school sites in the Residential Planning Districts and in the ML (Light Manufacturing) Planning Districts (PTA-05-09) (For the Avery Elementary School).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning Growth Objectives; TDC 8.040 Schools; TDC 20.030 Sign Design Objectives; TDC Chapter 38 Sign Regulations. 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. TPAC's recommendation will be reported in the staff report to the City Council for the scheduled April 25th public hearing.
- The application was submitted on February 18, 2011 and was determined complete on March 16, 2011. The 120-day period for a land use decision does not apply to legislative actions.

## **OUTCOMES OF DECISION:**

Approval of the applicant's PTA request with the proposed amendment language would result in the following:

1. An electronic message display meeting the proposed standards would be allowed on a freestanding monument sign located on a 40 acre or larger public high school (Grades 9-12) property in the RL Planning District. The electronic message display would be allowed on a freestanding monument sign on the Tualatin High School property.
2. The proposed amendment will have standards that specify electronic message display location on a property relative to residences and a public street, the size of the display panel, the kind of light source, control of the brightness of light emitted by the display, the duration and transition of messages appearing on the display, and limits on the hours of operation.
3. The applicant would be able to pursue a sign permit and building permits for a freestanding monument sign with electronic message display.

Denial of the PTA would result in the following:

1. An electronic message display/readerboard would not be listed as an allowed sign in the RL Planning District.

#### **ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the applicant's proposal and proposed amendment language for Council are:

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

#### **FINANCIAL IMPLICATIONS:**

The Applicant paid the required application fee, which is contained in the FY 10/11 budget for revenue.

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**Attachments:**     A - Application Materials  
                         B - Background & Public Involvement  
                         C - Analysis & Findings  
                         D - Draft PTA 11-02 Ordinance  
                         E - RL Planning District Location Map  
                         F - Comments Received & Meeting Attendees  
                         G - Additional Comments Received  
                         H - PowerPoint PTA-11-02 Electronic Reader Board

## **MEMORANDUM**

**TO:** Tualatin Planning  
**FROM:** Kathy Stallkamp  
President, Timberwolf Support Organization  
**SUBJECT:** Application for Plan Text Amendment  
**DATE:** February 9, 2011

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### **GENERAL INFORMATION**

#### **Applicant**

Kathy Stallkamp  
Timberwolf Support Organization  
Tualatin High School  
22300 SW Boones Ferry Road  
Tualatin OR 97062

#### **Owner**

Tigard-Tualatin School District  
6960 SW Sandburg St.  
Tigard, OR 97223

#### **Request**

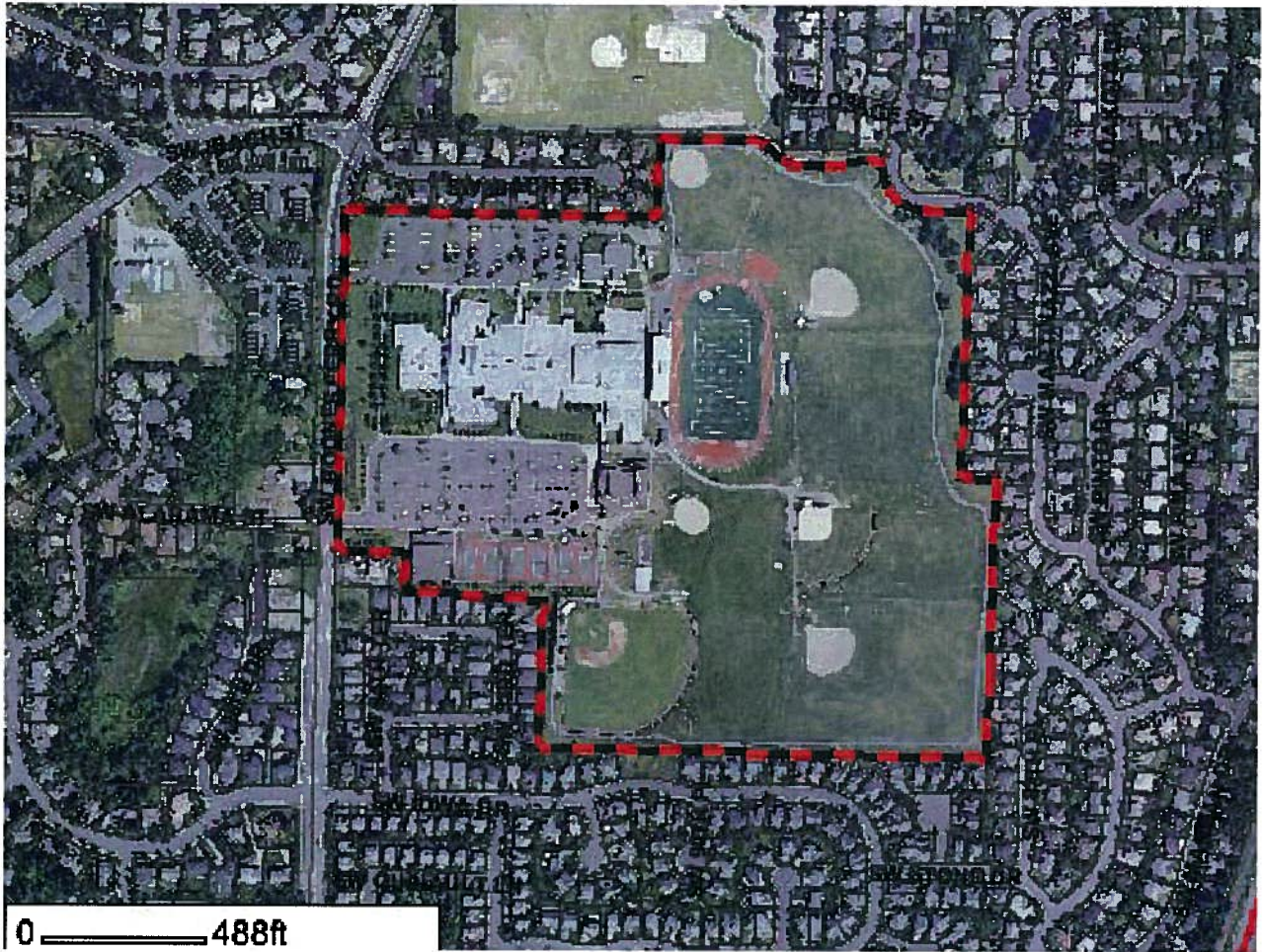
Amend Residential Plan Text for an electronic readerboard on properties over 40 acres with a school.

#### **Location**

22300 SW Boones Ferry Road







Source: Washington County Assessor's Maps



## BACKGROUND INFORMATION

### Community Plan Map Designation

(RL) Residential - Low Density

### Residential Plan Text

Tualatin Development Code 38.140 designates signs permitted in Residential Low Density planning districts. This code allows public schools to install a mechanical readerboard 38.140 (2) (d) and gives specifications for the sign. The code does not allow for an electronic readerboard for public schools.

### Site Conditions

The specific property is developed with a high school. There are two driveways which access onto Boones Ferry Road. The school building, parking lot, and aquatic center occupy the south portion of the site. The northern portion of the property contains a football stadium and sports fields.

### Vicinity Description

The plan and zoning designations and current land uses in the surrounding area are summarized in the table below:

#### *Land Use Summary*

<i>Parcels</i>	<i>Plan/Zone Designation</i>	<i>Land Use</i>
Subject Property	Residential Low	Tualatin High School
North	Residential Low	Single family residential
East	Residential Low	Single family residential
South	Residential Medium - Low	Single family residential
West	Residential Low/ Residential Medium - Low	Single family residential

The Boones Ferry Road frontage has curbs and sidewalks. The street is improved with two travel lanes and a center left turn lane.

### Property Use

Approximately 2000 students attend Tualatin High for education during the months of September to June on Monday to Friday from 7:55 am to 2:55 pm. Approximately half of the student population participates in an athletic team or club meeting, before or after the school day. The school is also used by a large variety of community groups such as a religious choir, Washington County Juvenile Department, adult basketball, and parent support organizations. As a result, there are twenty to thirty events (meetings, practices, competitions) occurring at the school on school days. Weekend activities vary greatly involving athletic competitions, school dances, club activities, and community athletic events.

### Current Signage

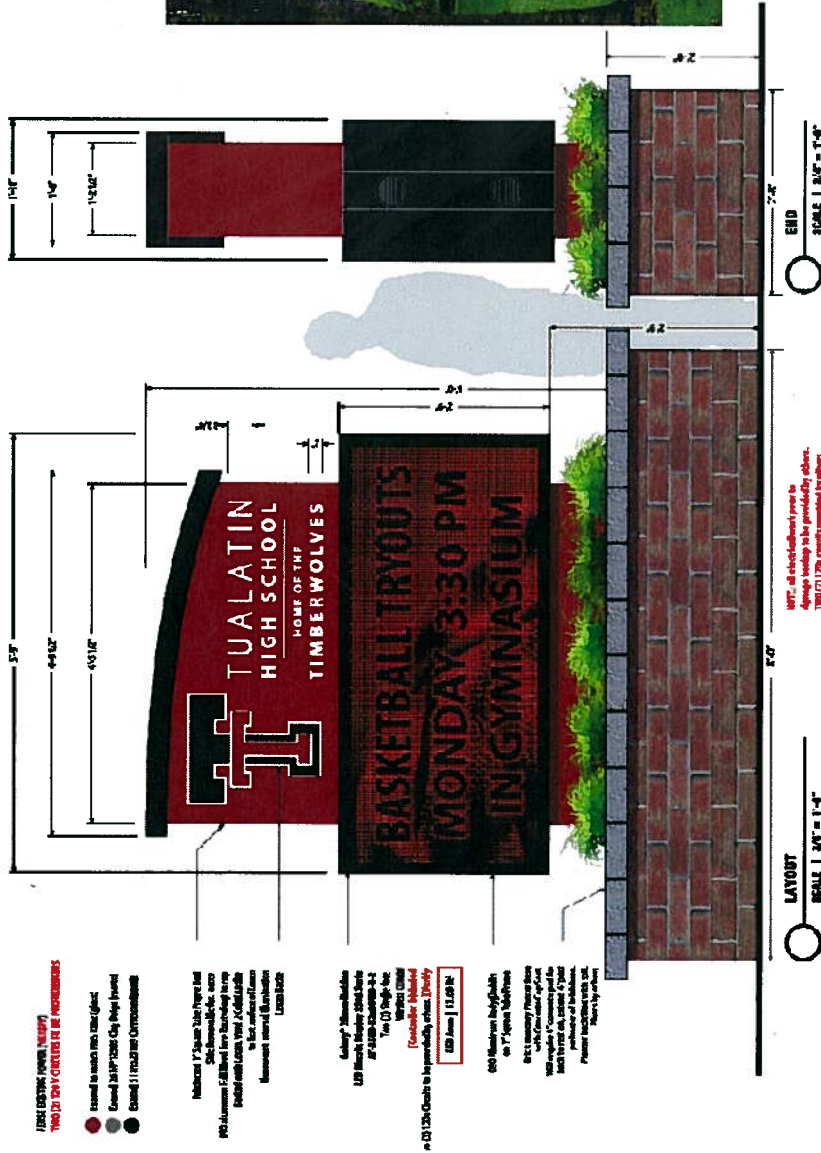
A mechanical readerboard is currently located on the property on Boones Ferry Road. It is 7.5 feet by 4.5 feet, elevated on a 11 foot pole, and utilizes vinyl lettering for messaging. Messages are changed, as time and weather permit, by students or staff members. As the readerboard and letters are old, the letters often fall down creating an unclear or partial message.

## Current Readerboard



# Proposed Readerboard Concept

MANUFACTURE AND INSTALL ONE (1) MONUMENT SIGN WITH TWO (2) SINGLE FACE RED MONO LED MESSAGE BOARDS, ONE (1) DOUBLE FACED INTERNALLY ILLUMINATED HEADER CABINET WITH FABRICATED BODY.  
NOTE: CHOP AND SLIP FIT OVER EXISTING 6" SQUARE TUBE.



Project Office  
430-416 International Rd  
Beverly Hills, CA 91228  
Tel: 310.211.1111  
Fax: 310.211.1111

9524  
Landscape Lighting  
210000  
Beverly Hills  
Tel: 310.211.1111

Architect  
310-211-1111  
Beverly Hills  
Tel: 310.211.1111

Apr 20, 2010  
430-416 International Rd  
Beverly Hills, CA 91228  
Tel: 310.211.1111

Project 2010  
Beverly Hills

1. Approved  
1. Approved W/ Single Note  
1. Approved W/ Single Note  
1. Approved W/ Single Note

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TUALATIN  
HIGH SCHOOL

## **APPLICATION REQUEST**

Request to amend Tualatin plan text to allow an electronic readerboard sign on residential properties greater than 40 acres with a school.

The applicant is interested in replacing the current mechanical readerboard located in front of Tualatin High School with an electronic readerboard. The first step in getting an electronic readerboard for the high school is to amend the current Plan Text to allow for electronic readerboards for this specific use.

The proposed electronic readerboard would be located in the same location as the current mechanical readerboard. The display of the proposed readerboard would be 2.9 inches tall X 5 feet, 9 inches wide, smaller than the current readerboard display. Like the current readerboard, the proposed sign would be double sided for messaging on both sides. The complete sign would be 8 feet tall and is surrounded by a brick planter measuring 8 feet X 2 feet, 8 inches. The brick planter would coordinate with the brick used on the school and be filled with plants to enhance the appearance of the school grounds. The sign would be crimson, black, and white, the school colors, and would coordinate with the scoreboards currently installed on the property. The display would be a single color (red). The sign would be illuminated at night for ease of reading utilizing electricity currently available at the site. A drawing of the proposed readerboard is attached to this application.

The electronic readerboard would be operated from a computer inside the school. Message changes would be typed into the computer. The ease of message modification allows for the display of multiple messages eliminating excessive signage around the school property. The sign would be used to display a single message at a time, with the same message appearing on both sides. The sign is not intended to be used to flash messages or use moving graphics. The sign would be operated daily from 6:30 am to 10:30 pm for communication with the student population and the community.

## **PLAN TEXT AMENDMENT APPLICATION REQUIREMENTS**

### **1. Pre-application Meeting**

Meeting held in Feb. 2010, Attendees included:

- Colin Cortes - Tualatin Assistant Planner
- Tony Doran - Tualatin Engineering Associate
- Will Harper - Tualatin Associate Planner
- John Stelzenmueller - Tualatin Building Official
- Eric Underwood - Tualatin Development Coordinator
- Phil Wentz - Tigard Tualatin School District Operations Manager
- Ted Rose - Tualatin High School Staff
- Kathy Stallkamp - Timberwolf Support Organization President

Follow up meeting in January 2011, Attendees included:

- Will Harper - Tualatin Associate Planner
- Darin Barnard - Tualatin High School Principal

Phil Wentz - Tigard Tualatin School District Operations Manager  
Kathy Stallkamp - Timberwolf Support Organization President

**2. Neighborhood/Developer Meeting - Pages 11-15**

Meeting took place on Tuesday, February 8, 2011 at Tualatin High School. Meeting notice signs were posted at both parking lot entrances to the school and on the footpath around the school. The meeting notice, list of meeting attendees, and meeting notes are attached.

**3. Application Documentation Page 1-44**

Application Form - 2 copies attached

Traffic Study - 4 copies attached

Supporting materials - 2 copies Mailing labels and map attached

Electronic CD - enclosed

Payment - Check for \$2000 to City of Tualatin enclosed

**4. Map of Subject Property and Properties within 1000 feet -Page 16**

Attached

**5. Owners and Addresses within 1000 feet - Pages 17-39**

Attached

**6. Traffic Study - Page 40**

Letter from Matt Hughart, Kittleson Traffic Engineer Attached

**7. Approval Criteria Analysis**

**A. Is granting the plan text amendment in the public interest?**

Granting the plan text amendment would be in the public's interest. The requested modification would allow for an electronic readerboard sign on residential properties greater than 40 acres with a school. This would allow the replacement of the current readerboard at Tualatin High with a new electronic readerboard. The community would benefit from the replacement as it would improve the appearance of the school grounds and enhance community communications. Communications could occur in a timely fashion and would provide awareness of activities, events, and potential traffic in the area.

**B. Is the public interest protected by granting the plan text amendment at this time?**

By providing stipulations that the property be greater than 40 acres and limited to properties with a school, the public interest is protected. These stipulations will ensure electronic readerboards are not allowed within other residential areas eliminating any possible negative impact to the community.

**C. Is the proposed plan text amendment in conformity with the applicable objectives of the Tualatin Community Plan?**

The amendment is in conformance with the Community Plan Map. It does not require a change to the Community Plan Map, nor does it change the objectives of the plan. It will require a modification to the Community Design Standards to define electronic readerboard standards.

**D. Explain how each of the factors listed below was consciously considered. If a particular factor is not applicable, state the reasons why it is not applicable.**

**1. The various characteristics of the area.**

The recommendation to modify the plan text considered the community and the neighborhoods surrounding Tualatin High. Consideration to the community was accounted for by providing restrictions which would limit electronic readerboards to properties greater than 40 acres with a school. This will ensure electronic readerboards are not installed within residential communities preventing a negative impact to residents within the city. The requestor also considered the surrounding neighbors and suggests limiting the sign operation from 6:30 am to 10:30 pm to minimize neighbor concerns.

**2. Suitability of the area for the particular land use and improvements.**

Modifying the plan text limits the installation of electronic readerboards to large parcels of land with a school. This use is conducive to electronic readerboards providing a way to communicate with those involved with the school and the community.

**3. Trends in land improvement and development.**

Trends in land improvement and development were not considered as they have no impact on the requested amendment.

**4. Property values.**

Amending the plan text as requested will allow for a new and updated readerboard at the high school. This will improve the appearance of the high school, enhance community communications, and result in a positive impact on property values.

**5. Needs of economic enterprises and the future development of the area.**

Future development within the City of Tualatin was considered resulting in the recommendation to restrict electronic readerboards to properties greater than 40 acres with a school. This will protect other residential areas preventing electronic readerboards in other Tualatin residential communities.

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

This factor is not applicable as a change in right of way is not needed or requested.

**7. Natural resources of the city and the protection and conservation of said resources.**

This factor is not applicable as there is no impact to natural resources.

**8. Prospective requirements for the development of natural resources in the city**

This factor is not applicable as there is no impact to natural resources.



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

The need for aesthetic surroundings factors into making the request to amend the plan text. The current readerboard is outdated and unsightly with letters falling down. A replacement readerboard would be more attractive and enhance the aesthetics of Tualatin High.

With current technology, an electronic readerboard would be operated via a computer. Messages would be easily changed and timely for the community. Hopefully, this would eliminate the excess signage on the school property improving the appearance of the school grounds.

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

This factor is not applicable as there was not a change in a neighborhood or area which resulted in the plan text request.

**11. A mistake in the community plan or plan text for the property under consideration.**

The factor is not applicable as the request was not due to a mistake in the plan text.

**8. Measure 37 Waiver of Rights and Remedies form -Pages 41-43**

Attached

**9. Affidavit of Sign Posting - Page 44**

Attached



**ATTACHMENT B**  
**PTA-11-02: BACKGROUND INFORMATION**

Pertinent background information obtained from the proposed PTA-11-02 and other supporting documents is summarized in this section.

The applicants with the support of the Tualatin High School (THS) administration seek to amend the sign regulations in the TDC to allow an electronic message display sign for a high school in the Low-Density Residential (RL) Planning District. The purpose of the proposed amendment is to change the standards for signs in the RL Planning District in order to allow an electronic message display on a freestanding monument sign at the Tualatin High School. The THS is located on a 60 acre property adjacent to SW Boones Ferry Road in a RL (Low-Density Residential) Planning District. As allowed under the Sign Code, the THS currently has an 11 ft. tall freestanding pole sign with a two-sided mechanical readerboard feature located on the SW Boones Ferry Road frontage of the THS property.

For a number of years the representatives of THS and various school groups have inquired about obtaining an electronic message display on the THS. The existing mechanical readerboard created on-going problems with displaying messages for current and upcoming school and community events and activities due to limited message space, frequent breakage of the mechanical letters, difficulties with changing messages, incomplete messages when letters fall off or were missing, and frequent difficulty for staff and students to change messages due to weather conditions common to the September – June school year. The Tualatin Sign Code allows a mechanical readerboard for a school in a residential district, but not an electronic display and the THS was unable to obtain a sign permit.

In 2010 the THS support groups explored changing the RL designation of the THS site to IN- Institutional where a school is a permitted use and an electronic message display is allowed. The Tigard-Tualatin School District (TTSD) was reluctant to go through the rigorous and difficult process, the expense and complications of a Plan Map Amendment for the THS for one benefit, to obtain a sign allowed in the IN Planning District. No application was submitted.

In the late Fall of 2010, the Tualatin High Timberwolf Support Organization (THTSO), a THS school activity support group met with the Community Development Department to discuss the option of a change to the Sign Code to allow the electronic message display at the THS. The TTSD and THS administration agreed to support the effort. City staff advised the applicants about the Plan Amendment Process, discussed potential issues for the residential neighbors, the City and the school and suggested sign standards that could be appropriate. The resulting application is PTA-11-02.

**PUBLIC INVOLVEMENT**

The Applicant conducted a Neighbor/Developer meeting at 22300 SW Boones Ferry Road (THS) on February 8, 2011, at 6:15 pm to explain the PTA proposal to neighboring property owners and to receive comments. Two nearby residential property owners attended the meeting. Discussion at the meeting consisted questions about the proposed electronic sign, expression of general support to replace the existing mechanical pole sign and objections to

the electronic sign for reasons that an electronic display will have a commercial 'Las Vegas' appearance and be inappropriate with the nearby residential area.

The Community Development Department received a number of email comments from residents and members of the THS school community. The opinions range from supportive to strongly opposed to allowing an electronic message display in a residential area and on the THS site. Copies of the messages to date are collected in Attachment F.

On March 15, the Community Development Department hosted a 1 hour and 30 minute meeting in the Council Building with the applicant, THS and TTSD staff and a small group of supporters and opponents of the proposed electronic message display amendment. Information about the need and the benefits was shared at the meeting and the specific concerns and objections of those questioning the proposal were discussed. Staff invited anyone interested to attend the April 5 TPAC meeting. The attendees of the meeting are listed in Attachment F.

An email message was sent inviting persons who submitted comments about the proposed PTA-11-02 (collected in Attachment F) to attend the April 5, 2011 TPAC meeting and participate in the TPAC review of PTA-11-02. Approximately 20 persons attended the meeting to participate in the review of PTA-11-02 and nine individuals (not including the applicant) provided spoken comments and answered questions from TPAC members.

A Courtesy Notice of Hearing for the April 25, 2011 public hearing for PTA-11-02 was sent on April 5, 2011 to owners of property within 1,000 ft. of the Tualatin High School property.

## **ATTACHMENT C**

### **PTA-11-02: ANALYSIS AND FINDINGS**

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

#### **A. Granting the amendment is in the public interest.**

The proposed amendment to the Tualatin Development Code (TDC) Chapter 38 Sign Regulations and related sections of TDC 31.060 Definitions adds provisions to the Sign Code to allow an electronic message display/readerboard sign on a large high school property in the RL (Low-Density Residential) Planning District. The applicants represent the Tualatin High School (THS) and seek an amendment to the Sign Code to allow the THS to obtain a sign permit to replace an existing pole sign with a monument style sign with an electronic message display.

The public interest is to:

- 1) Allow signage that can identify a large institutional or community-serving facility such as a high school and allow signage with the capability to convey to the community information about the institution and the typically multiple current and upcoming activities and events associated with it in a timely and inexpensive manner;
- 2) Create standards for electronic changeable copy signs that protect residential areas from glare, distraction and inappropriate sign design and does not create glare and an unsafe distraction for the public traveling on nearby public streets;
- 3) Retain the attractive visual appearance of the community by setting specific standards for the location, design, size, illumination, display transition and movement, and hours of operation of electronic display signs in an institutional development;
- 4) Have sign code provisions appropriate for a large campus-style high school facility that are consistent with sign standards in the Institutional IN Planning District;
- 5) Retain the existing restrictions on changeable copy, moving and animated signage in all residential, commercial and industrial districts by focusing any electronic message display provisions specifically for a large high school located on a 40 acre or larger property and adjacent to an Arterial Street as significant community-serving facility.

Public Interest #1. The Tualatin sign regulations limit changeable copy signage in the form of mechanical readerboards to cinemas and theaters, churches and schools with standards for the number, sign type, sign area, sign height, copy size and illumination. The current sign regulations allow public schools to erect a mechanical readerboard sign (freestanding pole or monument style) in residential districts where schools are allowed as a conditional use and as a monument sign for permitted uses in the Institutional (IN) Planning District. Electronic readerboards that are displays using changeable patterns of light on a panel are not allowed in all Planning Districts except the IN Planning District. Animation or motion are prohibited in all signs.

The current sign regulations for schools in residential districts recognize that K-12 public schools are public institutions that provide educational services to the local community and are also a facility for community meetings and events. A school communicates with students, parents, the neighborhood and the community-at-large about a constantly changing schedule of activities, events and meetings associated with the school and the community.

The applicant states: "Approximately 2000 students attend Tualatin High for education during the months of September to June on Monday to Friday from 7:55 am to 2:55 pm. Approximately half of the student population participates in an athletic team or club meeting, before or after the school day. The school is also used by a large variety of community groups such as a religious choir, Washington County Juvenile Department, adult basketball, and parent support organizations. As a result, there are twenty to thirty events (meetings, practices, competitions) occurring at the school on school days. Weekend activities vary greatly involving athletic competitions, school dances, club activities, and community athletic events." (Attachment A, pg. 4)

The Tualatin High School (THS) currently has an 11 ft. tall freestanding pole sign with a two-sided mechanical readerboard feature located on the SW Boones Ferry Road frontage of the THS property (Attachment A, pg. 5). A mechanical readerboard consists of a translucent panel (illuminated from behind with fluorescent lights) with a track system where individual letter and number plaques are attached to the panel by hand or a pole to compose a message that can be read for a distance of 200 ft or more. The THS readerboard is used for announcements and messages about a constantly changing array of school and community activities and events associated with the high school (described above) including academics, athletics, ceremonial events, music, theatre, club activities, social functions and community group events.

The applicants have identified a number of persistent problems with the existing mechanical readerboard sign, including:

1. The inability to display more than one or two messages at a time with dozens of requests per week for message space on the sign for upcoming and current activities or events;
2. Frequent loss of individual readerboard letters due to breakage, resulting in incomplete messages and a significant expense to replace the letter sets once or twice each school year;
3. Difficulty for staff and students to regularly change messages due to the location of the sign approximately 150 ft. (650 ft. by paved walkway) from a building entrance, the height of the readerboard panel, safety issues for working on a ladder, exposure to seasonal inclement weather and irregular staff/student availability to update the messages.

THS and THTSO have identified the need for an "electronic readerboard" for the school as a way to overcome the constant problems and expense with the existing mechanical readerboard on the school site. An electronic message display system consists of a display panel of small LED (light-emitting diode) lights with a mono-color or multi-color

capability that are controlled electronically to display messages. Multiple messages can be displayed on a rotating basis, changed and controlled via a computer inside a building. Message display content, display duration and rotation, light intensity, hours of operation are controllable remotely. The benefits of an electronic readerboard for an institution like a high school are:

1. Smaller display panel capable of showing more messages;
2. Messages changed and controlled remotely, avoiding problems with weather and reducing staff/student commitments;
3. Significantly reduced operation and maintenance efforts & costs;
4. More consistent appearance compared to the mechanical readerboard;
5. Reduced chance of displaying incomplete and untimely messages.

The applicant states that with an electronic message display, "Communications could occur in a timely fashion and would provide awareness of activities, events and potential traffic in the area." (Attachment A, pg. 8). Allowing THS to have a electronic message display sign will allow the THS to communicate messages to the school and in a more timely, efficient and lower cost manner and meeting Public Interest #1.

Public Interest #2 & #3. The application proposes allowing an electronic readerboard for the THS property following the existing standards for the same type of sign in the IN Planning District. The applicants would like to replace the existing pole sign/mechanical readerboard with a monument-style freestanding sign with a 3 ft. x 6 ft. LED readerboard/message display panel with a one-color display and with fixed copy on the upper portion of the monument identifying the school (Attachment A, pg. 6).

Based on the applicant's ideas and considering the issues associated with electronic signs and to mitigate some of the concerns raised by residents in the THS area, staff proposes the Ordinance Language in Attachment D that incorporates the IN Planning District monument sign standards with provisions limiting an electronic message display on a monument sign to a high school on a 40 acre property in the RL Planning District and with standards for maximum light intensity (luminance), duration and transition of messages and hours of operation. Animation and motion remain prohibited for all signage. A definition, a revision to the sign illumination standards to allow LED lighting for signs (in addition to incandescent, fluorescent, and neon sources) and a requirement for an automatic light-dimming mechanism on an electronic display are also proposed.

The standards proposed (Attachment D) were based on the relevant provisions of a recent electronic sign ordinance adopted in January of 2011 by the City of Woodburn, Oregon. The 2-year process of review included input from Woodburn residents, community groups, businesses, and the electric sign industry. The Woodburn sign code addresses issues of glare, brightness, motion and duration that are important to the public interest when considering electronic message signage and has provisions that apply to institutional uses in a residential area.

The proposed electronic message display standards for the RL Planning District include (Attachment D):



A requirement that only a public high school located on a School District property with a minimum of 40 acres in area is eligible [proposed as TDC 38.130(15) and 38.140(2)(e)];

A requirement for a monument style sign with sign height & size standards matching the provisions of the IN Planning District [proposed as TDC 38.140(2)(e)]; standards for a maximum transition time between messages (2 seconds), a minimum display time for a message (20 seconds or more) and a maximum luminance (brightness) measurement for daytime and nighttime operation [proposed as TDC 38.140(2)(e)(vii)];

A restriction on operation after 10:00 pm and before 7:00 am [proposed as TDC 38.140(2)(e)(viii)], and;

A requirement for a location away from residential uses and near the public street [proposed as TDC 38.140(2)(e)(ix)].

The proposed standards are designed to minimize glare and distraction from an electronic display sign at levels that are appropriate to an institutional use in a primarily residential area and do not cause glare or distraction for drivers on a nearby public street. Electronic signs come with sensors and controllers that automatically adjust luminance in relation to day or night conditions (brighter in the daytime, reduced illumination on darker days and at nighttime) and can be set to meet the proposed standards. The electronic messages are controlled remotely by the operator. Message content, message transition, message duration and hours of operation are variable and can be set to meet the proposed standards. The sign location, sign type and sign dimensions are addressed in a sign permit application in relation to the specific standards proposed.

The RL Planning District portion of the Sign Code allows monument signs for conditional uses and also allows taller pole signs with mechanical readerboards for public schools. The low profile of monument style sign with a typically attractive mix of exterior materials and sign architecture are considered to provide an appropriate and compatible appearance in residential areas. The proposed sign amendment would require an electronic message display sign to be a monument style sign, limit the size of the electronic display element and have standards for height, dimension and location and provide standards for display.

The proposed standards for electronic message display signs are designed minimize problems with unnecessarily bright sign illumination, distractions caused by display activity and motion, and inappropriate sign location and design in respect to the residential character of the RL Planning District and for the public traveling on nearby public streets. The proposed design standards help insure an attractive appearance for this kind of signage for a school in a residential area. Public Interest #2 and #3 are satisfied.

Public Interest #4. The applicants propose allowing an electronic message display sign on a large high school site and seek to incorporate the display with a monument style freestanding sign that is consistent with existing standards for an electronic readerboard sign in the IN Planning District. The proposed standards for the electronic message display for a high school are consistent with IN Planning District standards with additional standards for the brightness, duration, transition and hours of message display. Public Interest #4 is satisfied.

Public Interest #5. The proposed sign amendment is intended to retain existing restrictions on changeable copy, moving and animated signage in all residential, commercial and industrial districts. It is designed to apply specifically for a large high school located on a 40 acre or larger property and adjacent to an Arterial Street. In the RL and other residential Planning Districts of the City, there is one high school and just one 40 acre or larger property developed or undeveloped for any allowed use including parks, elementary and middle schools or churches. The proposed location standards for an electronic message display sign is by design constrained to one site and does not provide an opportunity for an electronic sign in other residential district locations or in commercial and industrial districts. Public Interest #5 is met.

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

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

The proposed sign code amendments respond to the request by the applicants to allow a electronic message display sign at the Tualatin High School. The application states: "By providing stipulations that the property be greater than 40 acres and limited to properties with a school, the public interest is protected. These stipulations will ensure electronic readerboards are not allowed within other residential areas eliminating any possible negative impact to the community."

If adopted at this time, the proposed amendment would allow the THS to replace the existing mechanical readerboard pole sign with a monument sign with both fixed copy and an electronic message display element. The applicants believe the existing mechanical sign is ineffective and has proven costly to operate. The proposed electronic display is considered an appropriate and effective way to communicate the high school's many daily messages to the school community and to the Tualatin community at large. The proposed electronic message display would be consistent with the IN District sign standards and with signs for high schools in other cities such as Tigard and Sherwood.

Fund raising and support for the change in the signs has begun.

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

Criterion "B" is met.

**C. The proposed amendment is in conformity with the applicable objectives of**

### **the Tualatin Community Plan.**

TDC Chapter 38 is City of Tualatin's Sign regulations that are intended to implement the Sign Objectives of TDC Chapter 20, ensure orderly signage and establish reasonable regulations for sign design (TDC 38.030). The applicable objectives of the Tualatin Community Plan are presented below.

TDC 20.030(2): "Protect the public health, safety and welfare." The proposed amendment will provide specific standards for electronic message display signs to ensure the public health, safety and welfare is protected. The proposed amendments limit the number, location, size, display brightness, message transition and duration and hours of operation of the proposed electronic display signs in order to avoid distraction and annoyance and to be compatible with nearby residential areas. To protect the community and the public health, safety and welfare, the proposed amendment will limit the proposed electronic display to a large, community serving high school facility in the RL Planning District and will not provide opportunities for electronic display signs for other uses or in other Planning Districts. The proposed amendments conform to TDC 20.030(2).

TDC 20.030(3): "Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians." The proposed amendments will regulate electronic message display signs so they will have a minimum amount of light intensity or glare and have little or no distracting movement, animation or rapidly changing message display that could distract or annoy people in the right-of-way. The proposed amendments conform to TDC 20.030(3).

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through." (7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

The proposed amendment will protect the appearance of the City and quality streetscapes, landscaping and urban character by allowing appropriate signage for a large high school facility with limits on the number, size location and display in the RL Planning District relative to nearby residential areas and higher classification streets. The proposed amendment conforms to TDC 20.030(6-7).

TDC 20.030 Objectives "(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

The proposed amendment will allow one monument style sign for a 40 acre or larger high school site the RL Planning District with a sign height of 8 ft., a sign face area of 32 square feet with restrictions on display characteristics and on locations near residential development. The existing RL Planning District freestanding sign standards for conditional uses that allow a school to have a pole sign with a 15 ft. sign height and 35 sq. ft. sign face area with a mechanical readerboard will be retained and continue to apply to K-12 schools. Other conditional uses in RL may have a monument sign with a 5 ft. height and 18 square ft. in sign face area.

With the existing freestanding sign standards and the addition of the electronic message display sign standards for the RL Planning District, the number, height and dimensions of signs will adequately identify a high school use and provide the ability to display messages for the school and the community in a timely and efficient manner. The proposed standards limit the type, location and size of signs that will avoid a cluttered appearance. The proposed amendment conforms to TDC 20.030(10).

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

Criterion "C" is met.

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

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

The characteristics of the area of the City affected by this amendment are the single family residential developments and semi-public uses in the RL Planning Districts. With the focus on the THS property on SW Boones Ferry Road, there are nearby multi-family and single-family residential areas.

The applicant states: "The recommendation to modify the plan text considered the community and the neighborhoods surrounding Tualatin High. Consideration to the community was accounted for by providing restrictions which would limit electronic readerboards to properties greater than 40 acres with a school. This will ensure electronic readerboards are not installed within residential communities preventing a negative impact to residents within the city. The requestor also considered the surrounding neighbors and suggests limiting the sign operation from 6:30 am to 10:30 pm to minimize neighbor concerns." (Attachment A, pg. 9)

The proposed amendment is intended to allow a electronic message display with a monument style freestanding sign to provide a more effective and efficient means of conveying information to the school community and the community at large with announcements and upcoming events and activities. The proposed amendment is intended to avoid installation of more electronic signage for other uses in residential areas and in commercial and industrial areas.

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

The applicant states: "Modifying the plan text limits the installation of electronic readerboards to large parcels of land with a school. This use is conducive to electronic readerboards providing a way to communicate with those involved with the school and the community." (Attachment A, pg. 9)

**Trends in land improvement and development.**

The proposed sign amendments are not related to trends in land improvement and development.

**Property values.**

The applicant states: "Amending the plan text as requested will allow for a new and updated readerboard at the high school. This will improve the appearance of the high school, enhance community communications, and result in a positive impact on property values."

The proposed amendment will allow a high school to have an electronic message display sign that will be visible to residential properties nearby and to persons who will view the sign from a public street or on the school property. While not every property owner may agree that the proposed illuminated sign and a display of school and community-serving messages is a benefit or detriment, there is no evidence that a message display sign has a positive or negative effect on residential property values.

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

The applicant states: "Future development within the City of Tualatin was considered resulting in the recommendation to restrict electronic readerboards to properties greater than 40 acres with a school. This will protect other residential areas preventing electronic readerboards in other Tualatin residential communities."

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

The proposed sign 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 sign regulation 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 sign regulation amendment does 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 allow a high school to have electronic message display signage. A primary consideration in developing standards for this type of signage is to retain the quality of the aesthetic surroundings of the nearby residential uses and the school campus. A 2<sup>nd</sup> primary concern is limiting the electronic display signage to a very specific community serving use with specific standards to protect surrounding residential properties and use of the public ways while continuing to protect the health safety and aesthetic surroundings of other areas of the city by restricting bright, changing, moving and animated signage for other uses and in other locations of the city. The standards proposed will result in retaining the aesthetic surroundings in the City.



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

Does not apply to revisions to the sign standards. There is no evidence of change in a neighborhood or area that would be relevant to the proposed amendment.

**A mistake in the plan map or text.**

None is alleged.

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

Criterion "D" is met.

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

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because adoption will not harm or conflict with existing school sites and does not represent a constraint or conflict with land available for future school sites.

**F. Oregon Statewide Planning Goals**

Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment regarding signs.

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

The UGMFP was considered and found to not be applicable to this amendment regarding signs.

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

Criterion 8 was considered and found to not be applicable to this amendment regarding signs because it does not have any impact on Level of Service on transportation facilities.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SIGN REGULATIONS TO ALLOW AN ELECTRONIC MESSAGE DISPLAY FOR A HIGH SCHOOL CAMPUS IN THE RL PLANNING DISTRICT; AND AMENDING TDC 31.060, 38.100 & 38.130-140 (PTA-11-02)

WHEREAS upon the application of Kathy Stallkamp representing the Tualatin High Timberwolf Support Organization (THTSO), a Tualatin High School school activity support group, a public hearing was held before the City Council of the City of Tualatin on April 25, 2011, related to a Plan Text Amendment of the TDC; and amending TDC (PTA-11-02); 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 by mailing a copy of the notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C;" and

WHEREAS the Council conducted a public hearing on April 25, 2011, 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 April 25, 2011, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definition is added to TDC 31.060 in alphabetical order to read as follows:

**Illumination, LED.** Lighting produced by a light-emitting-diode which emits visible light.

Section 2. TDC 38.100 is amended to read as follows:

(1) Location. Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees. Shingle signs in the Central Urban Renewal Areas Central Design District may extend over the publicly owned promenade, public sidewalks and private walkways.

(2) Vision Clearance Area. Signs may be located in vision clearance areas provided they do not extend into the space from higher than 24 inches above the curb, or if no curb exists from higher than 30 inches above grade, to lower than eight feet above the curb or grade, except as noted below in this subsection. Support structures, such as posts, for freestanding signs which extend higher than eight feet above grade may be located in a vision clearance area only if the combined total width of the support structures in the vision clearance area is one foot or less and the combined total depth of support structures in the vision clearance area is one foot or less.

(3) Pedestrian Area Clearance. Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least eight feet from the surface of the walkway or path to the lowest portion of the sign.

(4) Signs Incorporated Into Fences. Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.

(5) Copy. Copy shall be placed only on the sign face.

(6) Dedication for Right-of-Way. Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.

(7) Illumination.

(a) Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from the public right-of-way or from properties in residential planning districts.

(b) Neon or LED lighting is the only permitted lighting for direct illumination OF ALL SIGN TYPES EXCEPT FOR ELECTRONIC MESSAGE DISPLAY SIGNS AS DESCRIBED IN tdc 38.140(2)(e). Neon, LED, incandescent and fluorescent lighting are permitted for indirect or internal illumination.

(c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliampere fluorescent light sources spaced not closer than eight inches on center.

(8) Sign Maintenance and Repair. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired or removed.

(9) Signage For Additional Uses in the Central Urban Renewal District and the Leveton Tax Increment Financing District. In specific situations the Tualatin Development Code permits selected uses from a given "home" planning district to locate in another "receiving" planning district as an additional use when the "receiving" district is in the Central Urban Renewal District or the Leveton Tax Increment Financing District. When an additional use exists in a "receiving" planning district, the sign regulations of the "home" planning district shall apply to the additional use. For example, the uses listed in the permitted use section of the General Commercial Planning District are permitted in Blocks 28 and 29 of the Central Urban Renewal District, which are in the Light Manufacturing Planning District, as additional uses. The General Commercial Planning District sign standards apply to a General Commercial use in Blocks 28 and 29 of the Central Urban Renewal District.

Section 3. TDC 38.130 is amended to read as follows:

Nothing contained in this section shall be construed to prohibit the display of national flags, state flags of the United States, special purpose districts, or local governments. The following signs or advertising devices are prohibited by this Chapter.

(1) A sign not specifically permitted by this Chapter, except as otherwise provided in Chapter 33 for approved sign variances and Chapter 35 for legal nonconforming signs.

(2) A sign required to have been issued a sign permit, but for which no sign permit has been issued.

(3) Any sign which is erected and fails to comply with sign regulations.

(4) A-frame (sandwich board) sign, except as otherwise provided in TDC 38.110(12), Lawn Signs.

(5) Abandoned sign.

(6) Animated sign.

(7) Balloons (including children's balloons and balloons inflated by blown, pumped or forced air); blimps, festoon lighting, inflatable signs, pennants and streamers.

(8) Bench sign or a sign on other furniture.

(9) Fin sign; flashing sign.

(10) Indirect illuminated signs which direct light into residential districts.

(11) Obscene sign.

(12) Obstructing sign.

(13) Portable sign, except as otherwise provided in TDC 38.110(5) and (12) for temporary banners and lawn signs, respectively.

(14) Readerboard sign, mechanical or electronic, except as otherwise provided in TDC 38.110(9)(k) and 38.225(1)(j) for directory signs, 38.140(2)(b) and (2)(d)(vii), 38.150(5)(b), 38.160(2)(b), 38.170(2)(b) and 38.180(2)(b) for schools and churches, 38.240(1)(a)(vii) for schools for kindergarten through 12, and 38.220(1)(c)(viii) and 38.220(1)(d)(vii) for cinemas, theaters and churches.

(15) Electronic message display sign or changing image sign, except as otherwise provided in TDC 38.140(2)(e) for a public high school located on a School District property in the RL Planning District with an area of 40 acres or greater.

(16) Roof sign.

(1617) Rotating, revolving or moving signs.

(1718) Search lights, beacons or strobe lights.

(1819) Shingle/blade signs, except as otherwise provided in TDC 38.230(1)(b)(vii), 38.220(1)(d)(viii) and 38.225(1).

(1920) Signs attached to trees.

(2021) Snipe signs and nonpublic signs attached to or mounted on objects within the public right-of-way, such as on utility poles.

(2122) Signs attached to or located on a stationary vehicle or trailer which is visible from a public right-of-way or parking lot or other area accessible to the public, and intended primarily for display of the sign.



(~~22~~23) Signs resembling official traffic signs or signals, for example signs stating "stop," "go slow," "caution," "danger" and "warning," except officially authorized or installed by the City of Tualatin, State of Oregon or Washington or Clackamas County.

(~~23~~24) Signs with visible incandescent bulbs or fluorescent tubes or signs with a visible immediate source of illumination, except neon. The erection or placement on any exterior portion of a building or structure of incandescent or fluorescent illumination is prohibited, except incandescent bulbs of less than 15 watts during the period November 1 through January 10.

(~~24~~25) Signs which have lost their status as legal signs either due to alteration, modification, relocation or replacement without first obtaining a sign permit when a sign permit is required.

(~~25~~26) Signs associated with illegal uses according to the provisions of the Tualatin Development Code or decisions on applications made pursuant to the Tualatin Development Code.

(~~26~~27) Signs which constitute a public nuisance.

(~~27~~28) Unsafe signs.

(~~28~~29) Signs which incorporate flames or emit sounds or odors.

(~~29~~30) Electrical signs whose electricity is provided by any means except underground wiring.

(~~30~~31) Signs supported in whole or in part by cables or guy wires or which have cables or guy wires extending to or from them.

(~~31~~32) Permanent signs on a property with no building.

(~~32~~33) Permanent signs on a building with no occupants.

Section 4. TDC 38.140 is amended to read as follows:

(1) No sign shall be permitted in the RL Planning District for permitted uses and conditional uses that allow single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(2) No sign shall be permitted in the RL Planning District for conditional uses other than single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(b) Monument signs are permitted. If used, the following standards apply.

(i) Number: One per frontage on a public street right-of-way, and no more than one on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 18 square feet.

(v) Illumination: Indirect.

(vi) Location: No greater than 30 feet from the frontage property line along the public street right-of-way.

(vii) For churches the sign may be an internally illuminated mechanical readerboard provided it is on the frontage of an arterial or collector street designated in the TDC, Table 11-2, and the readerboard portion is no more than 75 per cent of the allowed sign face area.

(c) Wall signs are permitted. If used, the following standards apply:

(i) Number: In addition to the monument signs permitted in TDC 38.140(2)(b) above, each building on the site is permitted one wall sign, provided that the building has no less than 2000 square feet of gross floor area.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Area: One wall sign on one of the buildings shall be no more than 16 square feet. Wall signs on all other buildings shall be no more than eight square feet.

(v) Illumination: Indirect.

(d) In place of one of the monument signs allowed in TDC 38.140(2)(b) above, public K-12 schools are permitted pole signs subject to the following standards:

(i) Number: One per school site. Not allowed on a public high school site where an electronic message display monument sign subject to TDC 38.140(2)(e) is present.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than 15 feet.

(iv) Height of Sign Face: No higher than five feet.

(v) Area: No more than 35 square feet.

(vi) Illumination: Internal or indirect.

(vii) Mechanical Readerboard: The sign may be a mechanical readerboard.

(viii) Location: Elementary school readerboards shall be on an arterial public street right-of-way frontage or a collector frontage if no arterial frontage exists.

(e) In addition to a monument sign allowed in TDC 38.140(2)(b) above, a public high school (Grades 9-12) on a property of 40 acres or larger in area is permitted one freestanding monument sign with an electronic message display subject to the following standards:

(i) Number: One per school site.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than 8 feet.

(iv) Height of Sign Face: No higher than six feet.

(v) Area of Sign Face: No more than 32 square feet with the electronic display occupying no more than 75% of the sign face area.

(vi) Illumination of non-electronic sign face: Internal including halo effect illumination.

(vii) Electronic Message display shall have a maximum transition time between messages of 2 seconds, have a minimum display time where the image remains static for a period of 20 seconds or more; have a maximum luminance of 500 candelas per square meter after sunset and before sunrise; and shall be equipped with an automatic dimming feature that adjusts for ambient light levels.

(viii) Time of operation: Electronic message display is restricted from the hours of 10:00 pm. to 7:00 am.

(ix) Location: An electronic message display shall be located within 30 ft. of an arterial public street right-of-way frontage and no closer than 100 ft. to a residential property.

(f) In place of the wall signs allowed in TDC 38.140(2)(c) above, public schools are permitted wall signs subject to the following standards:

(i) Number: Each building on the school site is permitted wall signage on each elevation. One sign per elevation is allowed.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than five feet, except that one wall sign on the east elevation of the primary building at a public high school may be up to 10 feet in height.

(v) Area: No more than 75 square feet, except one wall sign on the east elevation of the primary building at a public high school shall not exceed 300 square feet.

(vi) Illumination: Internal or indirect.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply.

INTRODUCED AND ADOPTED this 9th Day of May, 2011.

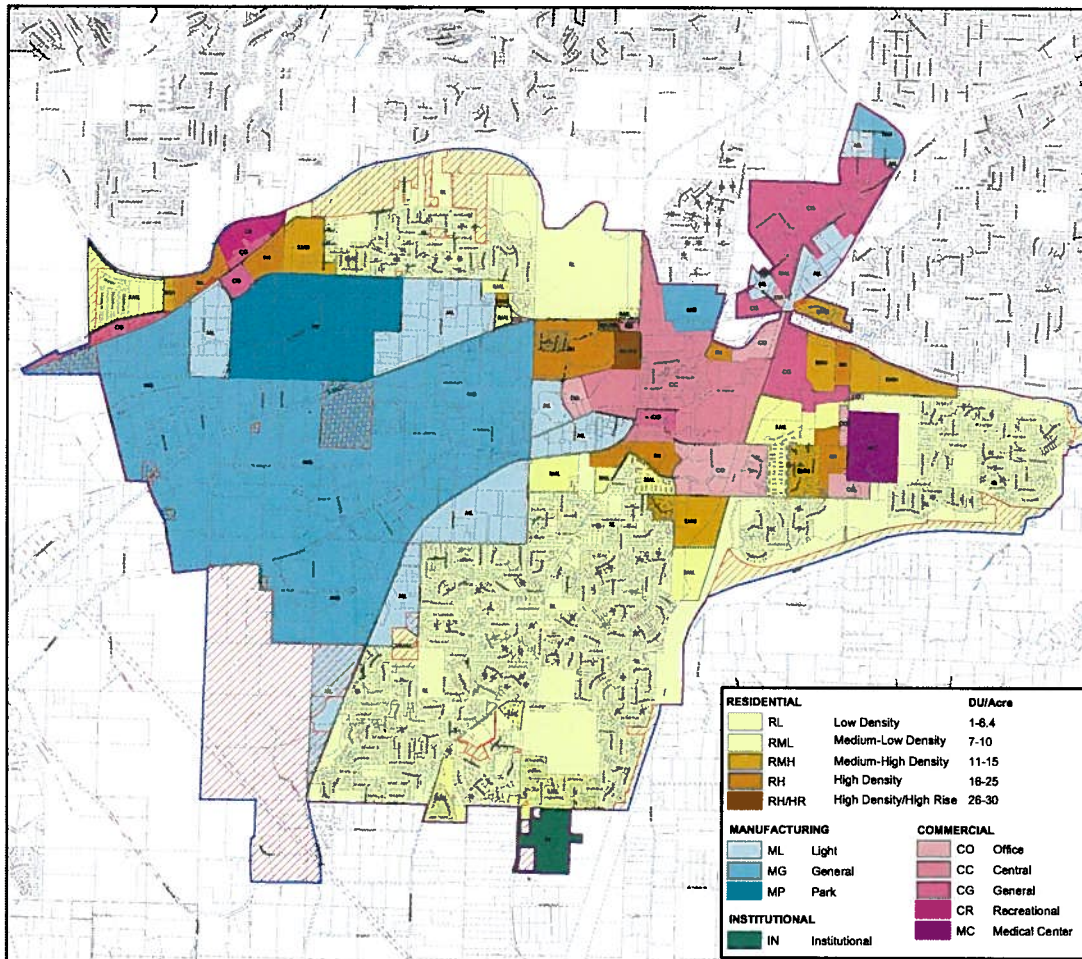
CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

ATTEST:

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

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



**TUALGIS**

**Community Plan Map  
-Planning Districts-  
Map 9-1**

**NOTES:**

1. All plan designations boundaries are intended to follow property lines, center lines of streets, or other visible features to the extent of the map. If mapping errors occur, the City Council shall be the sole arbiter in the final determination of boundaries.
2. Specific requirements for each Planning District are found within the Tualgis Development Code.
3. The Wetland Protection District and the Cemetery and Burial Grounds District boundaries are identified in the Tualgis Development Code. Maps of the district are available from the Planning Department.
4. Properties within the Tualgis Urban Reserve Area boundary are subject to the Tualgis Urban Reserve Plan which may contain special conditions and requirements that are more restrictive than those found within the Planning District standards.

- Planning Area Boundary
- City Boundary
- In Planning Area/  
□ Outside of City
- Manufactured Dwelling  
Park Permitted

RESIDENTIAL			DUI/Acre	
RL	Low Density		1-6.4	
RML	Medium-Low Density		7-10	
RMH	Medium-High Density		11-15	
RH	High Density		16-25	
RH/HR	High Density/High Rise		26-30	
MANUFACTURING				
ML	Light			
MG	General			
MP	Park			
INSTITUTIONAL				
IN	Institutional			
COMMERCIAL				
CO	Office			
CC	Central			
CG	General			
CR	Recreational			
MC	Medical Center			



**RF 1:27,700**

Effective: September 23, 2010



From: Mary Andonian [mailto:xxxx@yahoo.com]  
Sent: Thursday, February 24, 2011 1:29 PM  
To: Will Harper; AQUILLA HURD-RAVICH  
Subject: Tualatin Reader Board at THS

Greetings, Will and Aquilla,

I have just been informed that you are considering an electronic reader board to be placed in front of Tualatin High School. As a resident who lives near the high school, I am asking that you please NOT make this change. My reasons are many, but the primary reason is that we live in a rural area with so much natural beauty...an electronic board would be a true eyesore as well as a visual distraction to passersby.

Is an electronic board truly necessary? Any information that THS wants to impart can now easily be "tweeted" or posted on numerous social networking sites, not to mention the TTSD website, paper newsletter and even the two community newspapers and one city newsletter dedicated to serving our city. And what about the lost service opportunity that teenagers now have when they change the signs? When I drive by and see the kids physically moving those letters around, it gives me a sense of community pride that they're actively participating in their school. I doubt an electronic marquee is going to offer this same sense of ownership.

What about real and perceived costs? When we're cutting costs left and right to meet deficits in our school system's budget, will the community embrace this seemingly wasteful spending? If I had to choose between buying a new sign or a teachers' aide, I think I'd go with the choice that will directly impact a student's future.

And then there's safety: People cruise north from the I5 interchange, zipping along at 45, and then 35, and then they're supposed to know that it changes again to 20 for a school zone...will all the people who drive down Boones be distracted by the bright lights and scrolling message and NOT slow down for the student in the road? Okay, perhaps I'm being a bit dramatic but you get the picture. It's not safe.

Say you are convinced the costs are okay and it's pretty safe, how about the biggie: It screams TACKY. We built a beautiful new high school within the last two decades, one that was designed to merge with its surrounding elements, a true beauty of a school, and then a glaring electronic board gets propped, front and center? It just doesn't jibe with what our school's look was supposed to be.

We have a great building and beautiful, natural surroundings. Please, PLEASE, do not taint it with a big, clunky, ELECTRONIC sign. Please leave well enough alone.

Thank you so much for considering my input. I really appreciate it.

Sincerely,

Mary Andonian  
22545 SW Miami Drive  
(503) 885-xxxx

From: Louise Archibald [xxxxxx@msn.com]  
Sent: Thursday, February 24, 2011 12:32 PM  
To: Will Harper  
Cc: Judy Pozo  
Subject:Electronic HS sign NO NO NO

Please do not put this tacky addition up..it will add a vulgar cheap impression of the town.  
A sign of this type becomes dated and an eyesore to the neighbourhood in a very short time.  
Louise Archibald.

From: Jody Compton [xxxxxx@msn.com]  
Sent: Thursday, February 24, 2011 10:49 AM  
To: Will Harper  
Subject:TuHS sign

I like the proposed sign for the HS.

Jody Compton

From: Shannon Dailey Drahota [xxxxx@yahoo.com]  
Sent: Thursday, February 24, 2011 10:09 AM  
To: Will Harper  
Subject:Please do not put an electronic sign near our neighborhood

Hello,  
We live in Victoria Woods and are opposed to the electronic sign proposed for tualatin  
highschool. We believe this will be a nuisance, unsightly, and diminish property  
values.  
Thank you,  
Steve Drahota and Shannon Dailey  
xxxx SW Erio Place

From: CV Emery [xxxxx@gmail.com]  
Sent: Thursday, February 24, 2011 10:14 AM  
To: Will Harper  
Cc: AQUILLA HURD-RAVICH  
Subject:Opposed to electronic sign in front of TuHS

I just wanted to voice our concerns and opposition to the electronic sign being proposed in front of the  
Tualatin HS. We do NOT want an electronic sign in our neighborhood. It looks trashy and there is a  
reason it is against the city ordinance. We were NOT informed of the meeting being held to voice our  
opposition. Thank you.

Cheri and Daren Emery

From: Debbie Gregson [xxxxx@gmail.com]  
Sent: Friday, February 25, 2011 10:59 AM  
To: Will Harper; AQUILLA HURD-RAVICH  
Subject: Tualatin High School Sign

I am a busy parent of 4 kids, 2 of which have graduated from TuHS; 1 in 9th grade, and 1 in 3rd grade. I just heard of the proposed electronic sign for the High School and I need to voice my concerns. I am not sure how far into this project you are, but I oppose the sign.

There are several reasons why I oppose the sign:

1. Too commercial - this is a school, not a fast paced business calling for customers.
2. Students miss out on "changing the lettering/message" on the current board - hinders the fun in ownership, and tradition.
3. Takes away from the quiet community feeling of Tualatin and shouts 'loud and obnoxious'.
4. This is a residential area with nothing like that in the surrounding area that the High School needs to compete with. Is there any sign like that in Tualatin, besides a gas station?
5. IT IS NOT GREEN!

Please don't turn the High School into a place of business - save the money and buy something much more needed.

Thank You  
Debbie Gregson  
xxxxx SW Miami Drive  
Tualatin OR  
5036924555

From: William N. Holmes [wnholmes@pdxcpas.com]  
Sent: Thursday, February 24, 2011 10:05 AM  
To: AQUILLA HURD-RAVICH; Will Harper  
Cc: Bill & Laura (McKenna) Holmes  
Subject: Tualatin High School Sign Proposal

I have seen the plans and I really like it. I hope that the city can move forward with the permitting process. The new sign appears like it would enhance the surroundings and provide a more useful method of communicating local area school events than the current sign. thanks.

Bill Holmes  
xxxx SW Miami Dr.  
Tualatin, OR 97062

From: mxxxx@sterling.net  
Sent: Sunday, March 20, 2011 7:38 AM  
To: Will Harper  
Cc: AQUILLA HURD-RAVICH  
Subject: Tualatin High Sign

City of Tualatin,

I just saw the proposed electronic sign for Tualatin High and am shocked this is being considered. I object to this for the following reasons.

1. This will be a distraction to drivers. In a school zone, where we need to give extra care when driving, there should not be a distraction to drivers. As students are regularly crossing Boones Ferry illegally and cars are maneuvering about trying to get through heavy traffic, this would add one more distraction.
2. In an area where many inexperienced drivers are driving, this would be unsafe.
3. An electronic reader board is inappropriate for an area that is surrounded by homes. Tualatin High is surrounded by homes, hills and close to farm land. A electronic reader board is inappropriate for this suburban area.

Bridgeport Elementary has an attractive sign that is informative, attractive and appropriate for the area. Please encourage this type of improvement instead of something we might expect on the Vegas strip.

Appreciatively,  
Michael Hulsman  
xxxxxSW Chilkat Terrace  
Tualatin, Oregon

From: Emily Loen  
Sent: Wednesday, February 23, 2011 3:07 PM  
To: council@ci.tualatin.or.us  
Subject: Opposed to Application Plan Text 38-140 Reader Board Sign

Dear City Council,

I am opposed to the electronic reader board proposed for Tualatin High School. While I agree that the current sign is unattractive and poorly maintained, an electronic sign is worse. This is a low density residential area with high traffic and a large number of inexperienced, distractible drivers. The high school already uses their web site, hotlines and local newspapers to convey the same information as the sign; perhaps they should consider a broadcasting their news over a low-numbered AM radio station as well.

I am glad Tualatin does not allow electronic flashing signs; the proposed sign is more at home in Las Vegas. It completely violates the Plan Text requirement (9) for . . . public need for healthful, SAFE (distracted drivers), AESTHETIC (it's unsightly) surroundings and conditions . . . It also violates Plan Text requirement (10), as there is no change in the neighborhood.

The proposed sign should not be allowed.

Sincerely,  
Emily Loen  
xxxxx SW Eno Place  
Tualatin, OR 97062  
503-692-7030

From: Pellatz, Jeff [mailto:jxxxxx@roddapaint.com]  
Sent: Thursday, February 24, 2011 1:16 PM  
To: Will Harper  
Cc: AQUILLA HURD-RAVICH  
Subject: ELECTRONIC reader board @ TuHS

Dear Mr. Harper:

I am very concerned that the city is willing to change their long standing sign restrictions to accommodate an electronic streaming sign at Tualatin High. This sign will serve absolutely no purpose. There are so many other forms of communication in place to inform students, parents and the community about upcoming events, why does money need to spent on another sign. When was the last time you or anyone else on the council has attended an event because they saw it on a reader board. I would bet not very often, if at all. What is the real reason that the sign is needed, because it can't be to inform the public. There are so many other things at the school that would BENEFIT the student body that could be done with the funds that will be used to erect this useless eye sore. I am equally as concerned about the time, energy and resources that are being used to make a change to allow this one sign. There is a reason that Tualatin elected not to allow these type of signs in the first place. Why should the city change now.

Much more important in my eyes is the safety concerns that a sign like this creates.

During certain times of day this is a very congested area, primarily with young inexperienced drivers. From the plan pictures that I have seen this sign will just create another obstacle for these young drivers to have to look around as they pullout into heavy traffic. Placing a streaming sign also does nothing but create another distraction for these young drivers. That is all we need is to have is high school age drivers trying to read what is streaming across the sign as they are attempting to navigate heavy traffic going to and from school. As the father of young drivers I sure would hate to see accidents caused because the drivers are distracted by a streaming sign at the high school.

If you do nothing else as you consider this sign, please consider the safety of our young drivers.

Thank you,

Jeff Pellatz  
Tualatin Resident since 1985  
11000 SW Byrom Terrace  
Tualatin, Oregon  
503-692-5901

From: Judy Pozo [mailto:jxxxxx@comcast.net]  
Sent: Thursday, February 24, 2011 2:13 PM  
To: Will Harper  
Cc: AQUILLA HURD-RAVICH  
Subject: TuHS Electronic Reader Board Sign objection

Hello Mr. Harper,

I have been informed that you are the city planner who will be working on this land use case and wanted to take a moment of your time to voice my concerns and objections to the proposed sign.

I appreciate the fact that the City of Tualatin takes major steps to enforce their sign regulations within our city limits. Private businesses go through great pains and expenses to adhere to the existing regulations and I feel that the Tualatin High school should do the same. (to continually "bend the rules" or adjust text to suit their purpose seems a bit unnecessary) There is no reason that a more attractive and updated "mechanical" reader board could not be installed by the High School. This notion that the surrounding community needs to see all upcoming events scrolling across an illuminated electronic reader board is absurd! (I did not buy a home in Vegas. Last time I checked we were a small town community that valued our traditional "charm") Any and all citizens interested in events at the High School have access to a variety of information sources. The sports events are all available with a telephone hot-line. The other events are all clearly posted on their web site.

I feel that approving the plan text amendment for the installation of the proposed sign is in direct violation and contradiction to the City of Tualatin's Development Code 20.010 (Revised 05/10) Chapter 20 regarding Sign Design. In the City's own words:  
Section 20.010 Background.

(1) The City of Tualatin is a community of natural beauty, quality architecture and landscaping and planned urban design. Signs are one of the more visual and prominent components of urbanscapes. Signs have a strong visual impact on the character and quality of the community. Signs are of primary concern to business owners, customers and the public. Clear and effective signage is essential to the successful operation of businesses and public and semi-public uses and can, without distraction, facilitate vehicular, bicycle and pedestrian movement. Signage can also, however, be a significant contributor to visual clutter and blight. Large, garish and/or numerous signs designed as "attention getters" are neither necessary nor desirable in Tualatin's setting. With care, signs can serve to effectively identify uses and provide a positive contribution to the City's visual quality.

(2) The City of Tualatin competes with many other Oregon, national and international communities for economic opportunities. Since the City relies on its scenery and physical beauty to attract residents and commerce, aesthetic considerations assume economic value. To ensure the City of Tualatin is a desirable community in which to live, vacation and conduct business and to protect the City's economic base, a visually pleasing, attractive environment is important and desired.



I also take exception to the fact that the city would consider approving a sign in a Low Density Residential Zone, that would not even be allowed in an industrial area of Tualatin. (Illumination Regulations from Tualatin's Development Code is quoted again below...for industrial areas)  
(7) Illumination.

(a) Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from the public right-of-way or from properties in residential planning districts.

(b) Neon lighting is the only permit-tered lighting for direct illumination. Neon, in-candescent and fluorescent lighting are permitted for indirect or internal illumination.

(c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperere fluorescent light sources spaced not closer than eight inches on center.

I am sure Tualatin took much time and effort in their definition of "PROHIBITED" signs. These "Prohibited Signs" at one point in time represented what Tualatin felt was reasonable for their city. I don't think that we should allow signs that have been specifically identified as "prohibited". (keep in mind that the reference to neon signs is strictly industrial and not allowed in RL areas)

#### Section 38.130 Prohibited Signs.

(9) Fin sign; flashing sign.

(10) Indirect illuminated signs which direct light into residential districts.

(14) Readerboard sign, mechanical or electronic, except as otherwise provided in TDC 38.110(9)(k) and 38.225(1)(j) for directory signs, 38.140(2)(b) and (2)(d)(vii), 38.150(5)(b), 38.160(2)(b), 38.170(2)(b) and 38.180(2)(b) for schools and churches, 38.240(1)(a)(vii) for schools for kindergarten through 12, and 38.220(1)(c)(viii) and 38.220(1)(d)(vii) for cinemas, theaters and churches.

(23) Signs with visible incandescent bulbs or fluorescent tubes or signs with a visible immediate source of illumination, except neon. The erection or placement on any exterior portion of a building or structure of incandescent or fluorescent illumination is prohibited, except incandescent bulbs of less than 15 watts during the period November 1 through January 10.

I do hope you will consider what I have said when reviewing the Plan Text Amendment application that has been submitted. I appreciate that you have added my name and email to an "interested parties" list and look forward to receiving an e-mail about any work sessions prior to the public hearing.

Respectfully Yours,

Judy Pozo

Tualatin Resident 14 years

Mother of 4 (three of whom have graduated from TuHS)

P.S. The idea that an electronic reader board "will eliminate safety and maintenance issues" is untrue. How is a mechanical board "dangerous??" More importantly, it is my opinion that an Electronic Reader

board can be a dangerous distraction to new drivers. Finally, anybody who thinks an electronic reader board will not require maintenance is misinformed.

From: Cathy Shauklas [cxxx@shauklas.com]  
Sent: Thursday, February 24, 2011 10:49 PM  
To: Will Harper  
Cc: AQUILLA HURD-RAVICH  
Subject: electronic signboard in front of TUHS

I live near the high school and would rather not see or be distracted by an electronic reader board. I feel it is a safety issue for drivers, especially in a high pedestrian area. It also seems like a very unnecessary expense that could be used in so many other positive ways. Probably my least important reason for objecting is esthetics. I don't care for the look.

Thanks for taking my thoughts into consideration. I was unable to attend the meeting due to health reasons.

Cathy Shauklas

From: Madonna [mailto:sxxx@frontier.com]  
Sent: Monday, March 14, 2011 8:57 PM  
To: Will Harper  
Subject: Signage Issue

We in Tualatin have many "curb appeal" features. Lake Oswego's downtown revitalization project has been an excellent example of updating without going commercial. Neon signs reflect a different image than what Tualatin is striving to achieve. A subtle electronic sign would be efficient but neon is not acceptable for our town.

Thank you.

Madonna Suever

**Attendees of March 15 Meeting Regarding Proposed Amendment for allowing an Electronic Message Display Sign and Tualatin High School.**

**Jeff Pellatz**

**Chase Norman**

**Judy Pozo**

**Steve Pozo**

**Stacie Schoonmaker**

**Darin Barnard (THS Principal)**

**Bev Colisch**

**Kathy Stallkamp (Applicant)**

**Phil Lentz (TTSD Facilities Manager)**

**CheriVonne Emery**

**Alice Rouyer (City Staff)**

**Aquilla Hurd-Ravich (City Staff)**

**William Harper (City Staff)**

April 3, 2011

Tualatin City Council

18880 SW Martinazzi Street

Tualatin, OR 97062

RE: Plan Text Amendment 11-02

Dear Council:

I am writing in support of Plan Text Amendment 11-02 which would change the code to allow an electronic readerboard for residential properties greater than 40 acres with a school.

I am a Tualatin resident and parent of past and present high school children. Tualatin High School needs a new readerboard that would allow many of the activity, sports and academic groups, to put up messages about upcoming events. With our current readerboard, many messages do not get posted due to weather, lack of letters for the message or the number of messages requested. An electronic readerboard would solve all of those issues.

I live in a neighborhood south of the high school property and do not believe an electronic readerboard would be unsightly or be a safety issue for drivers in that area.

Sincerely

Beverly Colisch

8842 SW Stono Drive

Tualatin, OR 97062

From: CV Emery [xxxxx@gmail.com]

Sent: Tuesday, April 05, 2011 7:57 AM

To: Will Harper

Subject: Reader Board

Will,

I wanted to let you know that even though I am unable to be at the meeting tonight, I would like to be represented on the opposition to the electronic reader board. Thank you.

Vonne Emery

From: Jennifer Price [mailto:jennifer.price@frontier.com]

Sent: Friday, April 01, 2011 6:39 AM  
To: lou.ogden@juno.com; Monique Beikman  
Subject: high school sign

Hi Lou and Monique and all City Council Representatives,

I am writing today in support of the High School Sign. It has been brought to my attention that there are a few that are concerned that this sign will be unsightly and detract from the beauty of our community. I feel it will only enhance our community. The benefits of this kind of sign will only make our community stronger and better informed. This kind of reading sign will allow us all to see local event's happening, will have the potential to inform our public of any and all emergencies, and will help our families and friends be aware of all school events and local events.

This will all be happening in one place; a place where community and family are paramount. This about community, not about where you live in this community. This about children, who are the heart and soul of this community. This is about making a difference to every family that lives here. This has never been about making our community like another or making it trashy. It has always been about informing our citizens and our public in an effective and positive manner. I have seen the proposed sign. I find it appropriate and quite frankly a huge improvement over the ugly sign that stands in front of Tualatin High School now. I understand that it has been privately funded, not affecting other budgets in our community. What a blessing! Please let this become a reality. This is about community, family and children, these things are what Tualatin is known for, let the sign be part of our community.

Thank you,  
Jenny Price  
(Resident of Tualatin for over 17 years)

From: Hollamon, Kathryn [REDACTED]  
Sent: Tuesday, April 19, 2011 10:09 AM  
To: COUNCIL; Will Harper; AQUILLA HURD-RAVICH; Lou Ogden; Monique Beikman; Chris Barhyte; Frank Bubenik; Joelle Davis; ALICE ROUYER; CINDY HAHN; Colin Cortes  
Cc: Hollamon, Kathryn  
Subject: Electronic Reader Board

Dear Council Member,

As a teacher at Tualatin High School, I am proud to be a part of an actively involved staff. I am writing today to encourage your approval of the proposed electronic reader board sign for Tualatin High. We have a large student body-over 1,800 students-with many different clubs, athletic teams, ASB and school events. Our current reader board is not only old and many of the letters are broken; it is insufficient for the sheer number of activities, games, and events that go on here. An electronic reader board would enable students, staff, and parents, to be informed of all the different events. Not only this, but instead of having to stand in the rain to update the reader board with the few letters we have left, it will be able to be updated from inside by computer. Tualatin is a great community, and many of the families- even those who don't have students currently enrolled here- attend events at the high school. From athletic contests to music/theater events to weekend fundraisers- all of these benefit from good advertising. I am in full support of the needed change to the city code to enable an electronic reader board to be installed. I do not think that this will hinder in any way, the peaceful, quiet enjoyment that our school neighbors currently enjoy.

Thank you for your support of Tualatin High School.

Kathy Hollamon  
Content Area Leader  
Health and Physical Education  
Tualatin High School  
[REDACTED]



From: Murray, Christopher [REDACTED]  
Sent: Tuesday, April 19, 2011 11:42 AM  
To: 'lou.ogden@juno.com'  
Subject: Reader board

Hey Lou – Chris Murray here.

We really need a readerboard – the one we have now is a nightmare. Besides, Tigard High School has one, and they aren't better than us.

Chris

From: Tharp, Vanessa [REDACTED]  
Sent: Thursday, April 21, 2011 12:30 PM  
To: COUNCIL; Will Harper; AQUILLA HURD-RAVICH; Lou Ogden; Monique Beikman; Chris Barhyte; Frank Bubenik; Joelle Davis; ALICE ROUYER; CINDY HAHN; Colin Cortes  
Cc: Barnard, Darin; Kathy Stallkamp; Wentz, Philip  
Subject: Reader Board Letter of Support

To whom it may concern -

I am writing this letter in strong support of the new reader board proposed for Tualatin High School. I realize that the city needs to rezone the property to allow for this reader board, however, it is my understanding that the new proposal is written specifically that Tualatin High is the only place that this new installment of a reader board could happen within the city of Tualatin. This is a much needed and long overdue advancement in technology and communication for our school and community. I am aware that this effort for a new reader board has been in process for at least four years, if not longer, with student leaders and staff from Tualatin High. I would also like to strongly commend parent volunteer Kathy Stallkamp, members of the TSO, and our school community for the countless hours of work they have done to make this project a reality.

As the Activities Director of TuHS, I receive daily requests for new messages and information to be posted on the current reader board. We receive many more requests than we can meet with just the two sided reader board, which can only hold a minimal amount of words. Our current board is out of date, broken, and requires numerous letters and numbers that are cracked or flimsy because of the rain, ice, and sleet. The mere process of getting the letters up and down on the board is a challenge as well. Changing the reader board by a manual method also wastes valuable class time for the students who get the tedious and frustrating job of changing the current board – most of which who are leadership students who already put in countless hours of their personal time in promoting all the great things happening at TuHS.

At the high school on a daily basis we have at least 5-15 daily announcements, activities, sporting events, and pieces of information that we need to get out to our students, parents, staff members and the community. A new and advanced reader board will help tremendously in this process of sharing information. This will be an elegant and professional looking reader board that will double as a welcome sign to our school grounds and is an ideal way to communicate to the thousands of people who want and need to know information at Tualatin High School. We use the board to promote school

activities, events, athletics, band and choir concerts, academic deadlines, and numerous other school events. We also get many community requests from the city, other schools, and other community organizations to share information, this is a great example of how a new reader board would continue to benefit the community, not just the students, staff and parents at Tualatin High.

The new reader board will have the ability to write messages in Spanish, which is the other language that is the most widely spoken by a large portion of our students and their families, this is yet another step of inclusion that helps to unify our school. It is my belief that the sign itself will instill pride and respect to our students, parents, staff, and community. When showing the design to students, staff, and parents all the responses are enthusiastic, impressed, encouraging, and eager to see it complete. I would say another sign of support for this project is that over \$28,000 of the needed \$35,000 has been raised for this project. It is important to note that this money is not from the school district, but is from booster groups, parents, students, teams, staff, and community members.

I hope you join me with your support of the reader board for Tualatin High School.  
Thank you for your time.

Respectfully,  
Vanessa Tharp  
Activities Director  
Social Studies Teacher  
Tualatin High School

REC'D  
CITY OF TUALATIN

APR 19 2011

MAYOR \_\_\_\_\_ COUNCIL \_\_\_\_\_ POLICE \_\_\_\_\_ ADM \_\_\_\_\_  
FINANCE \_\_\_\_\_ COMM DEV \_\_\_\_\_ LEGAL \_\_\_\_\_ OPER \_\_\_\_\_  
COMM SVCS \_\_\_\_\_ ENG & BLDG \_\_\_\_\_ LIBRARY \_\_\_\_\_

April 17, 2011

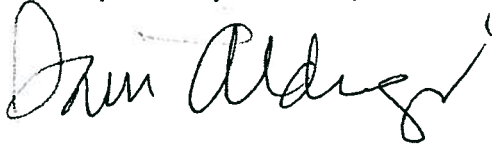
City Council  
18880 SW Martinazzi  
Tualatin, OR 97062

Re: Plan Text Amendment 11-02

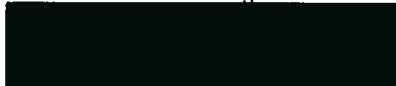
This letter is being written to encourage you to please support the above mentioned amendment which would change code to allow an electronic reader board for residential properties greater than 40 acres with a school.

Our daughters attend Tigard/Tualatin schools and being able to quickly and easily view upcoming events from the reader boards would benefit myself and the community.

Thank you for your time,



Dean & Dani Aldinger



**Development Code Amendment:  
PTA-11-02**

**Electronic Message Display  
Sign Standards  
for a High School Campus**

**April 25, 2011**







# Background and Request

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- THTSO and Tualatin HS are requesting amendment
- Existing mechanical sign on Boones Ferry
- Amendment allows electronic message display







## Electronic Message Display Sign

---

- Panel of small LED lights controlled electronically
  - Currently allowed only in Institutional District
  - Content, duration, rotation, and hours of operation controlled remotely
- 



April 25, 2011

City of Tualatin





# Proposed Electronic Sign Standards

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- Restricted to RL Zone on public high school site with minimum 40 acre parcel
- Monument-style sign:
  - Max. 8 foot height, six foot width
  - Max. 32 square foot area
  - Max. 75% of face can be electronic display



## **Proposed Electronic Sign Standards – cont.**

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- Electronic display standards:
  - 20 second min. display time
  - Two second max. transition between messages
  - Max. luminance measure
- No flashing, strobe, animation or motion effects allowed
- Restrict operation after 10:00 p.m. and before 7:00 a.m.
- Located no closer than 100 feet from residential





# Criteria for Plan Text Amendment

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- Is in the public interest
- Is timely and protects public interest
- Meets objectives of Community Plan



## **Criteria for Plan Text Amendment – cont.**

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- **Considers factors including:**
  - Characteristics of area
  - Suitability of area for proposal
  - Property values
  - Public need for healthful, safe and aesthetic surroundings
- **Considers:**
  - School District Plans, Oregon Planning Goals, Metro Functional Plan and Traffic Impacts





## **Development Code Amendment: PTA-11-02**

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- Staff Report and TPAC Recommendation
- THTSO/Tualatin High School Presentation
- Public Testimony
- Council Questions
- Council Discussion



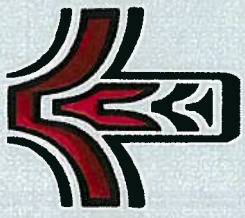
**Development Code Amendment:  
PTA-11-02**

# **Electronic Message Display Sign Standards for a High School Campus**

**April 25, 2011**







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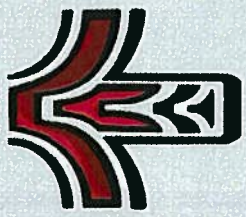


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---

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# Criteria for Plan Text Amendment

---

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- Is timely and protects public interest
- Meets objectives of Community Plan





# Criteria for Plan Text Amendment – cont.

---

- Considers factors including:
  - Characteristics of area
  - Suitability of area for proposal
  - Property values
  - Public need for healthful, safe and aesthetic surroundings
- Considers:
  - School District Plans, Oregon Planning Goals, Metro Functional Plan and Traffic Impacts





# **Development Code Amendment: PTA-11-02**

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- Staff Report and TPAC Recommendation
- THTSO/Tualatin High School Presentation
- Public Testimony
- Council Questions
- Council Discussion



From: Hollamon, Kathryn [REDACTED]  
Sent: Tuesday, April 19, 2011 10:09 AM  
To: COUNCIL; Will Harper; AQUILLA HURD-RAVICH; Lou Ogden; Monique Beikman; Chris Barhyte; Frank Bubenik; Joelle Davis; ALICE ROUYER; CINDY HAHN; Colin Cortes  
Cc: Hollamon, Kathryn  
Subject: Electronic Reader Board

Dear Council Member,

As a teacher at Tualatin High School, I am proud to be a part of an actively involved staff. I am writing today to encourage your approval of the proposed electronic reader board sign for Tualatin High. We have a large student body-over 1,800 students-with many different clubs, athletic teams, ASB and school events. Our current reader board is not only old and many of the letters are broken; it is insufficient for the sheer number of activities, games, and events that go on here. An electronic reader board would enable students, staff, and parents, to be informed of all the different events. Not only this, but instead of having to stand in the rain to update the reader board with the few letters we have left, it will be able to be updated from inside by computer. Tualatin is a great community, and many of the families- even those who don't have students currently enrolled here- attend events at the high school. From athletic contests to music/theater events to weekend fundraisers- all of these benefit from good advertising. I am in full support of the needed change to the city code to enable an electronic reader board to be installed. I do not think that this will hinder in any way, the peaceful, quiet enjoyment that our school neighbors currently enjoy.

Thank you for your support of Tualatin High School.

Kathy Hollamon  
Content Area Leader  
Health and Physical Education  
Tualatin High School  
[REDACTED]



From: Murray, Christopher [REDACTED]  
Sent: Tuesday, April 19, 2011 11:42 AM  
To: 'lou.ogden@juno.com'  
Subject: Reader board

Hey Lou – Chris Murray here.

We really need a readerboard – the one we have now is a nightmare. Besides, Tigard High School has one, and they aren't better than us.

Chris

From: Tharp, Vanessa [REDACTED]  
Sent: Thursday, April 21, 2011 12:30 PM  
To: COUNCIL; Will Harper; AQUILLA HURD-RAVICH; Lou Ogden; Monique Beikman; Chris Barhyte; Frank Bubenik; Joelle Davis; ALICE ROUYER; CINDY HAHN; Colin Cortes  
Cc: Barnard, Darin; Kathy Stallkamp; Wentz, Philip  
Subject: Reader Board Letter of Support

To whom it may concern -

I am writing this letter in strong support of the new reader board proposed for Tualatin High School. I realize that the city needs to rezone the property to allow for this reader board, however, it is my understanding that the new proposal is written specifically that Tualatin High is the only place that this new installment of a reader board could happen within the city of Tualatin. This is a much needed and long overdue advancement in technology and communication for our school and community. I am aware that this effort for a new reader board has been in process for at least four years, if not longer, with student leaders and staff from Tualatin High. I would also like to strongly commend parent volunteer Kathy Stallkamp, members of the TSO, and our school community for the countless hours of work they have done to make this project a reality.

As the Activities Director of TuHS, I receive daily requests for new messages and information to be posted on the current reader board. We receive many more requests than we can meet with just the two sided reader board, which can only hold a minimal amount of words. Our current board is out of date, broken, and requires numerous letters and numbers that are cracked or flimsy because of the rain, ice, and sleet. The mere process of getting the letters up and down on the board is a challenge as well. Changing the reader board by a manual method also wastes valuable class time for the students who get the tedious and frustrating job of changing the current board – most of which who are leadership students who already put in countless hours of their personal time in promoting all the great things happening at TuHS.

At the high school on a daily basis we have at least 5-15 daily announcements, activities, sporting events, and pieces of information that we need to get out to our students, parents, staff members and the community. A new and advanced reader board will help tremendously in this process of sharing information. This will be an elegant and professional looking reader board that will double as a welcome sign to our school grounds and is an ideal way to communicate to the thousands of people who want and need to know information at Tualatin High School. We use the board to promote school

activities, events, athletics, band and choir concerts, academic deadlines, and numerous other school events. We also get many community requests from the city, other schools, and other community organizations to share information, this is a great example of how a new reader board would continue to benefit the community, not just the students, staff and parents at Tualatin High.

The new reader board will have the ability to write messages in Spanish, which is the other language that is the most widely spoken by a large portion of our students and their families, this is yet another step of inclusion that helps to unify our school. It is my belief that the sign itself will instill pride and respect to our students, parents, staff, and community. When showing the design to students, staff, and parents all the responses are enthusiastic, impressed, encouraging, and eager to see it complete. I would say another sign of support for this project is that over \$28,000 of the needed \$35,000 has been raised for this project. It is important to note that this money is not from the school district, but is from booster groups, parents, students, teams, staff, and community members.

I hope you join me with your support of the reader board for Tualatin High School.  
Thank you for your time.

Respectfully,  
Vanessa Tharp  
Activities Director  
Social Studies Teacher  
Tualatin High School

REC'D  
CITY OF TUALATIN

APR 19 2011

April 17, 2011

MAYOR \_\_\_\_\_ COUNCIL \_\_\_\_\_ POLICE \_\_\_\_\_ ADM \_\_\_\_\_  
FINANCE \_\_\_\_\_ COMM DEV \_\_\_\_\_ LEGAL \_\_\_\_\_ OPER \_\_\_\_\_  
COMM SVCS \_\_\_\_\_ ENG & BLDG \_\_\_\_\_ LIBRARY \_\_\_\_\_

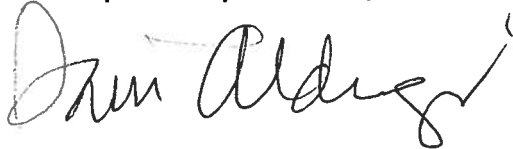
City Council  
18880 SW Martinazzi  
Tualatin, OR 97062

Re: Plan Text Amendment 11-02

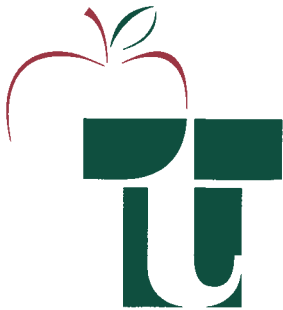
This letter is being written to encourage you to please support the above mentioned amendment which would change code to allow an electronic reader board for residential properties greater than 40 acres with a school.

Our daughters attend Tigard/Tualatin schools and being able to quickly and easily view upcoming events from the reader boards would benefit myself and the community.

Thank you for your time,



Dean & Dani Aldinger  
17254 SW 128<sup>th</sup> Avenue  
Tigard, OR 97224



**Tigard - Tualatin School District 23J**  
**Tualatin High School**

22300 SW Boones Ferry Road  
Tualatin, Oregon 97062  
503-431-5600 • fax 503-431-5610  
www.ttsd.k12.or.us

REC'D  
CITY OF TUALATIN

APR 21 2011

MAYOR \_\_\_ COUNCIL \_\_\_ POLICE \_\_\_ ADM \_\_\_  
FINANCE \_\_\_ COMM DEV \_\_\_ LEGAL \_\_\_ OPER \_\_\_  
COMM SVCS \_\_\_ ENG & BLDG \_\_\_ LIBRARY \_\_\_

Tualatin City Council  
18880 SW Martinazzi  
Tualatin, OR 97062

4/18/11

I am writing this letter in regards to Plan Text Amendment 11-02, which I understand would allow the installation of an electronic reader board on Boones Ferry Road by Tualatin HS.

As the Theater teacher at Tualatin HS, I can certainly attest to the fact that since 1992 we have consistently struggled to communicate to our community about upcoming plays. The current reader board is inadequate to display all the information needed, and we're lucky to get anything posted for more than one weeks' time. Additionally, the adhesion of old letters is failing, and many are missing. Finally, since the Tualatin Times stopped running articles about our upcoming plays three years ago, we have relied on the current faulty board to inform our community, and/or have had to invest hundreds of dollars in purchasing vinyl banners to do the same.

A new electronic reader board would allow the school to inform the community about many more events in a much more effective format, and put us on par with Tigard HS, which has had one for years now. In my opinion, the 20 mph speed zone on Boones Ferry addresses the safety concern, and the board design is tasteful and appropriate for the site. I do not believe that this design would detract from the neighborhood feel of the area, but instead would enhance the relationship between the city and the school. I hope that you will allow the school to move its communication methods into the 21<sup>st</sup> century, and thank you for your consideration.

Sincerely,

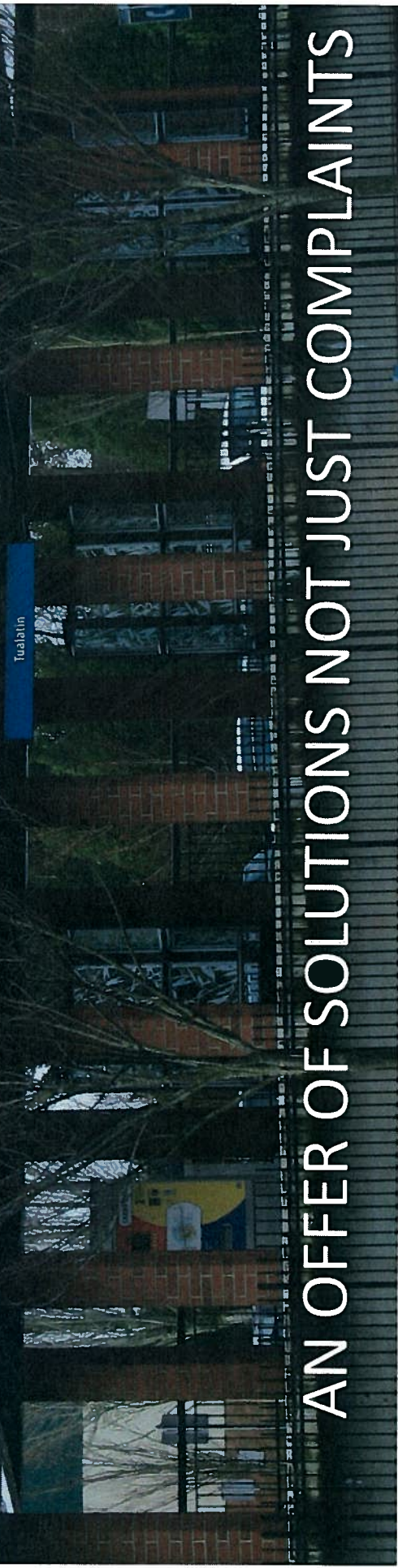
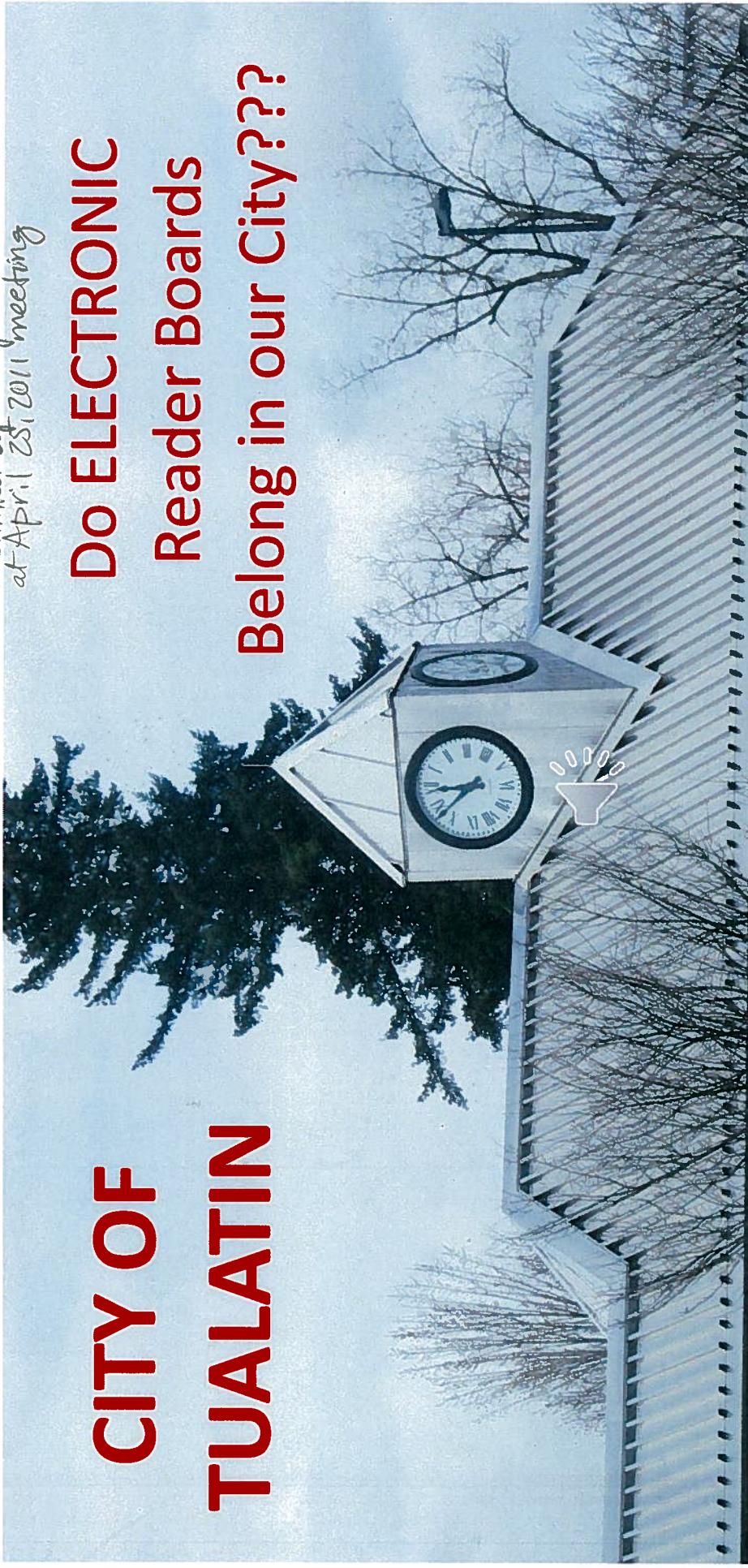
Stephen Clark  
Theater Director  
Tualatin HS  
22300 SW Boones Ferry Rd.  
Tualatin, OR. 97062



Submitted by Judy Pozo re PTA-11-02  
at April 25, 2011 meeting

# CITY OF TUALATIN

Do ELECTRONIC  
Reader Boards  
Belong in our City???



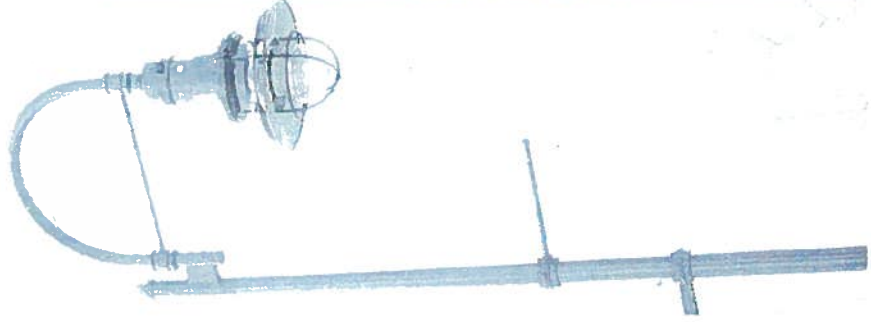
AN OFFER OF SOLUTIONS NOT JUST COMPLAINTS





**Tualatin has always done its best to  
maintain a level of charm as it  
continues to grow.**

**(there is nothing “charming” about  
electronic reader board signs)**

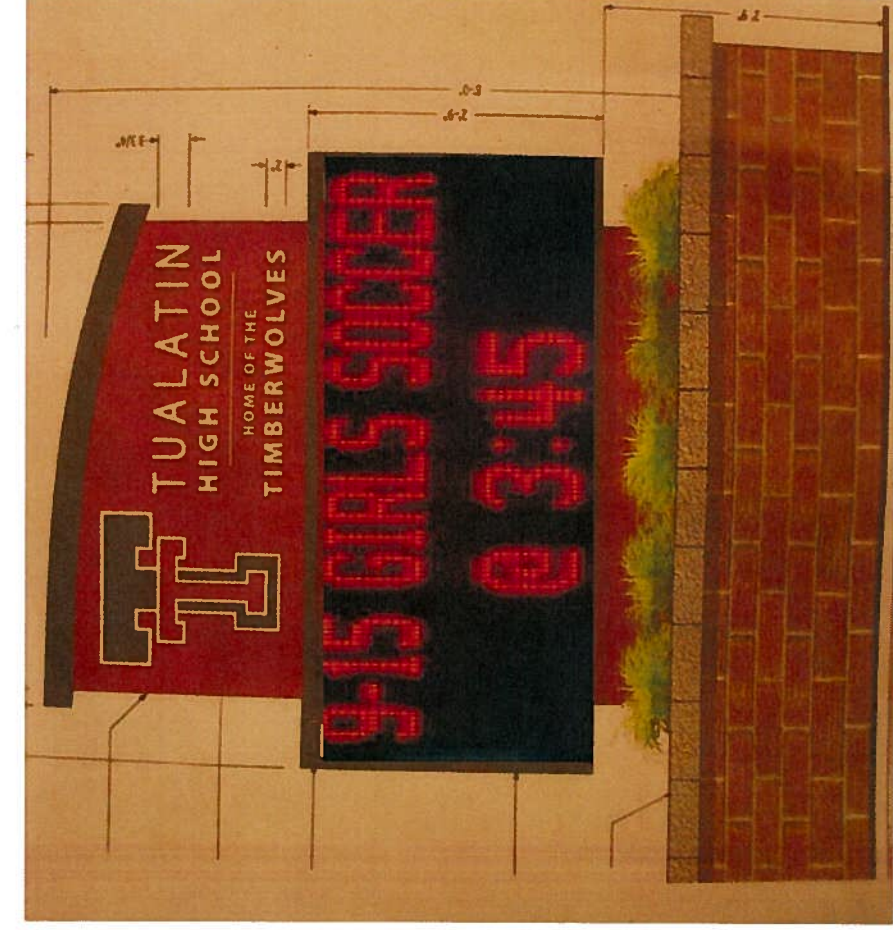


I'm certain much thought went into the  
decision to have this clock tower be analog  
and roman numeral in design





We all are in agreement that the current Tualatin High School Sign needs to be replaced and updated. What we disagree on is whether or not an *electronic* reader board is necessary and/or in the best interest of our City as a whole. We believe strongly that not only is it unnecessary, but that it is detrimental to image of Tualatin City. We are in opposition to the installation of ELECTRONIC reader boards *anywhere* within the City of Tualatin and even more strongly opposed to the installation of one within a low residential zone.



# It's a Slippery Slope

We understand that the plan text amendment attempts to identify & isolate TuHS as the ONLY property given authority to install an Electronic Reader Board. This in itself creates problems for the community as a whole:



- #1) Resentment from local businesses who have spent significant money and time to comply with City Sign regulations (sacrificing what they would consider ultimate signage and advertising opportunity). Why should something that is not allowed in the any commercial and industrial zones of Tualatin be allowed in a low residential zone??**
- #2) What is to stop a future business or community groups from following suit. Define themselves uniquely and request a “plan text amendment” to accommodate their own personal agenda. You open up this door for one property owner, it only seems to reasonable that others will pick up on this strategy and follow in time. TuHS sets the precedence and gives a blueprint on how to circumvent city sign codes.**
- #3) There is no turning back. You open this door and it will never close again.**



- Installation of Electronic Reader Boards within the City of Tualatin is of interest to *ALL* citizens of Tualatin and not just those within 1000' of the proposed site.



### ○ A quote from Tualatin's Development Code 20.10

- "The city of Tualatin is a community of Natural beauty, quality architecture and landscaping and planned urban design. ....signs have a strong visual impact on the character and quality of the community.....Signage can also, however, be a significant contributor to visual clutter and blight. ....signs designed as "attention getters" are neither necessary nor desirable in Tualatin's setting."

*By proposing stipulations and restrictions to the proposed Electronic sign, applicant confirms knowledge of the negative impact that Electronic Signs bring to a community. (As the saying goes... "You can put lipstick on a pig, but it's still a pig")*

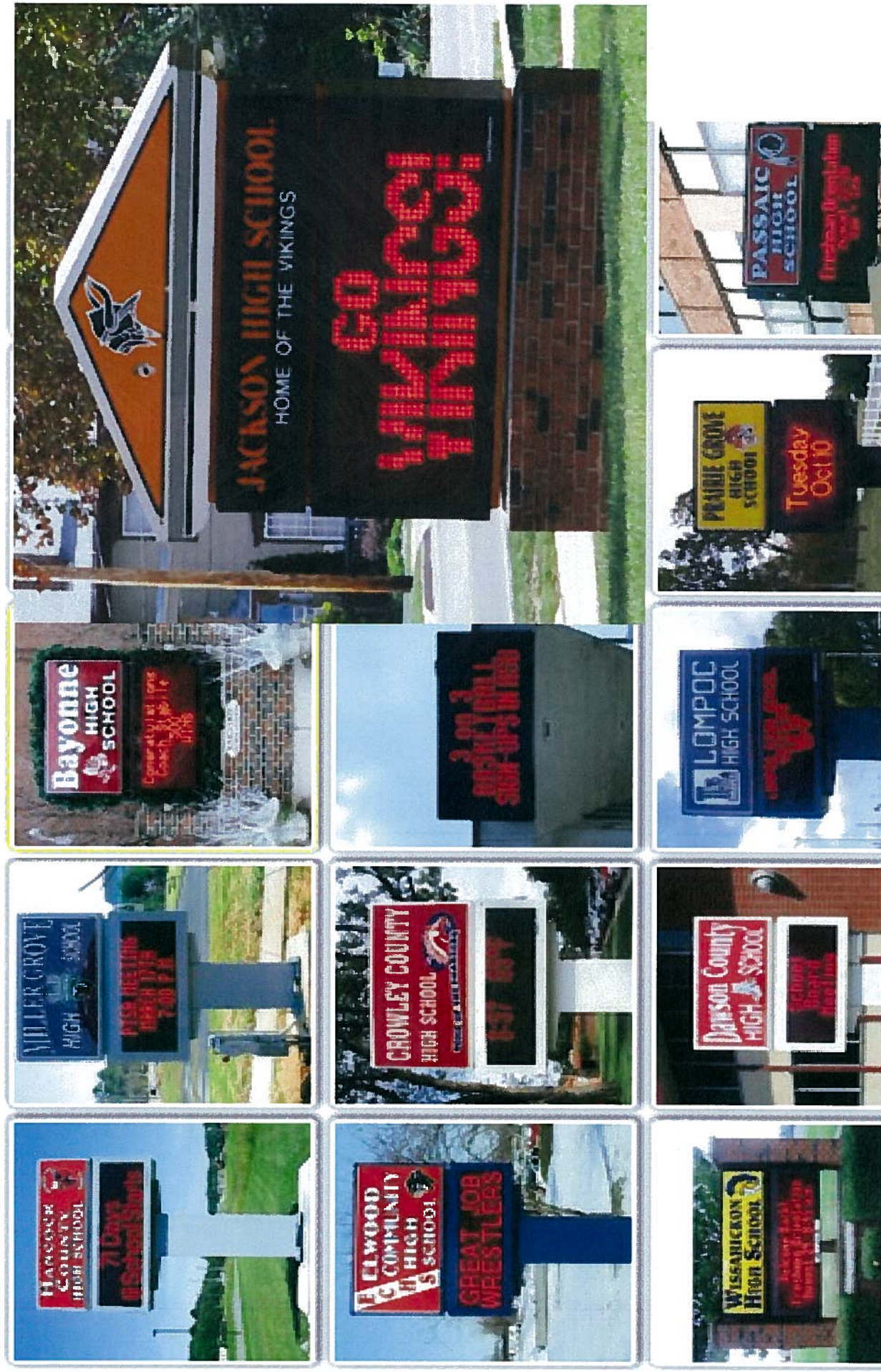


Architectural drawings are one thing.....Reality is something else.....



Does Tualatin  
Deserve This Look???





**Court Update : Zoning Ban on Electronic Messaging Centers Held Not a Violation of Constitutional Right to Freedom of Speech—Again**



# SOLUTION: Update and Improve *Marquee Style*. No Amendment Required

OUR SUGGESTION:  
UPDATE AND REPLACE CURRENT POLE MOUNTED READER BOARD WITH ATTRACTIVE MONUMENT STYLE MANUAL READER BOARD. INCLUDE WEB-SITE, ALONG WITH SPORTS TELEPHONE HOTLINE NUMBER TO ALLOW FOR IMPROVED COMMUNICATIONS.  
Having the sign at ground level improves the ease of updating messages allowing for more frequent changes, improvement in lettering and security behind plastic shield. Design is in keeping with Tualatin's current development code, complies with current sign regulations and requires NO change to current codes.



A Cohesive Image  
of community and  
serenity  
throughout our  
City of Tualatin.



## THIS SOFTWARE Can Help Keep the TuHS Community

Informed – Already Owned by the School District

Could be utilized for Custom Notification of Student Body, Parents and Staff with minimal effort & cost.

Allows for Voice Mail Notification of Various Events that otherwise would be displayed on a reader board.

## **Encourage parental involvement**

SchoolConnects enables teachers and administrators to communicate more frequently with all stakeholders and still have time to devote to matters that require their personal attention.

SchoolConnects helps increase parental involvement by keeping parents informed of their children's progress and what is happening at school.

## **Effortlessly deliver voice and electronic messages to parents, teachers, administrators and students**

**Reach out with messages in your own voice**



## **Complement your web portal**

Web portals are great for disseminating information, but they are passive. Use SchoolConnects to communicate pro-actively and bring stakeholders to your web portal.

## **Bridge the digital divide**

SchoolConnects telephone and electronic messaging capabilities let you provide a similar level of service to all parents on both sides of the "Digital Divide".

## **Solutions tailored to your exact needs**

Whether you are a small rural school or a very large urban district, Synrevoice can tailor-make a solution for your exact needs. You can choose to own a system, use our ASP service, or a combination of both to provide the best solution for your school district at the lowest overall cost.

[www.synrevoice.com](http://www.synrevoice.com)



Driver Safety is a Significant Concern backed up by government studies .  
(We are happy to submit these studies to City Council for review)



Because the messages change daily or even hourly, even commuters who pass by the signs every day will look to see what's new. Traditional signs become visual background noise for local drivers, and thus have less safety impact; but electronic signs never blend into the background. Younger drivers may be more easily distracted by electronic media, and older drivers may require longer viewing times to comprehend.



# Is a Plan Text Amendment to allow for Electronic Reader Board the right move for Tualatin?

- We feel we have documented *why the answer to the above question is a resounding NO.*
- We have offered alternatives and solutions to the applicant's issues and concerns.
- Let's keep electronic reader boards out of Tualatin. Commercial, Industrial and most certainly Low Residential Neighborhoods.
- Why compromise the quality of Tualatin's image when compromise is unnecessary.



# INDIVIDUALS WHO ARE OPPOSED TO PTA-11-04

If approved, this PTA will amend the Sign Regulations to Allow an Electronic Message Display Sign at TuHS		
NAME	ADDRESS	SIGNATURE
1	Judy Pozo 22875 Miami Dr	Judy Pozo
2	Colleen Barry 22905 SW Miami Pl	Colleen Barry
3	Marie Shearer 22595 SW Miami Pl	Marie Shearer
4	Karen Martin 22835 SW Miami Pl	Karen Martin
5	Monby Pozo 22875 Miami Dr	Monby Pozo
6	Steve Pozo 22875 SW Miami Pl	Steve Pozo
7	Catherine Davies 22945 SW Miami Pl	Catherine Davies
8	Michael Gerhart 22970 SW Miami Pl	Michael Gerhart
9	Jodi Brooksby 22865 SW Miami Pl	Jodi Brooksby
10	Mike Thompson 22920 SW Miami Pl	Mike Thompson
11	Emekae 22850 SW Miami Pl	Emekae
12	Adam Wells 22830 SW Miami Pl	Adam Wells
13	Deborah Wile 9875 SW Lumber Ln	Deborah Wile
14	22945 SW Miami Pl	
15	Taha Bidarra 22865 SW Miami Pl	Taha Bidarra
16	Pete 22655 SW Miami Pl	Pete
17	Rick Hagelbush 22045 SW Miami Pl	Rick Hagelbush
18	CLINT OWENS 9915 SW Miami Pl	CLINT OWENS
19	Kelly Caswell 9905 SW Lumber	Kelly Caswell
20	Kenneth 22455 SW Miami Pl	Kenneth
21	Bruce 22785 SW Miami Pl	Bruce
22	Deborah 22645 SW Miami Pl	Deborah
23	Tom Gallos 22815 SW Miami Pl	Tom Gallos
24	Paul Reid 22440 SW Miami Pl	Paul Reid
25	Renee Higgins 9301 SW Sagat St.	Renee Higgins
26	Carrice Bates 10903 SW Miami Pl	Carrice Bates
27	Susan Sorenson 22465 SW Miami Pl	Susan Sorenson
28	Sgt Chille 9724 SW Miami Pl	Sgt Chille
29	Emily Loen 22655 SW Miami Pl	Emily Loen

If approved, this PTA will amend the Sign Regulations to Allow an Electronic Message Display Sign at TuHS		
NAME	ADDRESS	SIGNATURE
184	ROBERT FITZGERALD 22615 Miami Dr	ROBERT FITZGERALD
185	Virginia Fitzhugh 22615 Miami Dr	Virginia Fitzhugh
186	Tom Shearer 22595 SW Miami Pl	Tom Shearer
187	Karen Shearer 22595 SW Miami Pl	Karen Shearer
188	Jessie 22595 SW Miami Pl	Jessie
189	Carol Bates 22595 SW Miami Pl	Carol Bates
190	Mary Anderson 22595 SW Miami Pl	Mary Anderson
191	Karen Stuckler 22595 SW Miami Pl	Karen Stuckler
192	Sully Stuckler 22595 SW Miami Pl	Sully Stuckler
193	Steve Stuckler 22595 SW Miami Pl	Steve Stuckler
194	Vilene Owens 22500 SW Miami Pl	Vilene Owens
195	Mark Richards 22000 SW Miami Pl	Mark Richards
196	Amelia Fisher 22440 SW Miami Pl	Amelia Fisher
197	Andrew Fisher 22440 SW Miami Pl	Andrew Fisher
198	22770 SW Miami Pl	
199	Carrie Thompson 22770 SW Miami Pl	Carrie Thompson
200	Sam Ballard 22440 SW Miami Pl	Sam Ballard
201	Beth Burgess 22440 SW Miami Pl	Beth Burgess
202	Kevin Warden 22440 SW Miami Pl	Kevin Warden

94% of those asked were willing to sign in opposition to the electronic reader board.

I quote Will Harper: "It is true though, I have been in the position of discouraging electronic signage for most of the twenty years I have been here. That has been my job, to be protective of the sign regulations and reduce the opportunity for exposure of the City's sign policies and regulations to dismantling or allowing undesirable kinds of signage. That still is my concern and one that is shared by Administration. We wrote the proposed language to be as restrictive as possible so as to avoid this kind of sign migrating to other situations and to reduce the impacts on the general public." We say let's keep this kind of sign from migrating into Tualatin onto Boonesferry Rd TODAY!!



The following are excerpts from :

[http://www.ci.royal-oak.mi.us/portal/sites/default/files/meetings/City%20Commission/2011/0124-11-11MN\\_Consultant-Report.pdf](http://www.ci.royal-oak.mi.us/portal/sites/default/files/meetings/City%20Commission/2011/0124-11-11MN_Consultant-Report.pdf)

**Accident Research Unit, School of Psychology, University of Nottingham Attraction and distraction of attention with roadside advertisements (Crundall et al., 2005)**

This research used eye movement tracking to measure the difference between street-level advertisements and raised advertisements in terms of how they held drivers' attention at times when attention should have been devoted to driving tasks. **The study found that street-level advertising signs are more distracting than raised signs.**

**"DYNAMIC" SIGNAGE: RESEARCH RELATED TO DRIVER DISTRACTION AND ORDINANCE  
RECOMMENDATIONS Submitted by SRF Consulting Group, Inc.**

Prepared for City of Minnetonka June 7, 2007

**Parliament of Victoria, Australia, Report of the Road Safety Committee on the  
Inquiry into Driver Distraction (2006)**

**This report identified road signs and advertising as one of the largest sources of driver distraction.** At least three billboards near Melbourne, Australia display moving images. "The Committee considers these screens to be at the high end of potential visual distraction and accordingly, present a risk to drivers." The study also included a quote from the Manager of the Road User Behaviour group at VicRoads (the State's road and traffic authority) from a December 2005 hearing: What we do know is when there is movement involved, such as flicker or movement in the visual periphery, that this is more likely to capture a driver's attention. We actually are hard-wired as human beings to movement, so particularly moving screens and information that scrolls at intersections and in highly complex driving situations – these are risky, and in particular researchers have been most concerned about those sort of advertising materials.

**This opinion would suggest that electronic signs can present a distraction to drivers.**

- **Anticipation of a new image appearing, even if the expected new image is not related to the first image. In this case, the driver may be distracted while waiting for the change.**

**NHTSA Driver Distraction Internet Forum (2000)**

Electronic billboards were identified as one of six noted sources of distraction.

**Australian Road Research Board Investigations of Distraction by Irrelevant Information (Johnston & Cole, 1976)**

This research used five experiments to test whether drivers could maintain efficient performance in their driving tasks while being subjected to content that was information rich, but irrelevant to driving. The findings were that a small, but statistically significant amount of performance degradation was observed when the participant was under a critical load of stimuli.

**National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data (Klauer et al., 2006)**

This study analyzed the data from a driving database developed by the National Highway Traffic Safety Administration. This database contained exhaustive data recorded by instrumented vehicles that measured glance position, impairment, drowsiness, risk taking and many other parameters potentially involved in crash causation. Vehicles were instrumented so that an observer did not need to be in the vehicle to collect data. Automated data collection reduced the problem of an observer influencing driver behavior. The study found that glances of two seconds or greater doubled the risk of crashes or near-crashes. The study also found that 22 percent of crashes are accompanied by "secondary-task" distraction whether inside or outside the vehicle.

**National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute Driver Inattention is a Major Factor in Serious Traffic Crashes (2001)**

The National Highway Traffic Safety Administration commissioned a study to examine the causes of crashes. The study gathered information from four areas throughout the country and used data from the National Automotive Sampling System (NASS) from April 1996-April 1997 for analysis. The geographic areas were selected because they had good crash investigation practices and high interview completion rates. The results of this study are summarized in Table 2.

Table 2. Crash Causation Summary

**Causal Category      Percentage of Drivers Contributing to Causation**

Driver Inattention	22.7
Vehicle Speed	18.7
Alcohol Impairment	18.2
Perceptual Errors	15.1
Decision Errors	10.1
Incapacitation	6.4
Other	8.8

**Association for the Advancement of Automotive Medicine The Role of Driver Inattention in Crashes; New Statistics from the 1995 Crashworthiness Data System (Wang, 1996)**

This report analyzed the NHTSA 1995 Crash Worthiness Data System (CDS). It found that the greatest source of driver distraction (3.2 percent) was due to a specified person, object or event outside the vehicle.

While the study does not break down the sources of outside distraction, it does show that distractions outside the vehicle are the largest factor in distraction-related crashes

**Wisconsin Department of Transportation Milwaukee County Stadium Variable Message Sign Study – Impacts of an Advertising Variable Message Sign on Freeway Traffic (1994)**

A study prepared by the Wisconsin Department of Transportation (WisDOT) examined crash rates before and after an advertising variable message sign was installed in 1984 on the Milwaukee County Stadium, home of the Milwaukee Brewers professional baseball team. Crash statistics were analyzed for the three years before and the one and three years after the sign was installed. As they are often associated with driver distraction, side-swipe and rear-end crashes, as well as total crashes, were examined for both the eastbound and westbound directions. The sign was much more visible to eastbound traffic due to the stadium's proximity to the roadway and the amount of visual obstructions for westbound traffic. The analysis found an increase in crash rates for all crash types in the eastbound direction after the sign was installed. Most pronounced was an 80 percent increase in side-swipe crashes after the first year of installation. Results in the westbound direction were mixed, with a 29 percent decrease in crashes the first year the sign was in place and a 35 percent increase in the three years the sign was in place. Although no control roadway sections were studied, an interview with the study author revealed that the introduction of a sign on a high volume curving roadway may have introduced enough distraction to an already demanding driving environment to explain the higher crash rate in the eastbound direction. The study author also stated that the study was not able to establish a causal relationship between the sign and the crash rates.

## **5.0 CONCLUSIONS AND RECOMMENDATIONS**

Driver distraction plays a significant role in traffic safety. Driver distraction is a factor in one in four crashes, and of those crashes involving driver distraction; one in four involves distractions outside the vehicle. The extent to which dynamic signage contributes to traffic safety has been examined in this study. Following are some of the major findings from a review of available research.

- Drivers that are subjected to information-rich content that is irrelevant to the driving task (such as digital advertising) may be temporarily distracted enough to cause a degradation in their driving performance. This degradation could lead to a crash.
- The unlimited variety of changing content allows dynamic signage to attract drivers' attention at greater distances and hold their attention longer than traditional static billboards.
- Several studies have found a correlation between crashes and the complexity of the driving environment. For example, crash rates are higher at intersections because the difficulty of the driving task is increased by the roadway's complexity. Complex driving environments place a high demand on drivers' attention. Introducing a source of distraction in an already demanding driving environment is more likely to result in crashes. This is illustrated by the 1994 Wisconsin DOT study that examined crash rates before and after installation of an electronic sign on a high-volume curving roadway. Introduction of this sign was identified as a likely factor of the 80 percent increase in side-swipe crashes that was experienced.
- Many studies have noted a correlation between outdoor advertising signs and crash rates, but have not established a causal relationship between the signs and crash rates. Driving is a complex task influenced by multiple factors. It is not necessary to establish a direct causal relationship between outdoor advertising signs and crash rates to show that they can make the driving task less safe. While the research shows that driver distraction is a key factor in many motor vehicle crashes, this often includes many interacting factors that distract drivers. The specific driver distraction danger that advertising signs contribute is difficult to quantify. A study that could control for multiple variables (human factors, vehicle, enforcement and the roadway environment) would be needed to provide a definitive statement on the level of driver distraction that signs produce. Such a study would likely find that not all advertising signs cause distraction that would lead to crashes, but some signs in some situations are more likely to contribute to crashes than others.

Overall, the literature review conducted for the purpose of this study identifies a relationship between driver distraction and electronic outdoor advertising devices. As indicated, driver distraction is a significant factor in crashes. The purpose of dynamic signage is to attract the attention of people in vehicles, so a natural conclusion from that knowledge is that drivers may be distracted by them. Professional traffic engineering judgment concludes that driver distraction generally contributes to a reduction in safe driving characteristics.



## **THE TWO SECOND RULE: WHAT EVERY COMMUNITY SHOULD KNOW**

An analysis of the 100-Car Naturalistic Driving Study, conducted by the National Highway Traffic Safety Administration, released in 2006, showed that taking one's eyes off the road for more than two seconds for any reason not directly related to driving (such as checking the rearview mirror) "significantly increased individual near-crash/crash risk."

What factors make drivers likely to look at an electronic sign for more than two seconds at a time, and therefore put themselves and others at risk? They are extremely bright and are designed to be visible in bright sunlight and at night. The eye is drawn to them far more strongly than to traditional illuminated billboards. They are designed to be eye catching, and they are. They can be seen from great distances, even as far away as six tenths of a mile, making them distracting even before they begin to communicate their messages. The images rotate every 6–10 seconds and drivers will naturally look at the sign long enough to see what comes up next. There may be as many as 10 messages in the rotation. The Florida Department of Transportation's official position is that it takes a minimum of six seconds to comprehend the message on an electronic billboard, which is already three times the safe period for driver distraction.

Because the messages change daily or even hourly, even commuters who pass by the signs every day will look to see what's new. Traditional signs become visual background noise for local drivers, and thus have less safety impact; but electronic signs never blend into the background. Younger drivers may be more easily distracted by electronic media, and older drivers may require longer viewing times to comprehend often confusing, elaborate, and colorful images.

### ***Are electronic signs especially attention-getting?***

"Nothing's as eye-catching as an electronic LED display. The brightly-lit text ..can be seen from hundreds of feet away, drawing the attention of everyone within view." Source: ([www.impactmovie.com/translux](http://www.impactmovie.com/translux))

### ***Will people stare at a changing sign to see what's next?***

"The reason [electronic] advertising works is because it is impactful. If you see people parked at the stoplight watching it, you see their eyes waiting for it to change." Source: Clear Channel Outdoor Des Moines division president Tim Jameson, quoted in the Des Moines Business Record, Feb. 4, 2007

## **Additional Resources**

### ***The Impact of Driver Inattention on Near-Crash/ Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data***

*April 2006, National Highway Traffic Safety Administration, U.S. Department of Transportation*

A major study of driver inattention..... finding that any distraction of more than two seconds is a potential cause of crashes and near crashes.

### ***Traffic Safety Evaluation of Video Advertising Signs***

*Transportation Research Record: Journal of the Transportation Research Board, No. 1937, 2005*

A study of electronic signs in Toronto, which finds that "On the basis of the eye fixation study and the public survey data, it is apparent that video advertising can distract drivers inappropriately and lead to individual crashes," but calls for additional research due to other conflicting data.

***Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction***

*September 11, 2001, Federal Highway Administration, U.S. Department of Transportation*

A summary of existing research (as of 2001), on the subject of the safety of electronic signs and a call for additional studies.

***Milwaukee County Stadium Variable Message Sign Study: Impacts of an Advertising Variable Message Sign on Freeway Traffic***

*December 1994, Wisconsin Department of Transportation*

Study of the dangers posed by an electronic sign in Milwaukee along I94, that concluded that "It is obvious that the variable message sign has had an effect on traffic, most notably in the increase of the side swipe crash rate."

Submitted by applicant's  
PTA-11-02 at April 25, 2011 meeting

# **Plan Text Amendment Application 11-02**

**Applicant: Timberwolf Support Organization**



# **Applicant's Goal**

- To replace the current mechanical readerboard with an electronic readerboard.
- Installation at location of current readerboard.
- Compliance with City sign code requirements.

# Current TuHS Sign



- Two sided sign
- Elevated 11 feet
- Letters installed by ASB students using a long pole or by standing on a ladder

# Issues with Current Sign

- Limited messaging capabilities
- Timeliness of messaging
- Safety concerns with students on ladders
- Use of student time to install letters
- Breakage of letters



# **Benefit of an Electronic Readerboard**

- Ease of adding/modifying messages
- Accommodates large number of messages
- Provides equal access to communications for all school groups
- Provides timely communications
- Helps promote school activities & accomplishments
- Communication tool for school and community

# City Application

- Plan Map Amendment (Jan. 2010 – Jan. 2011)
  - Change from Low Density Residential to Institutional
  - Institutional Text allows Electronic Readerboards
- Plan Text Amendment (Jan. 2011 – present)
  - Change text allowing electronic readerboards in residential areas with limiting language

# Plan Text Recommendations

- Restrict to properties over 40 acres with a school
- Restrict sign operational times
- Create codes to control flashing, changing graphics, brightness, glare, etc.

# Proposed Readerboard Sign





# Community Concerns Raised

- Look of electronic sign is gaudy/Las Vegas like
- Not appropriate for residential area
- Will change the character of Tualatin
- Setting a precedent/opening Pandora's box for electronic signs in Tualatin
- Gives special consideration to high school
- Safety concerns - Potential distraction for young drivers
- With future school district budgets cuts, the money for the readerboard should be used in other ways, ex. retaining teachers

# Community Concern

Look of sign is gaudy/Las Vegas Like

## Response:

- City code can control brightness, glare, timing of messages changes, flashing, etc.
- Electronic readerboards have controls which vary glare, brightness, letter height, message timing, etc.
- Readerboards vary in appearance, style, and design
- Opinions vary on aesthetics of sign

# Community Concern

Look of sign is gaudy/Las Vegas Like



Ex. Sherwood High Readerboard

# Community Concern

Look of is gaudy/Las Vegas like



Ex. Rolling Hills Readerboard



# Community Concern

Look of sign is gaudy/Las Vegas like



Ex. Rolling Hills Readerboard

# Community Concern

Not appropriate for residential area

## Response:

- City code allows signs on school properties in residential areas
- Electronic signs allowed in institutional areas, adjacent to residential areas
- School property could be zoned institutional allowing electronic sign

# Community Concern

Will change the character of Tualatin



Response:

- Sign is in good taste
- Improves appearance of school and community
- Provides monument to welcome those entering from south

# Community Concern

Setting a precedent/opening Pandora's box for  
electronic signs in Tualatin

## Response:

- Electronic signs currently allowed in City code
- Restrictions can be controlled by City Code



# Community Concern

Gives special consideration to high school

## Response:

- Current code allows electronic readerboards at schools in areas zoned institutional
- Avoids the expense of additional funds and time to rezone the school property

# Community Concern

Safety concern - Potential distraction to young drivers

## Response:

- If controlled with codes, sign will not pose safety issue according to opinions from:
  - Bill Collins, Sherwood Police Code Compliance
  - Andy Pastore, Tigard High Resource Officer
  - Mike Eskew, Tigard Police Lieutenant
  - Tim Clarke, Beecher Carlson Insurance, Director of Risk Services
- Outdoor Advertising Study
- Use of electronic signs by ODOT

# Community Concern

With future school district budgets cuts, the money for the readerboard should be used in other ways, ex. retaining teachers

## Response:

- The readerboard would be funded 100% by clubs, families, and businesses. – Tigard Tualatin School District will not provide funding for a readerboard for the high school.
- TSO is restricted from providing funds for staff salaries.

# **Text Amendment Approval Would**

- Allow for an improved communication tool for the high school
- Improve the appearance of the high school property
- Accomplishes intent of City code, allowing electronic readerboards in Institutional areas, without the extra time and cost of a Plan Map Amendment



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Did you know your criminal history may be public record for anyone to see? You'd be surprised by what people can find out about you.

## Study: Digital Billboards Safe for Drivers

By Laura Strachan on September 1, 2010 6:06 AM | No TrackBacks

Digital or analog? A recent study says that it does not matter which format a billboard takes when it comes to driving accidents. The eight year study, commissioned by the Foundation for Outdoor Advertising Research and Education, looked at the frequency of traffic accidents at various billboard locations throughout Reading, Pennsylvania to conclude that there is no greater chance for an accident when looking at print or digital billboards.

The Car Connection reports on the study: "The overall conclusion of the study is that digital billboards in the greater Reading area have no statistically significant relationship with the occurrence of accidents. The Reading data matches data from Cleveland, Rochester, and Albuquerque, and all says the same thing: digital billboards are safe." The concern was based on the same features that make digital billboards appealing-- the increased sensory experience was also an increased distraction to drivers.

The conclusion is a welcome one for those proponents of digital billboards, which are said to be environmentally cleaner, and make outdoor advertising more affordable than their analog counterparts. Since their inception, digital billboards have been a popular form of advertising employed by business, and even the FBI. Featuring a brightly-lit visual display rather than static print, fans of the technologically-enhanced form of advertising are hoping that the study will encourage more cities to make the switch, or lift the ban placed on this form of advertising by some cities concerned by the potential for driving distractions.

Currently there are close to 450,000 digital billboards across the country. Whether catching criminals or increasing customers, the presence of a digital billboard is no more distracting than a print advertisement, at least if you are a Pennsylvania driver. Looks like we are back to blaming drivers for accidents.

## Related Resources:

- Engineer: Digital Billboards Not Linked to Accidents (Outdoor Advertising Association of America)
- FBI Uses Digital Billboards to Help Stop Crime (FindLaw's Blotter)
- Must Public Subway Trains that Feature Advertising Carry Anti-Abortion Ads? What the First Amendment Has to Say (FindLaw's Writ)
- Auto Accidents Overview (provided by Warren & Kallianos - Injury Lawyers)
- Auto Accident Injuries and Compensation (provided by Leonard B. Gabbay, P.C.)

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# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date

4-25-11

Recording Secretary

*[Signature]*

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Colin Cortes, Assistant Planner  
Aquilla Hurd-Ravich, Planning Manager

**DATE:** 04/25/2011

**SUBJECT:** Resolution for a Conditional Use Permit for Tualatin Heated Storage, a Dwelling Unit for Watchman and Family in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) (CUP-11-01)

---

### ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for a Conditional Use Permit (CUP) that would allow a dwelling unit for watchman and family at the Tualatin Heated Storage site within the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000).

### RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-11-01.

### EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 5.94 acres at 19800 SW Cipole Road on Tax Lot 2S1 21DC 1000, north of SW Herman Road and at the western city limit.
- A Vicinity Map is included as Attachment A.
- The applicant is Phil Robinson of P.D.R. Designs and the owner is Tualatin Mini Storage, LLC.
- The applicant conducted a neighbor/developer meeting on March 9, 2011 at 6:00 p.m. to explain the CUP-11-01 proposal to neighboring property owners and to receive comments. Besides the four persons who composed the owner's team, one person attended.
- Tualatin Heated Storage is a mini- or self-storage business.
- The subject property is within the General Manufacturing (MG) Planning District.
- A "dwelling unit for watchman and family" is a conditional use within MG pursuant to Tualatin Development Code (TDC) 61.030(1), which incorporates 60.040(1)(e) by reference.
- The City approved the existing site development for mini- or self-storage via Architectural Review AR-07-10 on June 8, 2007.
- The applicant proposes tenant improvements (TIs) within the existing building that now houses the leasing office. The second floor would be the dwelling unit.
- The applicant proposes not to change the building exterior or site development such that architectural review (AR) would be required. The floor plans are part of the application materials that are Attachment B.

- The area around the subject property clockwise from the north to the western city limit along SW Cipole Road includes a mix of general industrial businesses such as C & M Precision Spindle, Wagstaff Battery & Service, Wences Auto Service, Evergreen Gardening, Machine Specialties, Fuchs Lubricants, Venturi Technologies, Suburban Plating, and Suburban Grinding, none of which have a watchman's dwelling.
- Before granting the proposed amendment, the City Council must find that the criteria listed in TDC 32.030 are met: The Analysis and Findings (Attachment C) compares the application with the criteria for granting a CUP.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the conditional use permit approval criteria (within Attachment B). The applicant states that "having a caretaker on site will enhance the overall security of the facility and its patrons."
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). Attachment D is the Engineering Division Memorandum addressing transportation and other public facilities associated with the proposed conditional use.
- The Engineering Division memorandum dated April 5, 2011 regarding the transportation analysis states, "The proposed trip generation added by the watchman's dwelling by this CUP is one trip out for the AM Peak and one trip in for the PM Peak. This CUP will have a negligible impact on nearby intersection's LOS." Further information is available in the Engineering Division Memorandum (Attachment D) and the supporting transportation analysis within the application materials (Attachment B).
- The last approved watchman's dwelling is CUP-08-01 for Tualatin Storage LLC at 18270 SW Pacific Highway (U.S. 99W) approved April 28, 2008 via Resolution No. 4780-08. The applicant's narrative identifies this and two other watchmen's dwellings in the Tualatin area. The other two are CUP-85-09 for Columbia Self Storage at 19488 SW Mohave Court approved September 9, 1985 via Resolution No. 1659-85, and Cipole Road Mini Storage at 20475 SW Cipole Road, just west of city limits and approved by Washington County. As far as staff is aware, these dwellings remain in use.
- The applicable policies and regulations that apply to the proposed conditional use in the MG Planning District include: TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives;" Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria; and Chapter 61 "General Manufacturing Planning District (MG)," Section 61.031 "Restrictions on Conditional Uses." The attached analysis and findings (Attachment C) consider the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the MG Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
- Based on the application and the analysis and findings (Attachment C), the Tualatin Heated Storage dwelling unit for watchman and family (CUP-11-01) meets the criteria of TDC 32.030.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the April 25, 2011 hearing is the 28th day following completeness.

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

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

1. Allows the applicant to have a dwelling unit for watchman and family.

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

1. Precludes the applicant from having a dwelling unit for watchman and family.

#### **ALTERNATIVES TO RECOMMENDATION:**

**The alternatives to the staff recommendation for the Council are:**

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

**FINANCIAL IMPLICATIONS:**

The Fiscal Year (FY) 2010/11 budget allocated revenue to process Conditional Use Permits, and the applicant submitted payment per the City of Tualatin Fee Schedule to process CUP-11-01.

**Attachments:**

### A - Vicinity Map

## B - Application Materials

### C - Analysis and Findings

D - Engineering Division Memorandum

E - Draft CUP Resolution

F - PowerPoint - CUP 11-01



# CUP 11-01: Tualatin Heated Storage Watchman's Dwelling Vicinity Map

19800 SW Cipole Rd TLID: 2S121DC01000



--- City Boundary  
Parcels

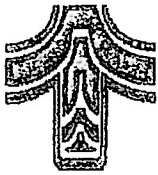


RF1:3600

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 4/12/2011

**Attachment A  
Vicinity Map**





# City of Tualatin

www.ci.tualatin.or.us

## APPLICATION FOR CONDITIONAL USE

Community Development Department - Planning Division  
18880 S.W. Martinazzi Avenue  
Tualatin, OR 97062  
503-691-3026

Case No. CU11-01  
Fee Rec'd. \$1365  
Receipt No. \_\_\_\_\_  
Date Rec'd. 3-11-11  
By W. Park

PLEASE PRINT IN INK OR TYPE

Code Section 61.030(I) / 60.040(E) Conditional Use to allow Dwelling Unit For Watchman  
Planning District MG

Owner's Name Smart Self-Storage, LLC Phone 503-278-3434  
Owner's Address 1331 NW Lovejoy St, Suite 755, Portland, OR 97209  
(street) (city) (state) (ZIP)

Owner recognition of application: [Signature] Smart Self-Storage, LLC  
By: BPT Management, LLC  
Its Manager  
By: Business Property Trust, LLC  
Its Member  
By: Barry Raber, Manager

signature of owner(s)

Applicant's Name P.D.R. Designs Phone 503-686-4175  
Applicant's Address P.O. Box 2366 Hillsboro, OR 97123  
(street) (city) (state) (ZIP)

Applicant is: Owner \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Developer \_\_\_\_\_ Agent X

Other \_\_\_\_\_

Contact person's name Phil Robinson Phone 503-686-4175  
Contact person's address P.O. Box 2366 Hillsboro, OR 97123  
(street) (city) (state) (ZIP)

Assessor's Map Number 25121DC Tax Lot Number(s) 1000

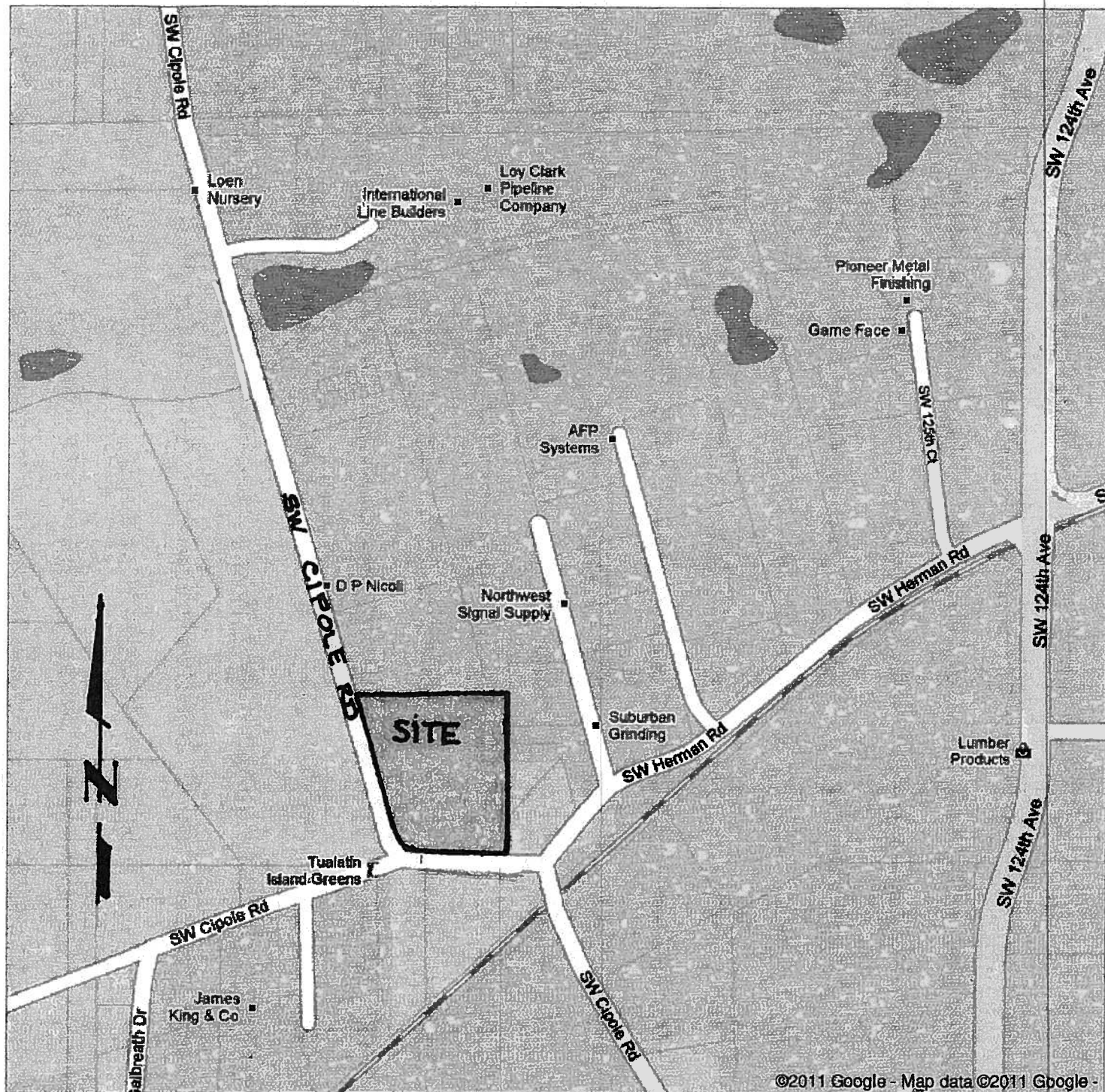
Address of Property 19800 SW Lipale Rd. Lot Area 5.94 acres

Existing Buildings (Number and Type) (3) Bldg's Type II B Sprinkled

Current Use S1, B

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

Name Phil Robinson Date 3-10-2011 Phone 503-686-4175  
Address P.O. Box 2366 Hillsboro, OR 97124  
(street) (city) (state) (ZIP)



## VICINITY MAP

# PDR DESIGNS

*Architectural Design, Drafting, & Consulting*  
*Commercial - Residential*

March 10, 2011

Subject:  
**Criteria for Review of Conditional Use Responses.**

Property:  
Tualatin Heated Storage  
19800 SW Cipole Rd  
Tualatin, OR. 97062

Owner:  
Smart Self-Storage, LLC  
1331 NW Lovejoy St., Suite 755  
Portland, OR. 97209

Approval criteria per TDC, Section 32.030:

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

**Yes, we are requesting a conditional use based on TDC, section 61.030, part (1) & 60.040(e). Please see attached.**

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

**The site is currently developed consisting of (3) 2-story conditioned, fully sprinkled, buildings. The main building contains an existing 2-story office area that is also fully sprinkled. The upper area of this building is the proposed caretakers unit. The site is 5.94 acres. The site is relatively flat. The facility is 2 to 3 years old. It has a paved parking lot that already accommodates the office team and patrons. The site landscaping consist of trees, shrubs, and ground cover.**

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

**This proposed unit will have little to no impact on the surrounding area. There is access to public transportation within 3/4 of a mile of the site at SW Pacific Hwy. The site is located 2-3 miles from shopping centers, residential sub divisions, parks, and schools.**

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

**The proposed use does not alter the footprint of the existing structure and there are no proposed changes to the outer appearance of the building facade with the**



# PDR DESIGNS

*Architectural Design, Drafting, & Consulting  
Commercial - Residential*

exception of replacing an existing fixed window with an operable sliding window. Access to the site is already established and the structure is already built. The property has a large, unused portion of land for staging and construction personnel parking. Therefore, there are no proposed elements that will limit, or impair, the use of the surrounding properties. The proposed residential use will have a lesser impact than the existing office/ conference room in regards to occupancy load. Original occupancy load factor for the office/ conference room is 7. (674 square feet/ 100 = 7 occupants). The proposed occupancy load factor for the residential use is 4. (674 square feet/ 200 = 4). In addition, a reduction in total trips is documented in the trip generation report by Charbonneau Engineering, LLC dated February 18, 2011. Please find the report attached.

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

The proposed use satisfies the objectives of the Tualatin Community Plan in that we will be providing a benefit to the general welfare of the public. Having a caretaker on site will enhance the overall security of the facility and its patrons. In addition, there are already established caretaker units within other storage facilities located in the City of Tualatin.

They are:

Cipole Road  
20475 SW Cipole Road  
Tualatin, OR. 97062  
1 Bedroom 1 Bath

Tualatin Storage  
18270 SW Pacific Highway  
Tualatin, OR. 97062  
1 Bedroom 1 Bath

Columbia Self Storage  
19488 SW Mohave Court  
Tualatin, OR. 97062  
2 Bedrooms 1 Bath

Thank you for your consideration.


ject to the size limitations stated in this subsection:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).

(ii) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter 69. [Ord. 1212-06, 06/26/2006].

## Section 61.030 Conditional Uses.

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031:

 (1) All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020, except schools for kindergarten through 12, which are not permitted.

(2) Resource recovery facility except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(3) Refuse transfer station except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(4) Bus maintenance and storage facility.

[Amended by Ord. 592-83 §97, passed June 13, 1983; Ord. 621-84 §11, passed Feb. 13, 1984; Ord. 913-94 §8, passed Feb. 28, 1994; Ord. 1003-98 §7, passed April 27, 1998; Ord. 1026-99 §83, passed Aug. 9, 1999; Ord. 1046-00 §17, passed Feb. 14, 2000; Ord. 1050-00 §6, passed Mar. 13, 2000; Ord. 1133-03, Amended, 03/24/2003; Ord. 1122-02, Amended, 11/25/2002; Ord. 1103-02, Amended, 03/25/2002; Amended, Ord. 1212-06, 06/26/2006].

## Section 61.031 Restrictions on Conditional Uses.

The following restrictions shall apply to those uses listed as conditional uses in TDC 61.030:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this subsection:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).

(ii) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter 69. [Ord. 1212-06, 06/26/2006]

## Section 61.035 Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlay

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway 99W west of Cipole Road.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sherwood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Itel Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood

## Tualatin Development Code

restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the CG District, excluding any use permitted in the CC District, are permitted to be greater than 60,000 square feet of gross floor area per building or business in areas designated Employment Area or Industrial Area on Map 9-4. [Amended by Ord. 621-84 §6, passed Feb. 13, 1984; Ord. 694-86 §5, passed May 27, 1986; Ord. 740-88 §1, passed Jan. 11, 1988; Ord. 1026-99 §75, passed Aug. 9, 1999; Ord 1046-00 §9, passed Feb. 14, 2000.]

### Section 60.035 Special Setbacks for Commercial Uses from Arterial Streets; Additional Permitted Uses in the Commercial Services Overlay

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sherwood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Ite Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood Road from SW 95th Avenue to SW Cipole Road.

(4) Additional uses listed below are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Map 9-5 and only when conducted within an enclosed building.

(a) Automobile glass shop; Automobile accessory sales and auto parts retailing and wholesaling; auto and light truck service shop,

including but not limited to, service for air conditioners, electrical, brakes, washing, detailing, mufflers, oil, or lubrication, sound, tune-up, and upholstery; auto tire shop and ancillary truck tire sales; canopy sales and repair; automobile body and/or auto paint shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends.

(b) Tool and equipment rental. (Ord. 1133-03,

Add, 03/24/2003)

### \*Section 60.040 Conditional Uses.

(1) The following uses are permitted in accordance with TDC Chapter 32, as restricted in TDC 60.041:

(a) Automobile body and/or auto paint shop; auto radiator repair shop; general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(b) Building materials and supplies, wholesale sales, and warehousing.

(c) Cold storage plant.

(d) Contractor's shops and equipment storage.

→ (e) Dwelling unit for watchman and family.

(f) Fire station.

(g) Machine shop, including automobile machine shop, of 7,500 gross square feet or larger.

(h) Manufacture of the following types of products:

(i) Bicycles.

(ii) Small electric generators.

(iii) Small electric motors.

(iv) Marine pleasure craft.

(v) Sashes and doors.

(vi) Vending machines.

(i) Marine craft sales, service and rental except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(j) Light metal fabrication (of semi-finished or finished metals).

(k) Metal casting (small).

March 10, 2011

Subject:

**Property legal discription.**

Property:

Tualatin Heated Storage

19800 SW Cipole Rd

Tualatin, OR. 97062

Owner:

Business Property Trust, LLC

1331 NW Lovejoy St., Suite 755

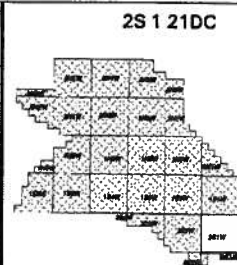
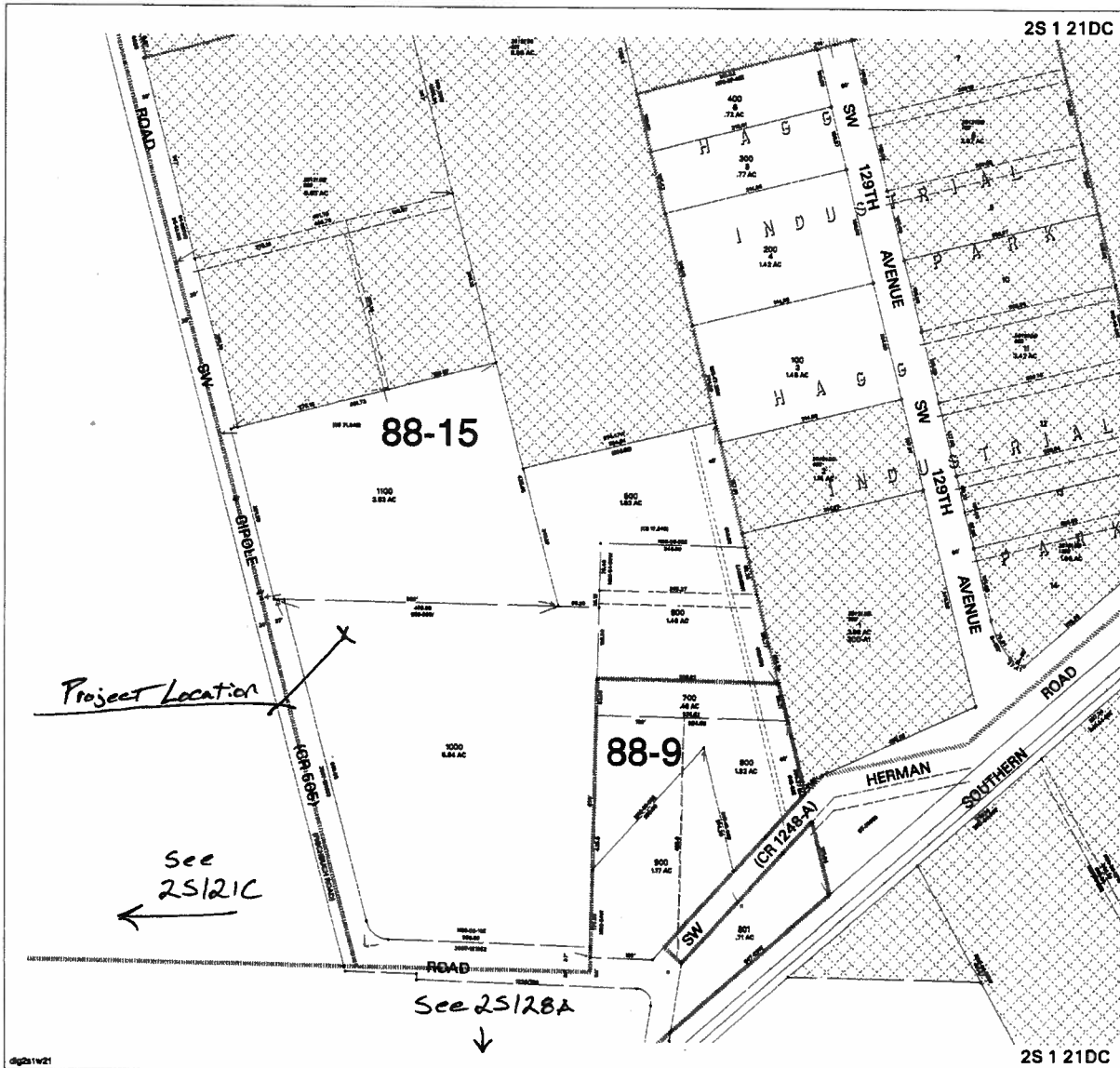
Portland, OR. 97209

**A tract in Section 21, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, more particularly described as follows:**

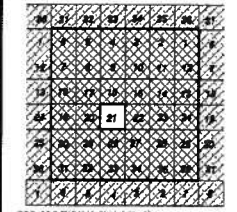
**Beginning at an iron rod on the South line of said Section 21, North 89°06' East, 553.85 feet from the quarter corner on the South line of said Section 21, said beginning point being South 16°28' East, 13.1 feet from angle 4 of County Road No. 505; thence North 16°28' West, 643.6 feet to an Iron rod in the center line of said County Road No. 505; thence North 89°06' East, 569.2 feet to a stake; thence South 0°54' East, 620 feet to an iron rod on the South line of said Section 21; thence South 89°06' West, 396.50 feet to the place of beginning.**

**EXCEPTING THEREFROM that portion disclosed by Right of Way Dedication Deed to Washington County, a political subdivision of the State of Oregon recorded November 21, 2007 as Recorder's Fee No. 2007-121352.**

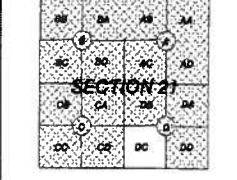




WASHINGTON COUNTY OREGON  
SW1/4 SE1/4 SECTION 21 T2S RTW W.M.  
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Tickets For: 2S121DC  
1/30/1981



PLOT DATE: August 20, 2008  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

This map was derived by other map making or a view-based  
process and is not intended to be used for any other purpose  
except property boundaries. Please contact the appropriate state  
for the most current information.

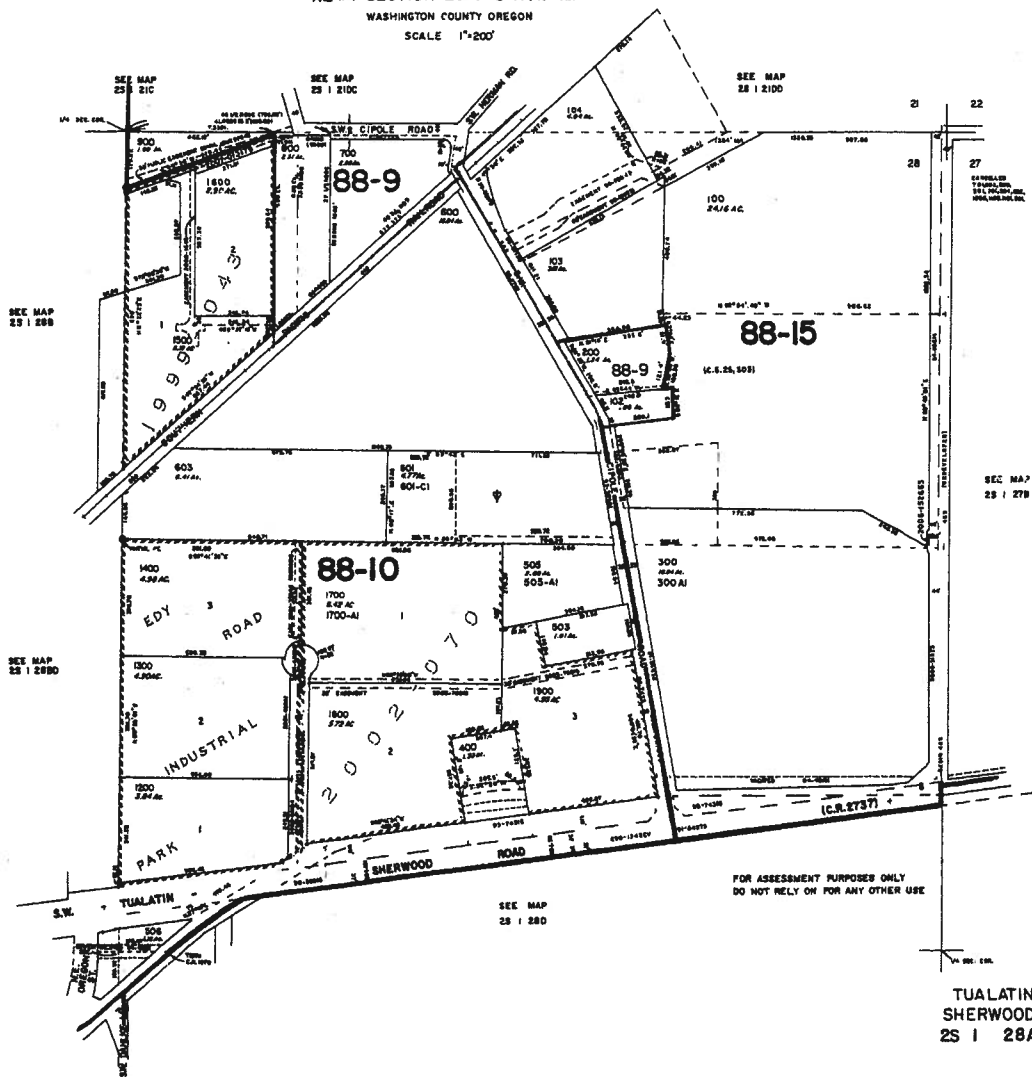
TUALATIN  
2S 1 21DC

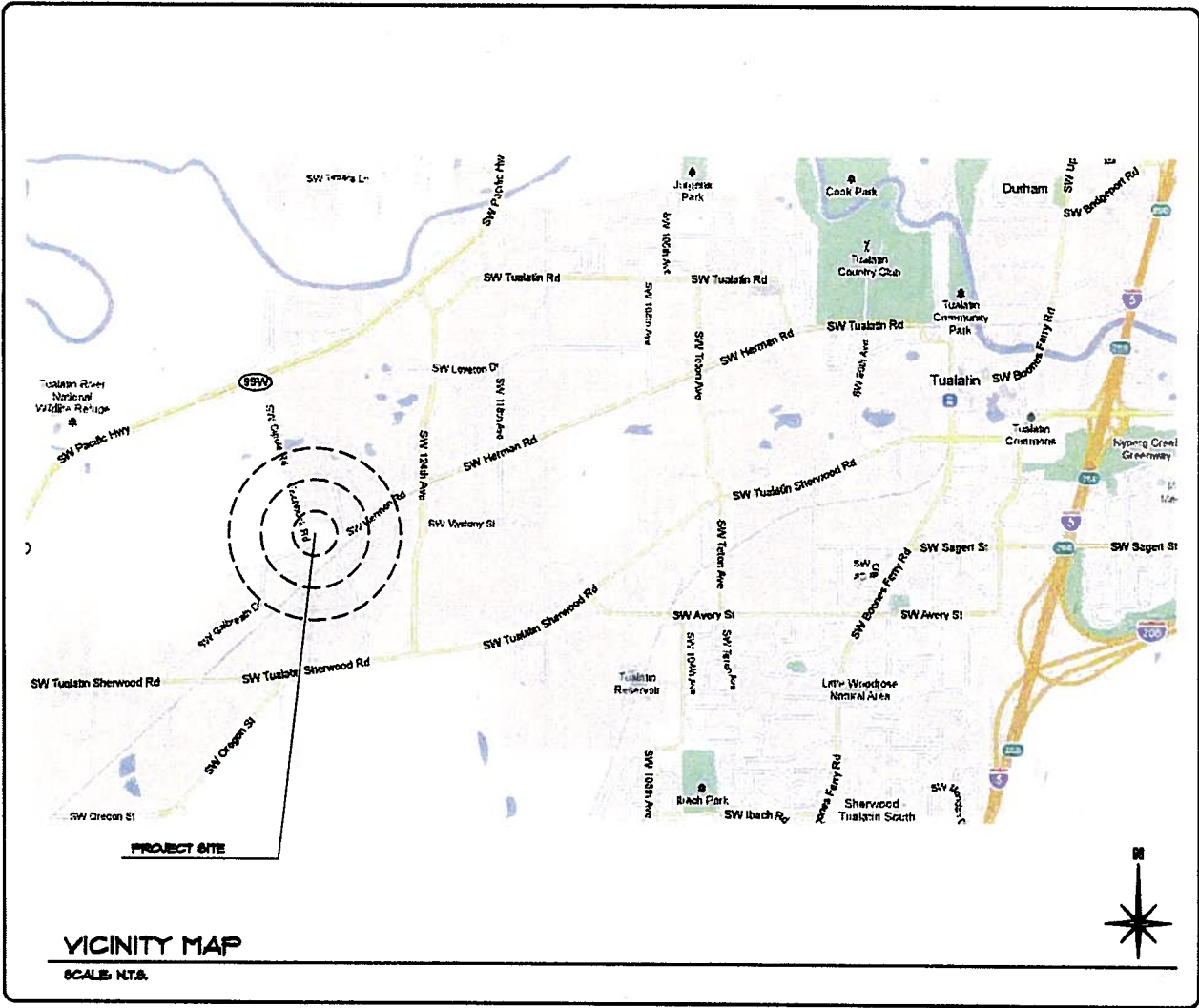
**25 | 21C**

**CANCELLED TAX LOT**  
1981.



**2S | 28A**





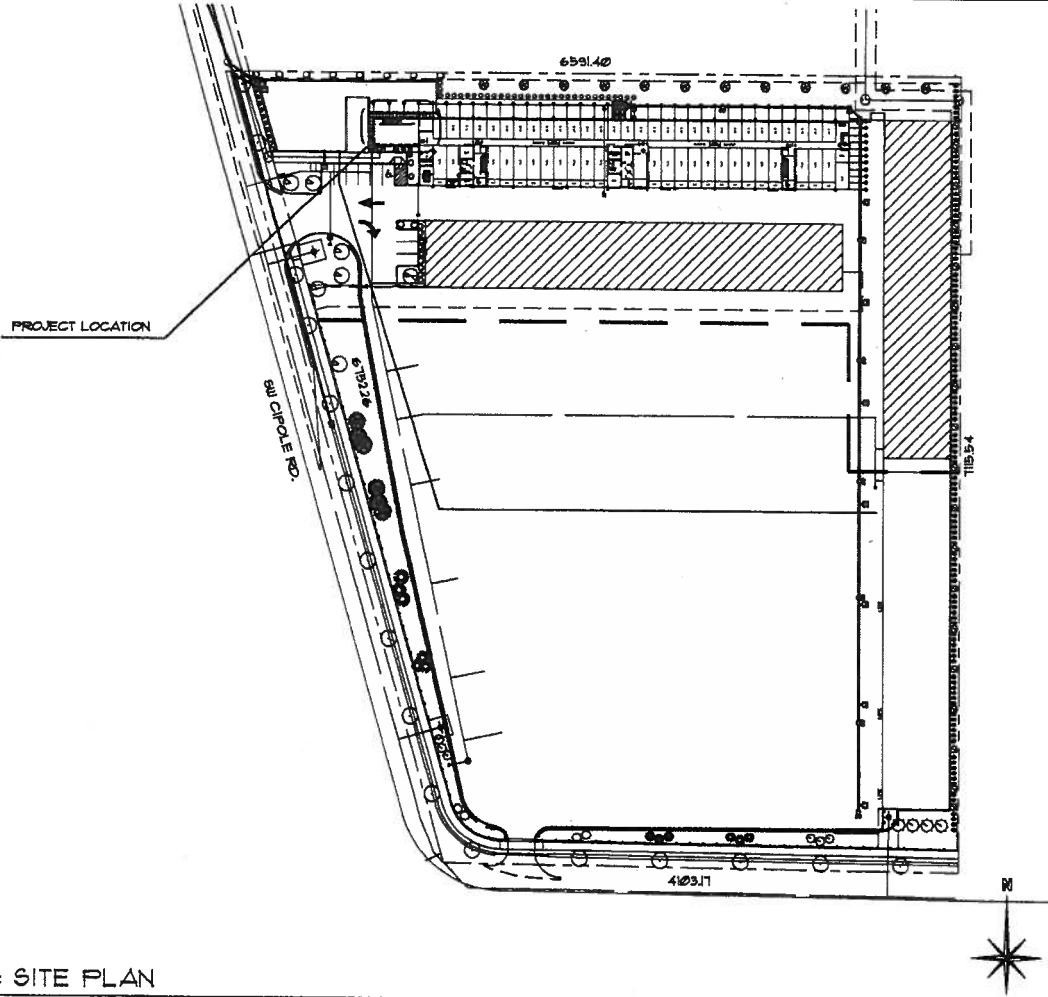
**MDR Design**  
 19800 SW Circle Rd.  
 Tualatin, OR 97063  
 Phone: 503.261.1111  
 Fax: 503.261.1112  
 Website: www.mdr-design.com

NO.	DATE	DESCRIPTION
1	01/11/11	ISSUED FOR PERMIT

PROPOSED TRUNK IMPROVEMENT FOR  
**TUALATIN HEATED STORAGE**  
 19800 SW CIRCLE RD.  
 TUALATIN - OREGON

PROJECT NO.  
**AI**  
 SHEET 4 OF 4  
 PROJECT # 10-05  
 ©2011, FOR RECORD



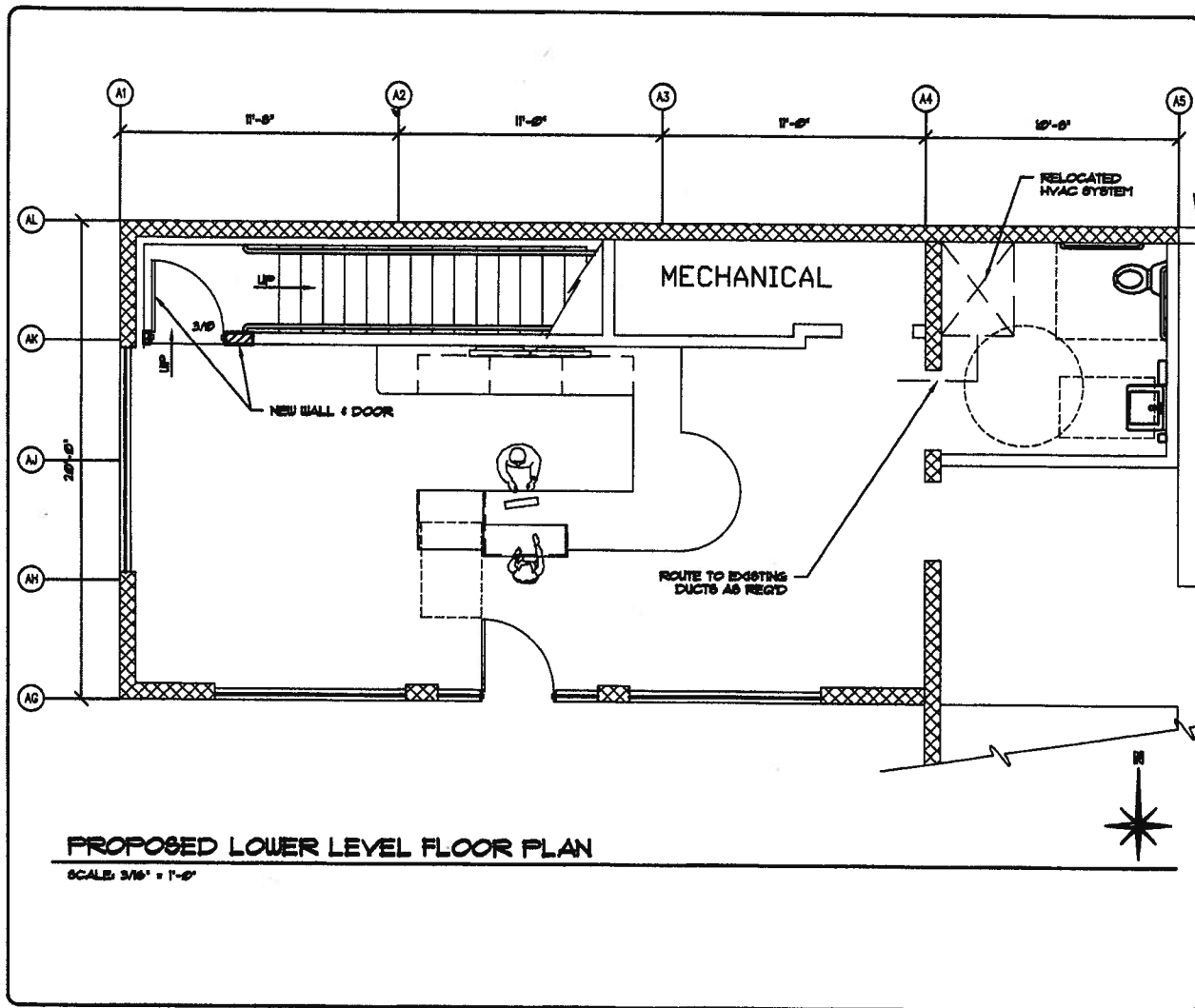


**PDR Designs**  
 Architectural Design, Drafting & Consulting  
 1000 SW 10th Ave, Suite 100  
 Portland, Oregon 97205  
 Phone: 503.222.1111  
 Fax: 503.222.1112  
 Website: www.pdrdesigns.com

DATE	DESCRIPTION	BY	CHKD
10/10/11	EXISTING SITE PLAN	J. A. J.	J. A. J.

PROPOSED TENANT IMPROVEMENT FOR:  
**TUALATIN HEATED STORAGE**  
 1800 SW CIRCLE RD.  
 TUALATIN - OREGON

SHEET NO.  
**A2**  
 PROJECT: 10-02  
 © 2011, PDR DESIGNS



**MDR Design**  
 Architect/Engineer/Planner & Consulting  
 10000 SW 10th Avenue  
 Portland, Oregon 97219  
 Phone: 503.251.1212  
 Fax: 503.251.1213  
 Web: www.mdrdesign.com

NO.	REVISION	DATE	BY	CHKD BY
1	ISSUED FOR PERMIT	10/20/11	MDR	MDR

PROPOSED TENANT IMPROVEMENT FOR:  
**TUALATIN HEATED STORAGE**  
 14800 SW CIRCLE RD.  
 TUALATIN - OREGON

**PROJECT NO.**  
**A3**  
**PROJECT & DATE**  
 © 2011, FOR DESIGN



## CONDITIONAL USE PERMIT AFFIDAVIT OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **lime green** composed of the **RGB color values Red 146, Green 208, and Blue 80**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

As the applicant for the Smart Self-Storage LLC project, I hereby certify that on this day, 3-11-2011 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: \_\_\_\_\_

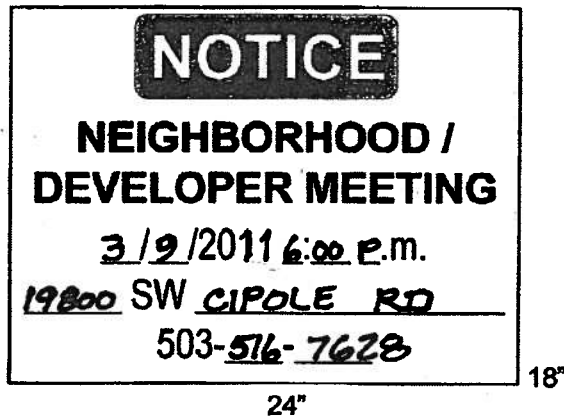
(PLEASE PRINT)

Applicant's Signature: \_\_\_\_\_

Date: 3-11-2011



## NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING



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

February 18, 2011

Applicable Parcel Number  
Property Owner's Name  
Property Owner's Mailing Address  
City, ST Zip

RE: Tualatin Heated Storage, proposed addition of RV parking and manager's living unit,  
19800 SW Cipole Road, Tualatin, OR 97062

Dear Property Owner:

You are cordially invited to attend a meeting on March 9<sup>th</sup>, 2011 at 6:00 p.m. at Tualatin Heated Storage, 19800 SW Cipole Road, Tualatin, OR 97062. This meeting shall be held to discuss a proposed project located at 19800 SW Cipole Road, Tualatin, OR 97062, crossroads HWY 99 and Tualatin-Sherwood Road. The proposal is to attain land use action on this site consisting of constructing site improvements for the addition of RV parking on the undeveloped southern portion of the site. The applicant will also be processing a Conditional Use Permit for the construction of tenant improvements to add a manager's living unit within the existing office area.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,

Kristie Bollinger  
Tualatin Heated Storage

**NEIGHBORHOOD/DEVELOPER MEETING  
AFFIDAVIT OF MAILING**

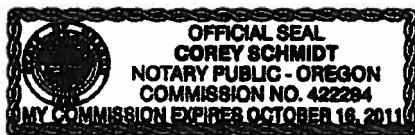
STATE OF OREGON                    )  
  ) SS  
COUNTY OF WASHINGTON        )

I, Kristie Ballinger, being first duly sworn, depose and say:

That on the 18<sup>th</sup> day of February, 2011, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

  
\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me this 25 day of February, 2011.



Corey Schmidt  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: Oct 16, 2011

RE: \_\_\_\_\_

**NEIGHBORHOOD/DEVELOPER MEETING  
AFFIDAVIT OF POSTING IN PUBLIC PLACES**

STATE OF OREGON                     )  
  ) SS  
COUNTY OF WASHINGTON         )

I, YU NGUYEN, being first duly sworn, depose and say:

As the applicant for the TUALATIN HEATED STORM project, I hereby certify that I posted copies of the Notice of the Neighborhood/Developer meeting in accordance with the requirements of the Tualatin Development Code and the Community Development – Planning Division on the 19<sup>TH</sup> day of FEBRUARY, 2011, copy attached; and that I posted said copies in public and conspicuous places within the City at the subject property, to wit:

1. SIGN ALONG WEST PL. ADJ. TO CIPOLE RD
2. SIGN ALONG SOUTH PL. ADJ. TO CIPOLE RD.
3. \_\_\_\_\_
4. \_\_\_\_\_

Dated this day of 21<sup>ST</sup> FEB, 2011.

  
Signature

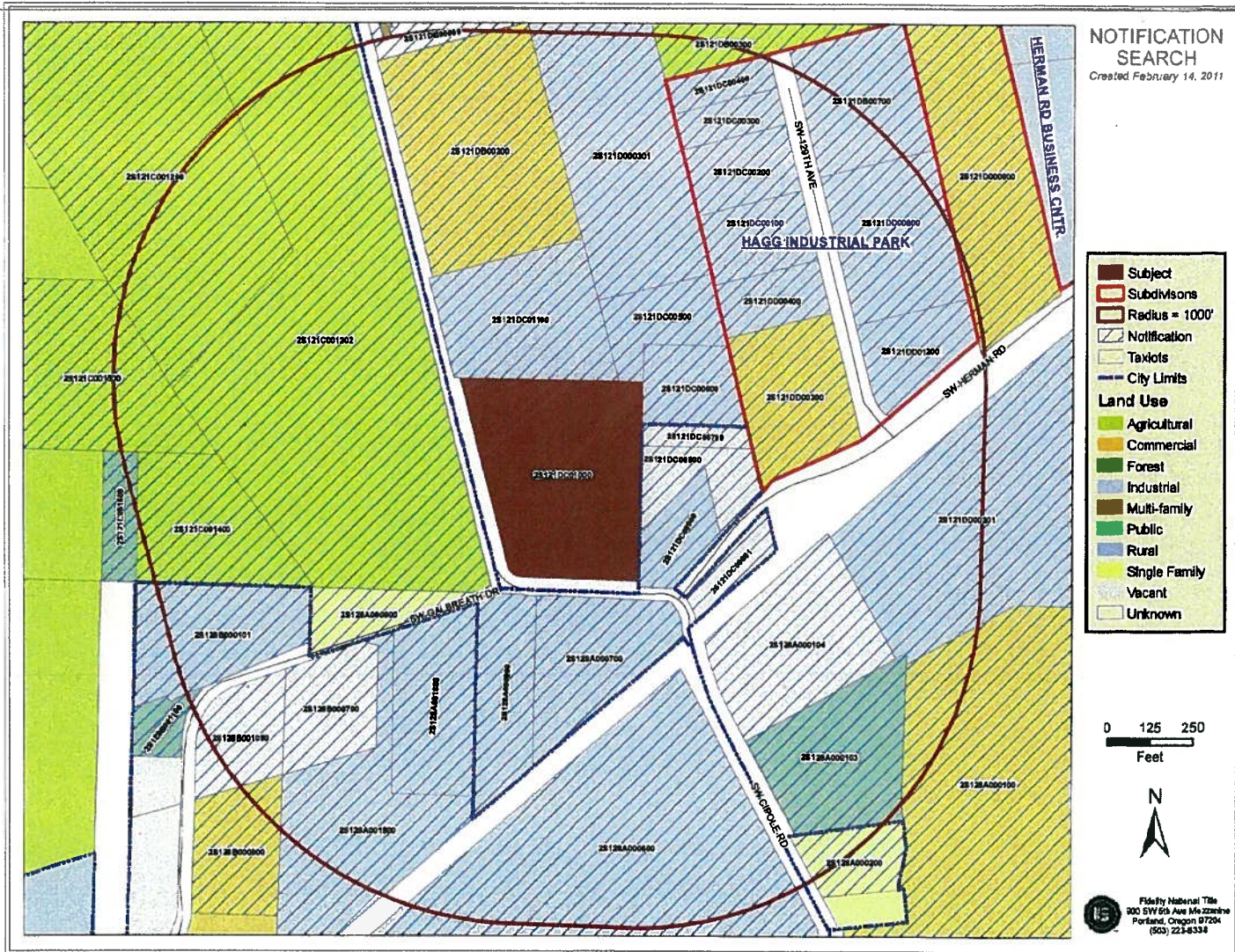
Subscribed and sworn to before me this day of 21 FEB, 2011.



  
Notary Public for Oregon  
My Commission expires: JULY 13, 2012

RE: \_\_\_\_\_





REPPARCEL	OWNER	OWNERFIRST	OWNERLAST	MAILADDRESS	MAILCITY	MAILSTATE	MAILZIP	SITEADDRESS	SITECITY	SITESTATE	SITEZIP
2S121C0 01200	Gary Walgraave	Gary	Walgraave	11345 SW Herman Rd	Tualatin	OR	97062	"no Site Address"		OR	00000
2S121DC 01000	Smart Self-Storage LLC	Smart Self-Storage LLC		1331 NW Lovejoy St #755	Portland	OR	97209	"no Site Address"		OR	00000
2S121C0 01202	Cipole Road Holdings LLC	Cipole Road Holdings LLC		8575 SW Sorrento Rd	Beaverton	OR	97008	19785 SW Cipole Rd	Sherwood	OR	97140
2S121C0 01400	Anna Galbreath Kelly	Anna Galbreath	Kelly	19915 SW Cipole Rd	Sherwood	OR	97140	"no Site Address"		OR	00000
2S121C0 01500	William Galbreath	William	Galbreath	19915 SW Cipole Rd	Sherwood	OR	97140	"no Site Address"		OR	00000
2S121DB 00200	Nicoll Pacific LLC	Nicoll Pacific LLC		19900 SW Cipole Rd	Tualatin	OR	97062	19500 SW Cipole Rd	Tualatin	OR	97062
2S121DC 01100	Machine Specialties Inc	Machine Specialties Inc		19730 SW Cipole Rd #1	Tualatin	OR	97062	13005 SW Herman Rd	Tualatin	OR	97062
2S121DC 00600	Larry & Judy Ludwig	Larry & Judy	Ludwig	Po Box 473	Tualatin	OR	97062	12985 SW Herman Rd	Tualatin	OR	97062
2S121D0 00301	Row-En-Do LLC	Row-En-Do LLC		17540 63rd Ave	Lake Oswego	OR	97035	"no Site Address"		OR	00000
2S121DC 00800	Howard & Kathy Rayborn	Howard & Kathy	Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062	"no Site Address"		OR	00000
2S121DC 00700	Howard & Kathy Rayborn	Howard & Kathy	Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062	"no Site Address"		OR	00000
2S121DC 00900	Howard & Kathy Rayborn	Howard & Kathy	Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062	19990 SW Cipole Rd	Tualatin	OR	97062
2S121DC 00800	Larry & Judy Ludwig	Larry & Judy	Ludwig	Po Box 473	Tualatin	OR	97062	13025 SW Herman Rd	Tualatin	OR	97062
2S121DB 00300	Hagg	Hagg		19100 SW 129th Ave	Tualatin	OR	97062	19100 SW 129th Ave	Tualatin	OR	97062
2S121D0 00600	Robert Gray	Robert	Gray	7623 SW Kingfisher Way	Portland	OR	97224	12705 SW Herman Rd	Tualatin	OR	97062
2S128A0 00100	Fore-Sight Bailboa LLC	Fore-Sight Bailboa LLC		20400 SW Cipole Rd	Tualatin	OR	97062	20400 SW Cipole Rd	Tualatin	OR	97062
2S128A0 00200	John & Denise Hagg Jr.	John & Denise	Hagg Jr.	20340 SW Cipole Rd	Tualatin	OR	97062	20300 SW Cipole Rd	Tualatin	OR	97062
2S128A0 00600	Bmc West Corporation	Bmc West Corporation		Po Box 70006	Bolton	ID	83707	20285 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00700	Great Northwest Gutters LLC	Great Northwest Gutters LLC		19975 SW Cipole Rd	Sherwood	OR	97140	19985 SW Cipole	Sherwood	OR	97140
2S128A0 00800	Jason Ludwig	Jason	Ludwig	19445 SW Cipole Rd	Sherwood	OR	97140	19945 SW Cipole	Sherwood	OR	97140
2S128A0 00900	John Waddill	John	Waddill	Po Box 1464	Coos Bay	OR	97420	19915 SW Cipole Rd	Sherwood	OR	97140
2S128B0 00101	Jdf Properties LLC	Jdf Properties LLC		Po Box 1381	Tualatin	OR	97062	19935 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00103	Sherwood School Dist #88j	Sherwood School Dist #88j		19956 SW Meinecke Rd	Sherwood	OR	97140	20250 SW Cipole Rd	Tualatin	OR	97062
2S121DC 00100	Steven & Sandra Coleman	Steven & Sandra	Coleman	30600 S Arrow Ct	Canby	OR	97013	19555 SW 129th Ave	Tualatin	OR	97062
2S121DC 00200	Ascentec Landowners LLC	Ascentec Landowners LLC		19535 SW 129th Ave	Tualatin	OR	97062	19535 SW 129th Ave	Tualatin	OR	97062
2S121DC 00300	Imolean & William Frazer	Imolean & William	Frazer	10880 SW Davies Rd #116	Beaverton	OR	97008	19475 SW 129th Ave	Tualatin	OR	97062
2S121DC 00400	James & Candis Bayne	James & Candis	Bayne	19435 SW 129th Ave	Tualatin	OR	97062	19435 SW 129th Ave	Tualatin	OR	97062
2S121DD 00300	Rogers Equipment Leasing LLC	Rogers Equipment Leasing LLC		227 Bellevue Way NE #78	Bellevue	WA	98004	19675 SW 129th Ave	Tualatin	OR	97062
2S121DD 00400	Gulfson	Gulfson		307 Levers St #9th	Honolulu	HI	96815	19635 SW 129th Ave	Tualatin	OR	97062
2S121DB 00700	Jc Holdings LLC	Jc Holdings LLC		19450 SW 129th Ave	Tualatin	OR	97062	19450 SW 129th Ave	Tualatin	OR	97062
2S121DD 00800	Belmont Partners LLC	Belmont Partners LLC		Po Box 2071	Gresham	OR	97138	19800 SW 129th Ave	Tualatin	OR	97062
2S121DD 01200	Cottontail Peter	Cottontail	Peter	7265 SW Dogwood Pl	Portland	OR	97225	19800 SW 129th Ave	Tualatin	OR	97062
2S121C0 00201	Lumber Products	Lumber Products		19855 SW 124th Ave	Tualatin	OR	97062	19855 SW 124th Ave	Tualatin	OR	97062
2S121C0 01600	United States Of America	United States Of America		Po Box 3821	Portland	OR	97208	"no Site Address"		OR	00000
2S121DD 00300	Rogers Equipment Leasing LLC	Rogers Equipment Leasing LLC		227 Bellevue Way NE #78	Bellevue	WA	98004	19675 SW 129th Ave	Tualatin	OR	97062
2S128A0 00104	Lumber Products	Lumber Products		19855 SW 124th Ave	Tualatin	OR	97062	"no Site Address"		OR	00000
2S128A0 01500	George & Evelyn Andrews	George & Evelyn	Andrews	22195 SW 85th Ave	Tualatin	OR	97062	19638 SW Cipole		OR	00000
2S128A0 01600	Patrick Lee Enstrom	Patrick Lee	Enstrom	9304 SW 51st Ave	Portland	OR	97219	13300 SW Galbreath Dr	Sherwood	OR	97140
2S121DB 90000	Cipole Commercial Center	Cipole Commercial Center		19450 SW Cipole Rd	Tualatin	OR	97062	19450 SW Cipole Rd	Tualatin	OR	97062
2S121DD 00201	Components & Millwork Inc	Components & Millwork Inc		19855 SW 124th Ave	Tualatin	OR	97062	19855 SW 124th Ave	Tualatin	OR	97062
2S121DC 00801	Howard & Kathy Rayborn	Howard & Kathy	Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062	"no Site Address"		OR	00000
2S128B0 00101	Jdf Properties LLC	Jdf Properties LLC		Po Box 1381	Tualatin	OR	97062	19935 SW Cipole Rd	Sherwood	OR	97140
2S128B0 00700	Oregon Street Partners	Oregon Street Partners		Po Box 1000	Sherwood	OR	97140	Sherwood		OR	00000
2S128B0 00900	James Fisher Jr.	James	Fisher Jr.	23225 NE Dillon Rd	Newberg	OR	97132	13580 SW Galbreath Dr	Sherwood	OR	97140
2S128B0 01050	Oregon Street Partners	Oregon Street Partners		Po Box 1000	Sherwood	OR	97140	"no Site Address"		OR	00000
2S128B0 01100	City of Sherwood	Sherwood City Of		22560 SW Pine St	Sherwood	OR	97140	"no Site Address"		OR	00000
	Darrel Smith			1455 Nelson Court	Lake Oswego	OR	97034				
	Phil Robinson			Po Box 2386	Hillsboro	OR	97123				

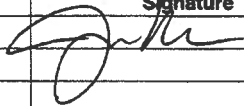
**Tualatin Heated Storage  
Neighborhood Meeting Minutes**  
Location – 19800 SW Cipole Road, Tualatin  
March 9<sup>th</sup>, 2011 – Start 6:00 P.M. End 7:00 P.M.

**Facilitator: Darrel Smith, Land Tech, Inc.**

**In Attendance: Darrel Smith, Phil Robinson (PDR Designs), Barry Raber (owner), Kristie Bollinger (owner's representative)**

**6:15 P.M. – Neighborhood attendee Jimmy Bruce arrived, signed in. Indicated his family owns property in the area. Darrel reviewed site plan with Mr. Bruce and explained owner's desire to add RV parking on the vacant land. Mr. Bruce further explained his family owns a property up the street, Portland Luxury Storage. Mr. Bruce inquired about gate hours, number of spaces and which gate would be used for access. Darrel answered questions to his satisfaction. Darrel also explained owner's desire to add a caretaker's unit above the office and reviewed plan with Mr. Bruce, no questions arose. Mr. Bruce departed 6:30 P.M.**

Tualatin Heated Storage  
 Neighborhood Meeting Sign-in Sheet  
 Location - 19800 SW Cipole Road, Tualatin  
 March 9th, 2011 - Start 6:00 P.M. End 7:00 pm

	Printed Name	Signature	Property Address	Mailing Address
1	Jimmy Bice		19600 SW 129th Ave	PO Box 10585, Portland, OR 97296
2				
3				
4				
5				
6				
7				
8				
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25				





CHARBONNEAU  
ENGINEERING LLC

February 18, 2011

To: Barry Raber  
Smart Self-Storage, LLC  
1331 NW Lovejoy Street  
Suite 755  
Portland OR 97209

From: Frank Charbonneau, PE, PTOE

Subject: Trip Generation for RV Parking Development  
**Tualatin Storage & Facility**  
SW Cipole Road, City of Tualatin & Washington County

FL1118

Charbonneau Engineering LLC, has prepared this memorandum on behalf of Smart Self-Storage, LLC in order to document the existing conditions and trip generation projection associated with adding parking for 205 RV spaces at the existing mini-storage site in Tualatin. A manager's residence will also be built on the site in order to provide customer assistance and security when the RV parking improvements are constructed.

The project site is located at 19800 SW Cipole Road and currently operates with 714 mini-storage units. The site was previously approved in the City of Tualatin for the development of 1,901 storage units. A single driveway access on Cipole Road currently serves the facility. Road frontage improvements including widening, curbing, and sidewalk were constructed in conjunction with the initial site buildout.

Intersection sight distance at the existing access on Cipole Road previously received final certification in year 2009 based on the certification letter written by Steven Farnsworth, PE (copy furnished by Washington County). A recent review of the conditions in the field has verified that the sight distance findings are valid for the site access. The posted speed is still 45MPH and there are no obstructions to the sight lines.

The proposed RV area will provide paved parking for 205 recreational type vehicles (including possibly campers & boats). It will not function as a retail (sales) business or provide services for overnight camping.

The trip generation is presented in the following table (on page 2) and includes the number of trips for the original approved facility (1,901 storage units), current use (714 storage units), proposed RV parking (205 spaces), and one single-family home. All values are based on the trip rates contained in the ITE Trip Generation manual. The manual does not cover trip rates for RV parking so the rate used was the same as for the mini-storage units (actual RV trip rate per unit is expected to be lower than the rate applied).

The trip generation summary indicates that with development of the RV parking facility and including one residence there will be a decrease in the number of trips generated by the development compared to the trips originally approved. On a daily basis the average daily traffic (ADT) will be 292 trips less. In the AM peak hour there will be 19 fewer trips and in the PM peak hour there will be 38 fewer trips.

If you should have any questions regarding these results please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email at [Frank@CharbonneauEngineer.com](mailto:Frank@CharbonneauEngineer.com).

**Trip Generation Summary - Proposed RV Parking at Tualatin Storage Facility on SW Cipole Road**

Site Use	# Units	ADT	AM Pk Hour Trips			PM Pk Hour Trips		
			In	Out	Total	In	Out	Total
Mini-Storage (approved)	1,901	532	25	13	38	29	28	57
Mini-Storage (existing)	714	179	9	5	14	5	9	14
RV Parking (proposed)	205	51	3	1	4	3	1	4
Residence (proposed)	1	10	0	1	1	1	0	1
Net Trip <sup>1</sup> Change		-292	-13	-6	-19	-20	-18	-38

<sup>1</sup> Net Trip Change = Original Approved # trips for 1,901 storage units - (trips for 714 storage units + RV trips + residence trips).



## **CUP-11-01 ATTACHMENT C:**

### **ANALYSIS AND FINDINGS**

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

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

The subject property, Tax Lot 2S1 21DC 1000, is within a General Manufacturing (MG) Planning District as defined in TDC Chapter 61. A "dwelling unit for watchman and family" is a conditional use within MG pursuant to Tualatin Development Code (TDC) 61.030(1), which incorporates 60.040(1)(e) by reference.

The criterion is met.

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

**Size:** The minimum lot size within an MG Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is approximately 5.94 acres, exceeds the minimum lot size requirement, and is already developed. The applicant seeks tenant improvements (TIs) for the watchman's dwelling.

The site size is suitable for the proposed use.

**Shape:** The subject property is a trapezoidal lot with access from SW Cipole Road. The site is already developed.

The lot shape is suitable for the proposed use.

**Location:** The proposed use is located within the MG Planning District at the western city limit with access from SW Cipole Road. The site is already developed.

The location is suitable.

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

**Improvements:** The site was developed through architectural review AR-07-10 for mini- or self-storage and is partially built out. The applicant proposes tenant improvements (TIs) within the existing building

that now houses the leasing office. The second floor would be the dwelling unit. The applicant proposes not to change the building exterior or site development such that Architectural Review (AR) would be required. The floor plans are part of the application materials that are Attachment B.

The Engineering Division Memorandum (Attachment D) identifies no problems regarding public facilities that would result from a watchman's dwelling.

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

Criterion 2 is met.

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

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

Transportation: The site is adjacent to the street SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-foot right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks. The 37-foot half-street cross-section has been dedicated and improved as a requirement of AR 07-10, Cipole Tualatin Mini Storage.

**Reasonable Worst Case Site Trip Generation:**

The submitted application included an evaluation of Trip Generation of the RV Parking Development created by Charbonneau Engineering. The previous AR 07-10 provided transportation evaluation to provide for two phases of mini storage development. Only the first phase was constructed. The applicant has submitted for AR 11-03, Tualatin Heated Storage and RV Parking to allow the remainder of the lot to gain approval for RV storage rather than the second phase of mini storage.

The trip generation combines the evaluation of both the proposed AR and this CUP, comparing the trips to the previously approved full lot of mini storage:



Project	Site Use	# Units	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
AR 07-10	Mini-Storage	1901	532	25	13	38	29	28	57
AR 11-03	Mini-Storage	714	179	9	5	14	5	9	14
	RV Parking	205	51	3	1	4	3	1	4
CUP 11-01	Residence	1	10	0	1	1	1	0	1
Net Trip Chage		-981	-292	-13	-6	-19	-20	-18	-38

The proposed trip generation added by the watchman’s dwelling by this CUP is one trip out for the AM Peak and one trip in for the PM Peak. This CUP will have a negligible impact on nearby intersection’s LOS.

Washington County responded that they [sic] will not be submitting additional requirements at this time.

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

Criterion 3 is met.

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

The subject property is in an MG Planning District. Surrounding land uses include:

- N: MG C & M Precision Spindle, Wagstaff Battery & Service, Wences Auto Service, Evergreen Gardening, Machine Specialties, Fuchs Lubricants, Venturi Technologies, Suburban Plating
- E: MG Suburban Grinding
- S: MG (Within Urban Planning Area, a.k.a. Planning Area Boundary, yet not incorporated)
- W: n/a (West of city limit and Urban Planning Area, a.k.a. Planning Area Boundary)

There are no residential areas adjoining the subject property. The area along the east side of SW Cipole Road is characterized by industrial development in the MG Planning District. The buildings in the vicinity of the subject building are general industrial buildings with manufacturing and wholesaling uses.

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

Addressing this criterion, the applicant's narrative states that, "The proposed use does not alter the footprint of the existing structure and there are no proposed changes to the outer appearance of the building facade with the exception of replacing an existing fixed window with an operable sliding window. Access to the site is already established and the structure is already built. The property has a large, unused portion of land for staging and construction personnel parking. Therefore, there are no proposed elements that will limit, or impair, the use of the surrounding properties."

The applicant's narrative states also that "having a caretaker on site will enhance the overall security of the facility and its patrons." The purpose of the conditional use permit request is to ensure safety, and it will not disrupt the character of the surrounding area.

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

Criterion 4 is met.

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

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

TDC 7.030(1) states, "Encourage new industrial development." The conditional use request is for a dwelling unit for watchman and family within an existing site development. Though classifiable as a residential use, the use is limited to a single dwelling for a watchman and family hired by a mini- or self-storage business to guard the grounds. This provides on-site security and a measure of public safety and indirectly helps to protect and maintain the guarded business, which is an industrial use. Therefore, the use indirectly promotes the objective.

TDC 7.040(3)(a) states that the MG Planning District is, "Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities." A dwelling unit for watchman and family does not have the same effects as manufacturing

uses. Additionally, the mini- or self-storage business intends the dwelling to be occupied by a hired guard, and if applicable family, who would consent to living on the grounds of a mini- or self-storage business within an industrial planning district. Because the dwelling is not on a separate tax lot and is not part of a condominium plat and so cannot be sold separately from the Tualatin Heated Storage site, concerns about residential property value are moot. The watchman's dwelling would generate no significant noise, dust, odor, vibration, or smoke that would affect other businesses or the public.

TDC 61.031 restricts conditional uses within the MG Planning District that (1) involve the retail sale of products manufactured, assembled, packaged or wholesaled on the site or (2) other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site. The request is for approval of a conditional use within MG. Because the applicant proposes no retail sales, and the subject property is not within the Special Setbacks for Commercial Uses Area, the restrictions are not applicable.

The proposal satisfies those objectives and policies of the Tualatin Development Code (TDC) that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, the Tualatin Heated Storage dwelling unit for watchman and family (CUP-11-01) meets the criteria of TDC 32.030.



# City of Tualatin

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

## **MEMORANDUM**

DATE: April 5, 2011

TO: Colin Cortes  
Assistant Planner

FROM: Tony Doran, EIT  
Engineering Associate

SUBJECT: CUP 11-01, Watchman Dwelling – approval for a dwelling unit for watchman and family.  
19800 SW Cipole Road Tax Lot: 2S121DC01000

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Colin,

**TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.**

*Transportation:* The site is adjacent to the street SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-foot right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks. The 37-foot half-street cross-section has been dedicated and improved as a requirement of AR 07-10, Cipole Tualatin Mini Storage.

*Reasonable Worst Case Site Trip Generation:*

The submitted application included an evaluation of Trip Generation of the RV Parking Development created by Charbonneau Engineering. The previous AR 07-10 provided transportation evaluation to provide for two phases of mini storage development. Only the first phase was constructed. The applicant has submitted for AR 11-03, Tualatin Heated Storage and RV Parking to allow the remainder of the lot to gain approval for RV storage rather than the second phase of mini storage.

Attachment D  
Engineering Division Memorandum





# City of Tualatin

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

The trip generation combines the evaluation of both the proposed AR and this CUP, comparing the trips to the previously approved full lot of mini storage:

Project	Site Use	# Units	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
AR 07-10	Mini-Storage	1901	532	25	13	38	29	28	57
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	RV Parking	205	51	3	1	4	3	1	4
CUP 11-01	Residence	1	10	0	1	1	1	0	1
Net Trip Chage		-981	-292	-13	-6	-19	-20	-18	-38

The proposed trip generation added by the watchman's dwelling by this CUP is one trip out for the AM Peak and one trip in for the PM Peak. This CUP will have a negligible impact on nearby intersection's LOS.

Washington County responded that they will not be submitting additional requirements at this time.

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

Please let me know if you have questions, ext 3035.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TUALATIN HEATED STORAGE, A DWELLING UNIT FOR WATCHMAN AND FAMILY IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S1 21DC, TAX LOT 1000) (CUP 11-01).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on April 25, 2011, upon the application of Phil Robinson of P.D.R. Designs; and

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

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote \_-]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated April 25, 2011, marked "Exhibit C," attached and incorporated by reference; and

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

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

Section 1. The City Council grants a Conditional Use Permit to Tualatin Heated Storage that would allow a dwelling unit for watchman and family in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road.

INTRODUCED AND ADOPTED this 9th day of May, 2011.

CITY OF TUALATIN, Oregon

By \_\_\_\_\_  
Mayor

ATTEST:

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

## **CUP-11-01 ATTACHMENT**

### **ANALYSIS AND FINDINGS**

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

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

The subject property, Tax Lot 2S1 21DC 1000, is within a General Manufacturing (MG) Planning District as defined in TDC Chapter 61. A "dwelling unit for watchman and family" is a conditional use within MG pursuant to Tualatin Development Code (TDC) 61.030(1), which incorporates 60.040(1)(e) by reference.

The criterion is met.

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

**Size:** The minimum lot size within an MG Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is approximately 5.94 acres, exceeds the minimum lot size requirement, and is already developed. The applicant seeks tenant improvements (TIs) for the watchman's dwelling.

The site size is suitable for the proposed use.

**Shape:** The subject property is a trapezoidal lot with access from SW Cipole Road. The site is already developed.

The lot shape is suitable for the proposed use.

**Location:** The proposed use is located within the MG Planning District at the western city limit with access from SW Cipole Road. The site is already developed.

The location is suitable.

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

**Improvements:** The site was developed through architectural review AR-07-10 for mini- or self-storage and is partially built out. The applicant proposes tenant improvements (TIs) within the existing building

Attachment  
Analysis and Findings



that now houses the leasing office. The second floor would be the dwelling unit. The applicant proposes not to change the building exterior or site development such that Architectural Review (AR) would be required. The floor plans are part of the application materials that are Attachment B.

The Engineering Division Memorandum (Attachment D) identifies no problems regarding public facilities that would result from a watchman's dwelling.

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

Criterion 2 is met.

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

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

Transportation: The site is adjacent to the street SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-foot right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks. The 37-foot half-street cross-section has been dedicated and improved as a requirement of AR 07-10, Cipole Tualatin Mini Storage.

**Reasonable Worst Case Site Trip Generation:**

The submitted application included an evaluation of Trip Generation of the RV Parking Development created by Charbonneau Engineering. The previous AR 07-10 provided transportation evaluation to provide for two phases of mini storage development. Only the first phase was constructed. The applicant has submitted for AR 11-03, Tualatin Heated Storage and RV Parking to allow the remainder of the lot to gain approval for RV storage rather than the second phase of mini storage.

The trip generation combines the evaluation of both the proposed AR and this CUP, comparing the trips to the previously approved full lot of mini storage:

Project	Site Use	# Units	ADT	AM Peak Hour			PM Peak Hour		
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The proposed trip generation added by the watchman’s dwelling by this CUP is one trip out for the AM Peak and one trip in for the PM Peak. This CUP will have a negligible impact on nearby intersection’s LOS.

Washington County responded that they [sic] will not be submitting additional requirements at this time.

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

Criterion 3 is met.

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

The subject property is in an MG Planning District. Surrounding land uses include:

- N: MG C & M Precision Spindle, Wagstaff Battery & Service, Wences Auto Service, Evergreen Gardening, Machine Specialties, Fuchs Lubricants, Venturi Technologies, Suburban Plating
- E: MG Suburban Grinding
- S: MG (Within Urban Planning Area, a.k.a. Planning Area Boundary, yet not incorporated)
- W: n/a (West of city limit and Urban Planning Area, a.k.a. Planning Area Boundary)

There are no residential areas adjoining the subject property. The area along the east side of SW Cipole Road is characterized by industrial development in the MG Planning District. The buildings in the vicinity of the subject building are general industrial buildings with manufacturing and wholesaling uses.

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

Addressing this criterion, the applicant's narrative states that, "The proposed use does not alter the footprint of the existing structure and there are no proposed changes to the outer appearance of the building facade with the exception of replacing an existing fixed window with an operable sliding window. Access to the site is already established and the structure is already built. The property has a large, unused portion of land for staging and construction personnel parking. Therefore, there are no proposed elements that will limit, or impair, the use of the surrounding properties."

The applicant's narrative states also that "having a caretaker on site will enhance the overall security of the facility and its patrons." The purpose of the conditional use permit request is to ensure safety, and it will not disrupt the character of the surrounding area.

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

Criterion 4 is met.

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

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

TDC 7.030(1) states, "Encourage new industrial development." The conditional use request is for a dwelling unit for watchman and family within an existing site development. Though classifiable as a residential use, the use is limited to a single dwelling for a watchman and family hired by a mini- or self-storage business to guard the grounds. This provides on-site security and a measure of public safety and indirectly helps to protect and maintain the guarded business, which is an industrial use. Therefore, the use indirectly promotes the objective.

TDC 7.040(3)(a) states that the MG Planning District is, "Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities." A dwelling unit for watchman and family does not have the same effects as manufacturing

uses. Additionally, the mini- or self-storage business intends the dwelling to be occupied by a hired guard, and if applicable family, who would consent to living on the grounds of a mini- or self-storage business within an industrial planning district. Because the dwelling is not on a separate tax lot and is not part of a condominium plat and so cannot be sold separately from the Tualatin Heated Storage site, concerns about residential property value are moot. The watchman’s dwelling would generate no significant noise, dust, odor, vibration, or smoke that would affect other businesses or the public.

TDC 61.031 restricts conditional uses within the MG Planning District that (1) involve the retail sale of products manufactured, assembled, packaged or wholesaled on the site or (2) other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site. The request is for approval of a conditional use within MG. Because the applicant proposes no retail sales, and the subject property is not within the Special Setbacks for Commercial Uses Area, the restrictions are not applicable.

The proposal satisfies those objectives and policies of the Tualatin Development Code (TDC) that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, the Tualatin Heated Storage dwelling unit for watchman and family (CUP-11-01) meets the criteria of TDC 32.030.





*City of Tualatin*

# Conditional Use Permit: Tualatin Heated Storage Watchman's Dwelling (CUP-11-01)

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City Council  
April 25, 2011

# Context

19800 SW Cipole Rd

Mini- storage facility

Originally approved in  
2007

Applicant: On-site  
caretaker will enhance  
security

CUP 11-01: Tualatin Heated Storage Watchman's Dwelling Vicinity Map  
19800 SW Cipole Rd TLD: 2S121DC01000



EXISTING SITE PLAN

SCALE: 1" = 100'-0"

PROJECT LOCATION

SUNSHINE HWY

North Arrow

PROJECT INFORMATION

PROJECT NAME: TUALATIN HEATED STORAGE

PROJECT ADDRESS: 10000 SUNSHINE HWY, TUALATIN, OR 97061

PROJECT OWNER: TUALATIN - ORANGE

PROJECT ENGINEER: TUALATIN - ORANGE

PROJECT ARCHITECT: TUALATIN - ORANGE

PROJECT DATE: 10/1/2011

PROJECT STATUS: IN PROGRESS

PROJECT CONTACT: TUALATIN - ORANGE

PROJECT PHONE: (503) 261-1111

PROJECT FAX: (503) 261-1112

PROJECT EMAIL: TUALATIN@TUALATIN-ORANGE.COM

PROJECT WEBSITE: WWW.TUALATIN-ORANGE.COM

PROJECT ADDRESS: 10000 SUNSHINE HWY, TUALATIN, OR 97061

PROJECT ZIP: 97061

PROJECT COUNTY: CLATSOP

PROJECT STATE: OR

PROJECT COUNTRY: USA

PROJECT REGION: PACIFIC NORTHWEST

PROJECT CLIMATE: MARINE

PROJECT ELEVATION: 100 FT

PROJECT AREA: 100 AC

PROJECT PERMIT: 10000

PROJECT PLAN: 10000

PROJECT SHEET: 10000

PROJECT DATE: 10/1/2011

PROJECT STATUS: IN PROGRESS

PROJECT CONTACT: TUALATIN - ORANGE

PROJECT PHONE: (503) 261-1111

PROJECT FAX: (503) 261-1112

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PROJECT REGION: PACIFIC NORTHWEST

PROJECT CLIMATE: MARINE

PROJECT ELEVATION: 100 FT

PROJECT AREA: 100 AC

PROJECT PERMIT: 10000

PROJECT PLAN: 10000

PROJECT SHEET: 10000



# CUP Criteria

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1. Site is suitable considering:

- Size, shape, location, topography, existence of improvements and natural features

2. Use is:

- Timely, considering adequacy of transportation systems, public facilities, and services existing or planned for the area that the use affects

3. Use won't limit the use of surrounding properties

4. Satisfies objectives and policies of the Community Plan



# Conclusion

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Analysis and findings show Tualatin Heated Storage watchman's dwelling meets CUP criteria.



# STAFF REPORT CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 4-25-11

Recording Secretary [Signature]

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

**THROUGH:** Sherilyn Lombos, City Manager

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

**DATE:** 04/25/2011

**SUBJECT:** Ordinances Adopting a Comprehensive Plan Implementing the Southwest Tualatin Concept Plan; Amending TDC Chapters 1,2,4,7,9,11,12,13,14,37,73, and 75; Adding a New Chapter 64 Manufacturing Business Park (MBP) Planning District; and Amending the Community Plan Map 9-1 (PTA-10-04 and PMA-10-02)

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## ISSUE BEFORE THE COUNCIL:

The Council will consider Ordinances that would amend the Tualatin Development Code (TDC) and the Community Plan Map 9-1 to adopt a comprehensive plan implementing the Southwest Tualatin Concept Plan (SWCP).

## RECOMMENDATION:

Staff recommends the City Council approve the Ordinances referenced as PTA-10-04 and PMA-10-02 implementing the Southwest Tualatin Concept Plan (SWCP)

## EXECUTIVE SUMMARY:

On April 11, 2011 the Council held a public hearing on the Ordinances to decide whether to approve the changes to the Tualatin Development Code (TDC) and the Plan Map 9-1. At the conclusion of the public hearing, the Council approved the ordinance by a vote of 7-0, and directed Staff to bring back the Ordinance for adoption on April 25, 2011. Additionally, Council directed staff to pursue a separate Plan Text Amendment that will add an Overlay District to Chapter 64.

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**Attachments:** A - Ordinance for PMA 10-02  
B - Ordinance for PTA 10-04  
C - Analysis & Findings -Exhibit D of PTA 10-04

ORDINANCE NO. 1321-11

AN ORDINANCE RELATING TO AMENDING THE COMMUNITY PLAN IMPLEMENTING THE SOUTHWEST TUALATIN CONCEPT PLAN (SWCP); AMENDING TDC CHAPTERS 1,2,4,7,9,11,12,13,14,37,73,AND 75; AND ADDING A NEW CHAPTER 64 MANUFACTURING BUSINESS PARK (MBP) PLANNING DISTRICT (PTA-10-04)

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on Month Day, Year, related to a Plan Text Amendment of the TDC; and amending TDC Chapters 1, 2, 4, 7, 9, 11, 12, 13, 14, 37, 73, and 75; and adding a new chapter 64 Manufacturing Business Park (MBP) Planning District to the TDC (PTA-10-04); 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 by mailing a copy of the notice under Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on April 11, 2011, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [7-0],

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

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definition is added to TDC 1.020 in alphabetical order read as follows:

Southwest Tualatin Concept Plan (SWCP). A Guide to the industrial development of a 614 acre Urban Growth Boundary Expansion area outside the Tualatin Planning Area when the SWCP was accepted by the Tualatin City Council on October 11, 2010.

Section 2. TDC 2.010 is amended to read to as follows:

(1) The City of Tualatin's first Comprehensive Plan was adopted in 1972, 59 years after the City was incorporated in 1913. In 1975, the City adopted a plan for the City's Urban Renewal Area, and then produced a more detailed Renewal Plan in 1977. Since the adoption of the 1972 Plan, the City has seen rapidly changing circumstances that have created the need for a revised plan. These circumstances included the establishment of the State Land Conservation and Development Commission (LCDC), adoption of the Statewide Planning Goals, annexation of most of the industrial area west of the City in 1982, and accelerated economic development that has occurred since 1972 in the Tualatin area.

(2) In 1973, the Oregon Legislature passed a law establishing the Land Conservation and Development Commission (LCDC) and empowered the Commission to adopt Statewide Planning Goals. The Legislature also required all Oregon cities and counties to adopt plans and ordinances in conformance with the statewide goals and to coordinate their plans with each affected local general purpose government or special district. Each city or county also had to prepare a plan that considered state and federal government programs. To help each local government prepare a plan to meet the planning goals, the State Legislature allocated considerable sums of money to provide planning grants to the local jurisdictions. This planning effort has been achieved by using some of those grant funds.

(3) While the Statewide Planning Goals were being formulated, the nation was recovering from an economic recession. Tualatin was only beginning to feel the double impact of renewed economic growth. At the same time, development of the metropolitan urban fringe finally met and passed Tualatin's border. Because of these factors, the City is now experiencing an unprecedented development boom that must be guided by an adequate plan that will ensure the long-term livability of the City. While the 1972 Plan was adequate for its time, a new plan, building on the strengths of the old plan, was necessary to provide an adequate guide for current and future City growth.

(4) After six years of work, Tualatin adopted a revised comprehensive plan on October 22, 1979, which, with amendments, was acknowledged as being in compliance with the Statewide Goals and Guidelines by the LCDC on September 24, 1981.

(5) The Tualatin Plan is unique in that it involves a single document integrating both the traditional comprehensive plan and zoning ordinance into a single development code. This direction is followed in the land use mapping by having only one map with



planning districts rather than a zone map and a plan map. With this approach, Tualatin has given a very strong legal authority to its planning programs.

(6) The 1979 Tualatin Plan dealt with land, both within the City limits and in the unincorporated area, out to the Metropolitan Service District (METRO) Urban Growth Boundary (UGB). However, the acknowledgement of the plan by the LCDC was only for the City limits. Therefore, the 1979 plan was termed "complementary" in that it dealt only with land inside the limits and left the growth areas reaching to the UGB to Washington County for detailed planning and administration. It was the County's responsibility to finalize the plan for this area so that it could be acknowledged by the LCDC.

(7) Planning responsibility shifted to the City with the October 1982 annexation of most of the Industrial Planning Area. At that time, Tualatin and Washington County agreed that the City would assume planning responsibility for the unincorporated balance of the planning area. In order to fulfill this responsibility, the City prepared two separate land use plan amendments, one for the newly annexed industrial area and another for the unincorporated, predominantly residential balance of the planning area. At the same time, the City prepared up-dates of the Transportation and Sewer and Water elements of the Public Facilities Plan. These three amendments, scheduled for adoption in 1983, were intended to bring the total plan into "active" status. This means that the City has taken authority for its own growth lands and is planning for those lands so that they can be best integrated into one community.

(8) Map [9-2] shows the Western Industrial District, the Industrial Planning Area, and the individual industrial areas.

(9) Map [9-2] shows the individual Residential Planning Areas.

(10) The Northwest Tualatin Concept Plan technical document development occurred in 2004/05 based on a Metro Urban Growth Boundary expansion in December 2002. The concept plan focus is on industrial uses and related public infrastructure.

(11) The Southwest Tualatin Concept Plan (SWCP) technical document was accepted in October 2010 based on a Metro Urban Growth Boundary expansions in December 2002 and June 2004 and the 1173 acre "Knife River Urban Reserve". The concept plan for industrial development of 615 acres of land in the southwestern corner of Tualatin is based on Metro Urban Growth Management Functional Plan (MUGMFP) Title IV Industrial Land Policy. Title XI Planning for New Urban Areas, a Metro Regionally Significant Industrial Area (RSIA) designation and other conditions in Metro Ordinances specific to the SWCP area.

The SWCP focuses on industrial uses and related public infrastructure. The SWCP requires a minimum of one 100 acre and one 50 acre parcel for industrial development within the properties designated as RSIA and provides for a limited

commercial area in the properties north of SW Blake Street that is intended as local services for SWCP industrial facilities and employment.

Section 3. TDC 2.040 is amended to read as follows:

(1) The beginning of any planning effort includes a definition of the area to be studied. This planning effort studied an area that is described on the Plan Map in Chapter 9 and referred to as the Study Area.

(2) Subsequent modifications to the original Study Area include Urban Reserve Area 43 in 1998 and the Northwest Tualatin Concept Plan (2005) areas.

(3) The study area corresponds to the Urban Growth Boundary (UGB) adopted by the Columbia Region Association of Governments (CRAG) in 1976 or as modified by Metro in 1981, 1986, 1991, 1998, and 2002 and 2004. In the eastern and southern portions of the City the line follows the 1976 UGB and the Metro 2002 and 2004 UGB Expansion Decision and the Urban Reserve recommended by Metro in 2010. The western portion of the Study Area corresponds to a line generally following Cipole Road, Pacific Highway and the Bonneville Power Administration right-of-way, while the northern portion of the Study Area follows the natural divide of the Tualatin River and the political boundaries of the cities of Durham, Tigard, Lake Oswego and Rivergrove.

Section 4. TDC 4.065 is added to read as follows:

(1) Metro Code Urban Growth Management Functional Plan (MUGMFP) Section 3.07.1120 requires the City to adopt comprehensive plan provisions and land use regulations for areas added to the Urban Growth Boundary (UGB) that are identified as the responsibility of the City. The adopted plan provisions and regulations are to address the requirements of Section 3.07.1120(c).

(2) In December, 2002 (Metro Ordinances No. 02-969B & 02-990A) and June, 2004 (Metro No. 04-1040B) Metro expanded the UGB to include 382 acres of land in the southwestern corner of Tualatin. Of this area, 302 acres were designated as Regionally Significant Industrial Area (RSIA) and the remaining acreage was designated as Industrial. Specific conditions were place by Metro relating to compliance with MUGMFP Titles 3, 4, & 11, lot sizes, and commercial restrictions. The Southwest Tualatin Concept Plan (SWCP) area was accepted by the City in October, 2010, encompassed the 382 acres added to the UGB in 2002 and 2004, a 50 acre property within the Tualatin Planning Area, 117 acres identified in Metro's 2010 Urban Reserve process as the "Knife River Area" and 66 acres south of Tonquin Road east of the railroad brought into the UGB in 2004.

(3) In March 2011, Plan Amendments implementing the SWCP for the 431 acre Southwest and Regionally Significant Industrial Area portion of the SWCP Area were

approved by the City Council. The amendments were not applied to the 117.5 acre "Urban Reserve" designated by Metro and the 65.5 acre "Basalt Creek" area to be considered in the Basalt Creek Concept Plan.

Section 5. TDC 7.010 is amended to read as follows:

(1) Tualatin's relationship to road and rail access has provided a favorable environment for industrial development. The City's industrial area is bisected by two railroads, the Burlington Northern and the Southern Pacific, and is served by the Interstate 5 Freeway which, in turn, provides access to the Interstate 205 Freeway and the State Highway 217 Expressway. These transportation facilities provide good multi-mode access to the whole of the Portland Metropolitan Area, the Willamette Valley, and to national markets. Because the area has good access to the transportation system, large areas of land have been zoned for industrial use, both in the City and west of the City in Washington County.

(2) Most of the existing industrial land use in the Tualatin area is located between or adjacent to the Burlington Northern and Southern Pacific rail lines. Smaller pockets of industrial land occur immediately north of downtown Tualatin and in the vicinity of the Lower Boones Ferry Road/Interstate 5 Freeway interchange. The amount of land zoned for industrial use is substantial. The amount actually used is small. Data developed in the Phase I - Technical Memoranda, together with supplementary information developed by the City's economic consultants, indicate that the Portland region annually absorbs 240 acres and Tualatin can be expected to utilize 9 to 15 acres of industrial land per year. There are 1,975 acres of industrially zoned land within the Tualatin Study Area, and 304 acres are currently being used. The City contains 650 acres of industrially zoned land, with 577 of those acres now vacant. While some of Tualatin's industrially zoned land is poorly drained or has weak foundation soils, the majority of the industrially zoned land is either buildable or can be made buildable. Subtracting existing industrial uses and the worst-drained areas, the City has approximately 450 acres of vacant industrial land within its City limits. While this industrial land supply exceeds that needed to meet the City's needs for the year 2000, few land parcels that were originally planned for industrial use were converted to other uses in the Plan. This was because industries that owned the land were committed to future development of their particular sites, and because most of the area is impacted by existing scattered industrial development. Additionally, the City wishes to maximize industrial development within the City to produce revenue for public amenities in the City. A surplus of additional industrial land will help to maintain Tualatin's competitiveness in the industrial land market.

(3) The existing scattered distribution of industrial uses is a problem because it restricts choice of land use alternatives and makes it expensive to provide appropriate urban services such as public water and sewer service and fire protection. Consequently, this Plan emphasizes the short-term concentration of industrial development within the City limits.

(4) Industrial development in Washington County will affect Tualatin's industrial future. This area west of the City now contains scattered industrial development without public water or sewer services and minimum fire protection. While current County zoning allows only uses that have a minimum capital equipment investment and are not labor-intensive, the amount of industrially zoned land exceeds 1,000 acres, and the aggregate effect on traffic could impact the development of industrial land within the City. This is because most traffic traveling to and from this outlying industrial area must pass through the City's Nyberg Street/Tualatin-Sherwood Road corridor to reach the region's freeway system. As stated in the Transportation Plan, additional transportation access must be developed to minimize the effect of industrial development west of Tualatin. The proposed I-5/Norwood Road interchange would help to alleviate a portion of this problem. Additionally, it is anticipated that, because land values for land without standard urban public services are approximately 1/2 those values inside the City, there will be pressure to develop inexpensive County land before land in the City. More industrial growth west of the City could eventually place the City's roadway system at capacity before it has developed its proportionate share of industrial land, thus making it difficult to develop the remainder of the City's industrial land. In other words, the continued availability of inexpensive County industrial land could place City industrial land at a competitive disadvantage in the industrial land marketplace.

(5) Despite the problems described above, it is expected that lower-intensity industrial growth will continue to occur in Washington County west of the City, and that there will be increasing pressure to convert this land to full industrial development. Consequently, this area is eventually expected to become a part of the City of Tualatin, if the problems of transportation access can be solved. Consequently, it is an objective of this Plan to study methods of eventually accommodating, within the City, the industrial growth that is expected to occur in this area.

(6) Specific problems related to the development of land inside the City include poor drainage, poor north/south roadway access, lack of sewer and water services, and noise and other environmental problems. The central portion of the industrial area between Herman and Tualatin/Sherwood Roads is poorly drained and contains the Hedges Creek Marsh, the largest wetland area in Washington County. The Plan proposes the preservation of a portion of this approximately 80-acre natural area and anticipates the definition of an area surrounding the Marsh in which industrial development would be allowed. Currently, industrial traffic in Tualatin's central industrial area must travel long distances through downtown or on Cipole Road to travel from southern to northern industrial areas. As many local industries utilize each others' services, it is inconvenient and uneconomic to continue this arrangement of roadways. Consequently, the Transportation Plan proposes a new north-south roadway through the central industrial area in the 102nd - 104th corridor. Lack of sewer services in the northwestern portion of the City's main industrial area also has been a handicap to industrial development. Two newly formed local improvement districts, one for new roadway, sewer and water improvements in the 102nd - 104th corridor, and one for a major interceptor sewer paralleling Tualatin and Herman Roads, have been



implemented to solve the major utility and traffic circulation problems in the industrial area. Industrial noise and odors have already begun to affect adjacent residential areas. One of the objectives of this Plan element and other elements is to develop specific and enforceable design standards that minimize future environmental conflicts between industrial, commercial and residential land uses.

(7) One of the most efficient methods of minimizing industrial impacts on commercial and residential uses is to restrict the types and location of uses that are allowed in the City's industrial districts. The types of industrial uses contemplated by the Plan eliminate those uses which are considered most obnoxious, such as creosote treatment of products, manufacture of harmful chemicals, forge plants, and auto wrecking. Uses that are allowed will be in the medium-to-light intensity range, although they will be specifically referred to as "light" and "general" for ease of understanding. The light industrial uses are arranged in the Plan to be adjacent to residential areas to minimize environmental conflicts as much as possible. Because industrial processes change rapidly due to new technology, it is also intended that some industrial uses proposed in the general use category may be appropriate in a lighter use area, if properly designed to mitigate adverse environmental impacts.

(8) While most of Tualatin's industrial land is located between Tualatin Road and Avery Street in the western portion of the City, there are small amounts of industrial land located in the northern portion of the City and lying on either side of the Lower Boones Ferry Road/ Interstate 5 Freeway interchange. The Plan has maintained, as industrial use, those areas that are now committed to industrial development. However, some land previously zoned industrial has been converted to a commercial designation because of the residential character of the area and proximity to the freeway. The industrial land in this area is designated on the Plan as light industrial because of the area's proximity to commercial and residential areas.

(9) In December 2002 METRO expanded the Urban Growth Boundary adding land west of Cipole Road and south of the north right-of-way line of SW Pacific Highway for industrial development to assist in meeting the overall regional need for a 20-year supply of industrial land.

(10) In December 2002 and June 2004 Metro expanded the Urban Growth Boundary to include 382 acres of land south of SW Tualatin Sherwood Road in the area east of a future 124<sup>th</sup> Avenue. 302 acres of this area were designated by Metro as Regionally Significant Industrial Area (RSIA) and the remaining acreage was designated Industrial. The area was addressed in the Southwest Tualatin Concept Plan and was accepted by the City in October 2010.

Section 6. TDC 7.030 is amended to read as follows:

The following are general objectives used to guide development of the Plan and that should guide implementation of the Plan's recommendations:

- (1) Encourage new industrial development.
- (2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.
- (3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.
- (4) Preserve and protect, with limited exceptions, the City's existing industrial land.
- (5) Cooperate with Washington County, METRO, and the State of Oregon to study the methods available for providing transportation, water, and sewer services to the Western Industrial District.
- (6) Fully develop the Western Industrial District and the Southwest Tualatin Concept Plan Area (SWCP), providing full transportation, sewer, and water services prior to or as development occurs.
- (7) Improve traffic access to the Western Industrial District and SWCP area from the Interstate 5 freeway through a new interchange at Norwood Road or a suitable and adequate alternative and State Highway 99W through regional improvements identified in the 2035 Regional Transportation Plan.
- (8) Cooperate with the Department of Environmental Quality and METRO to meet applicable air quality standards by 1987.
- (9) Construct a north/south major arterial street between Tualatin Road and Tualatin-Sherwood Road and SW Tonquin Road in the 124th Avenue alignment to serve the industrial area.
- (10) Rebuild the Tualatin Road/Pacific Highway intersection to allow for substantially greater traffic flows.
- (11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.
- (12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.
- (13) Protect adjacent land uses from noise impacts by adopting industrial noise standards.
- (14) Continue to protect the Hedges Creek Wetland and Tonquin Scablands from adverse impacts of adjacent development.

(15) Continue to administer specific and enforceable architectural and landscape design standards for industrial development.

(16) Encourage industrial firms to use cogeneration as a means to utilize waste heat from industrial processes and consider solar access when designing industrial facilities.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state or by integrating the major trees into the design of the parking lots, buildings, or more formal landscaping areas of an industrial development. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process.

Section 7. TDC 7.040 is amended to read as follows:

This section describes the purpose of each manufacturing planning district.

(1) Manufacturing Park Planning District (MP).

(a) The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity.

(b) It also is to protect existing and future sites for such uses by maintaining large lot configurations and limiting uses to those that are of a nature to not conflict with other industrial uses or surrounding residential areas.

(c) It also is intended to provide for a limited amount of commercial uses designed for the employees of the primary uses and to provide for a limited amount of retail selling of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) Light Manufacturing Planning District (ML).

(a) Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of

products not allowed for sale in General Commercial areas, subject to the Special Commercial Setback from arterial streets and Commercial Services Overlay as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035. Rail access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.

(b) The following uses within the Light Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

(ii) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(iii) Within the Special Commercial Setback from arterial streets (TDC 60.035) the retail sale of home improvement materials and supplies is allowed provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035. Rail Access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.

(c) The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Certain heavier manufacturing uses may be allowed as conditional uses.



(d) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035.

(3) General Manufacturing Planning District (MG).

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities. Such areas could be expected to be more unsightly and to have more adverse environmental effects. Rail access and screened open storage would be allowed in this area, conforming to defined architectural, landscape and environmental design standards. Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

(b) The following uses within the General Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

(ii) The retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, shall be no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(iii) Within the Special Setbacks for Commercial Uses Area (TDC 61.035) the retail sale of home improvement materials and supplies is allowed provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

(c) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

(d) The heaviest manufacturing uses that are environmentally adverse or pose a hazard to life and safety will not be allowed.

(4) Manufacturing Business Park Planning District (MBP).

(a) The purpose of the MBP Planning District is to provide an environment for industrial development consistent with the Southwest Tualatin Concept Plan (accepted by the City in October 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary expansion decisions of 2002 and 2004.

(b) The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The remainder of the area is likely to include light industrial uses with some limited, local-serving commercial services.

(c) The district is intended to provide for an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.

Section 8. TDC 9.041 is amended to read as follows:

The Koch Industrial Area has some of the most intense industrial development of the Industrial Planning Area, and at the same time, some of the most significant land in natural states. A detailed analysis of the area is given in the Technical Memorandum. The area is oriented on a north/south basis generally lying between the Burlington Northern Railroad on the east and the Metro UGB on the west. There are approximately 198 acres of which 54 are developed. The Tri-County Industrial Park, which straddles the rail line, makes up all of the developed property. There are two major sub-areas that are described below:

(1) The northern half of the property will probably continue to develop in a pattern similar to that found within the industrial park. With proper street and utility

improvements, this will form a solid land use foundation for the total industrial planning area. On the western side of the railroad tracks, the existing development has taken place under the provisions of the more intensive County zoning designation. Since the vacant properties in this area are buffered from the residential area, the General Manufacturing (MG) Planning District is used. On the eastern side of the tracks, the Light Manufacturing (ML) Planning District is applied, reflecting the existing land uses and the immediate proximity to residential areas.

~~(2) The need for sensitive treatment of the natural features of the southern area, coupled with its immediate proximity without buffering to residential areas, leads to use of the Light Manufacturing (ML) Planning District. In March 2011, the industrial land located south of SW Blake Street was removed from the Area 11 Koch Industrial Area and added to the Area 15 Southwest Manufacturing Business Park Area in accordance with the Southwest Tualatin Concept Plan accepted in October 2010.~~

Section 9. A new section, TDC 9.045 is added to read as follows:

The Southwest Manufacturing Business Park Planning Area is 4431 acres of land for industrial development located in the Tonquin quarry areas west of the Portland & Western Railroad, south of SW Blake Street as far west as a future SW 124<sup>th</sup> Avenue extension and south to Tonquin Road and includes the land north of SW Blake Street and west of SW 120<sup>th</sup> Avenue to SW 124<sup>th</sup> Avenue, extending north to SW Tualatin-Sherwood Road (Shown on Map 9-2). The area was established and is consistent with the Southwest Tualatin Concept Plan (accepted by the City in October, 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary expansion decisions of December 2002 and June 2004.

The SWCP area will be designated as the Manufacturing Business Park (MBP) Planning District and will be a mix of light industrial and high-technology uses in a corporate campus setting, consistent with MBP Planning District development standards. There are three major sub-areas which are described below:

(1) The 302 acre RSIA-designated area (Shown on Map 9-5) requires development as Industrial consistent with Metro Urban Growth Management Functional Plan (MUGMFP) Title IV and must provide at least one 100-acre parcel and one 50-acre parcel for large industrial users within the RSIA.

(2) The properties in the SWCP are located north of SW Blake to SW Tualatin-Sherwood Road will include light industrial uses consistent with the MBP Planning District with some limited, local-serving commercial services in a specific area on both the east and west sides of SW 120<sup>th</sup> Avenue south of SW Itel Street.

(3) The 50 acre Tigard Sand & Gravel property located south of SW Blake Street already within the Tualatin's Planning Area.

Section 10. The Map 9-2 Neighborhood Planning Areas is amended to reflect a new Neighborhood Planning Area 15, as shown on the attached Map 9-2, marked "Exhibit E."

Section 11. The Map 9-4 Design Type Boundaries is amended to reflect the addition of the SWRSIA to the Industrial Area Design Type, as shown on the attached Map 9-4, marked "Exhibit F."

Section 12. The Map 9-5 Special Commercial Setback & Commercial Services Overlay is amended to reflect Metro Regionally Significant Industrial Area and the Business Park Commercial Services Overlay, as shown on the attached Map 9-5, marked "Exhibit G."

Section 13. TDC 11.600 is amended to read as follows:

(1) The City of Tualatin, in conjunction with the Oregon Department of Transportation (ODOT), initiated a study of the City's transportation system in 1999. The transportation system plan (TSP) report that resulted from the study incorporates the community's vision, while remaining consistent with state, regional, and other local plans. State of Oregon planning rules stipulate the TSP must be based on the current comprehensive plan land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan.

The contents of the TSP are guided by Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR). These laws and rules require that jurisdictions develop the following:

- (a) a road plan for a network of arterial and collector streets;
- (b) a public transit plan;
- (c) a bicycle and pedestrian plan;
- (d) an air, rail, water, and pipeline plan;
- (e) a transportation financing plan; and
- (f) policies and ordinances for implementing the transportation system plan.



The TPR requires that alternative travel modes be given equal consideration with the automobile, and that reasonable effort be applied to the development and enhancement of the alternative modes in providing the future transportation system. In addition, the TPR requires that local jurisdictions adopt land use and subdivision ordinance amendments to protect transportation facilities and to provide bicycle and pedestrian facilities between residential, commercial, and employment/institutional areas. It is further stipulated that local communities coordinate their respective plans with the applicable county, regional, and state transportation plans.

In addition to addressing the policies and requirements outlined in the statewide Transportation Planning Rule, the Tualatin TSP process focused on compliance and coordination with Metro's Regional Transportation Plan (RTP). Of specific interest are the projects and strategies presented in Chapter 5 of the 2000 RTP: Growth and the Priority System.

(2) The Transportation System Plan (TSP) report was adopted by City Council resolution on July 9, 2001 (Resolution 3878-01). Ordinance 1151-03 rescinded this resolution. The Transportation System Plan, June 2001 (as amended), is adopted by reference as a supporting technical document to the Tualatin Development Code. The TSP report was prepared in compliance with the requirements of the Transportation Planning Rule and includes the following sections:

- Section 1: Introduction
- Section 2: Plan and Policy Review
- Section 3: Existing Conditions
- Section 4: Future Transportation Needs
- Section 5: Alternatives Analysis
- Section 6: Transportation System Plan
- Section 7: Transportation Funding Plan

The Transportation System Plan element (Section 6) of the Transportation System Plan report addresses those components necessary for the development of the future transportation network. Section 6 of the TSP report was adopted as the transportation element of the Tualatin Community Plan in the Spring of 2002. This chapter is intended to provide policy guidance for transportation improvements, which is then implemented by the Tualatin Development Code.

(3) The TSP planning process provided the citizens of Tualatin with the opportunity to identify their priorities for future transportation projects within Tualatin. Expressing a community vision of the future in terms of TSP goals and objectives was a central element of the public involvement process. These goals and objectives identified by the community were used as guidelines for developing and evaluating alternatives, selecting a preferred transportation plan, and prioritizing improvements.

Two committees guided the planning process: The Tualatin Planning Advisory Committee (TPAC), an existing group that serves the function of the City's planning

commission, and the Technical Advisory Committee (TAC). The TPAC served as the citizen advisory committee for the City on the TSP, and was responsible for evaluating the TSP from a policy perspective. This included reviewing the TSP goals and objectives, as well as the transportation evaluation criteria. The TAC was made up of representatives from the surrounding cities and counties, plus the Oregon Department of Transportation, Metro, Tri-Met, and Tualatin Valley Fire & Rescue. The TAC was responsible for reviewing the technical aspects of the TSP.

In addition to the established advisory committees, several public involvement programs were used to inform citizens and businesses in Tualatin of the TSP project goals and process, to obtain information from the community on transportation issues and concerns, to incorporate community feedback into the TSP, and to review TSP products and receive comments. Two key pieces of the public involvement program that directly involved public outreach and input were newsletter articles and community open houses. Three newsletters were distributed and three open houses were held during the course of the project.

(4) In December 2002, Metro expanded the Portland Urban Growth Boundary. This expansion included lands bordering Tualatin's Planning Area boundary that are intended to develop in the future for industrial uses. Following studies of impacts of these expansions, the city's TSP was amended to incorporate these new lands.

(a) The City of Tualatin, in conjunction with ODOT, initiated a study of a 23 acre area south of Highway 99W and west of SW Cipole Road in 2004. The Northwest Tualatin Concept plan addressed the impacts of developing this area for industrial uses. A technical analysis was prepared for the Concept Plan, following requirements of the TPR, that specifically addressed the transportation needs associated with developing the concept plan area at urban densities. Development of the Concept Plan was guided by input from an 11-member TAC that met four times during the planning process. The TAC included representatives from the City of Tualatin, ODOT, Washington County, Bonneville Power Administration (BPA), Metro, U.S. Fish and Wildlife Service (representing the Tualatin River National Wildlife Refuge), Portland General Electric (PGE), Clean Water Services (CWS), and TriMet. Mailing to stakeholders and a public open house were used to obtain community feedback on the draft plan. The TSP amendments relating to the Northwest Tualatin Concept Plan area were accepted by the City Council on June 13, 2005.

(b) The City of Tualatin, in conjunction with ODOT, initiated a study of a 431-acre area south of SW Tualatin-Sherwood Road and west of the Portland & Western railroad tracks in 2004. In 2010, the City analyzed this area plus an additional 183-acres south of the Concept Plan area. The Southwest Tualatin Concept Plan addressed the impacts of developing this area for industrial uses, particularly the portion of the area designated as a "regionally significant industrial area." A technical analysis was prepared for the Concept Plan, following the requirements of the TPR that specifically addressed the transportation needs associated with developing the Concept Plan area at urban densities. Development of the Concept Plan was guided by input

from a 31-member TAC that met 12 times during the planning process. The TAC included representatives from the Cities of Tualatin, Sherwood, and Wilsonville; Metro; ODOT; DLCD; Washington County; Portland General Electric (PGE); Bonneville Power Administration (BPA); Clean Water Services (CWS); Oregon Department of Geology and Mineral Industries; Coffee Creek Correctional Facility; Tualatin Valley Fire and Rescue; TriMet; Genessee and Wyoming Railroad; and property owners from the Tonquin Industrial Group, the Itel properties area and from Tigard Sand & Gravel. Mailings to stakeholders and four public open houses were used to obtain community feedback on the draft plan. The TSP amendments relating to the Southwest Tualatin Concept Plan area were accepted by the City Council on October 11, 2010.

Section 14. TDC Table 11-2 is amended to read as follows:

TABLE 11-2  
STREET FUNCTIONAL CLASSIFICATION SUMMARY

Freeways	Expressway (F)
I-5 – <i>north city limits to south city limits</i> I-205 – <i>from I-5 to east city limits</i>	I-5/Highway 99W connector
Major Arterials (Ei) - <i>applies to the following intersections</i>	
Lower Boones Ferry Road/SW 65 <sup>th</sup> Avenue/McEwan Road Lower Boones Ferry Road/Bridgeport Road Tualatin-Sherwood Road/Martinazzi Avenue/Nyberg Street	Highway 99W/SW 124 <sup>th</sup> Avenue Highway 99W/Cipole Road
Major Arterials (Eb&t)	
Highway 99W – <i>north city limits to south city limits</i> Tualatin-Sherwood Road – <i>west city limits to Nyberg St.</i> Nyberg Street – <i>Tualatin-Sherwood Rd. to SW 65<sup>th</sup> Ave.</i> SW 124 <sup>th</sup> Avenue – <i>Hwy 99W to Tonquin Road and/or the future I5/99W Connector.</i> Herman Road - <i>Teton to 108th</i> 108th Avenue - <i>Herman to Leveton</i> Leveton Drive - <i>108th to 118th</i> Martinazzi Avenue - <i>Nyberg to Sagert</i> 90th Avenue - <i>Tualatin-Sherwood to Tualatin Rd.</i> 72nd Avenue - <i>Bridgeport to north City limits</i>	Bridgeport Road - <i>City limits to Lower Boones Ferry Road</i> Boones Ferry Road – <i>T-S Road to south city limits</i> Boones Ferry Road - <i>Martinazzi Avenue to Lower Boones Ferry Rd.</i> Lower Boones Ferry Road – <i>Bridgeport Road to east city limits</i> Borland Road – <i>SW 65<sup>th</sup> Avenue to east city limits</i> Sagert Street – <i>Martinazzi to SW 65<sup>th</sup> Avenue</i> SW 65 <sup>th</sup> Avenue – <i>Sagert Street to Nyberg</i> Tualatin Road - <i>Herman to Hall Blvd extension</i>

Minor Arterials (Db&t. Db&t – Downtown)	
<p>Boones Ferry Rd – <i>Tualatin-Sherwood Rd to Martinazzi Ave</i></p> <p>Martinazzi Avenue – <i>Nyberg to Boones Ferry Rd</i></p> <p>Tualatin Road – <i>Boones Ferry Rd to Hall Blvd extension</i></p> <p>Lower Boones Ferry Rd – <i>Boones Ferry Rd to Bridgeport Rd</i></p>	<p><u>Tonquin Road – Portland &amp; Western Railroad west to the planning area boundary (intersecting with SW 115<sup>th</sup> Avenue and SW 124<sup>th</sup> Avenue)</u></p> <p>Hall Boulevard – <i>Tualatin Road to north city limits</i></p> <p>Tualatin Road Extension - <i>Chinook to Lower Boones Ferry</i> *Note – Project removed from 2035 RTP and will be addressed in the Tualatin TSP Update</p>
Major Collectors (Cb&t)	
<p>Tualatin Road – SW 124<sup>th</sup> Avenue to Herman</p> <p>Cipole Road – Pacific Drive to Tualatin-Sherwood Road</p> <p>Herman Road – Cipole Road to 108<sup>th</sup> and Teton to Tualatin Road</p> <p>Teton Road – Tualatin Road to Avery Street</p> <p>Myslony Street – SW 124<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</p> <p>SW 112<sup>th</sup> Avenue – Myslony Street to Tualatin-Sherwood Road</p> <p><u>SW 115<sup>th</sup> Avenue – Tualatin-Sherwood Road to Tonquin Road intersecting with Blake Street</u></p> <p><u>Blake Street – SW 124<sup>th</sup> Avenue to SW 115<sup>th</sup> Avenue</u></p> <p><u>Unnamed east/west roadway south of Blake Street – SW 124<sup>th</sup> Avenue to SW 115<sup>th</sup> Drive</u></p>	<p>McEwan Road – <i>East city limits to Lower Boones Ferry Road</i></p> <p>Avery Street – <i>Tualatin-Sherwood Road to Boones Ferry Road</i></p> <p>SW 105<sup>th</sup> Avenue – <i>Avery to Blake Street curves</i></p> <p>Tualatin Road - <i>Chinook to Tualatin Road over the tracks</i></p> <p>Sagert St - <i>Boones Ferry Road to Martinazzi</i></p>
Minor Collectors (Cb&p. Cs&2p. Cs&p. Cb)	
<p>Leveton Drive – SW 124<sup>th</sup> Avenue to SW 118<sup>th</sup> Avenue</p> <p>SW 108<sup>th</sup> Avenue – <i>Tualatin Road to Leveton Dr.</i></p> <p>SW 118<sup>th</sup> Avenue – <i>Leveton Drive to Myslony Street</i></p> <p>Hazelbrook Road – <i>Highway 99W to Jurgens Avenue</i></p> <p>SW 115<sup>th</sup> Avenue – <i>Hazelbrook Road to Tualatin Road</i></p> <p>Jurgens Avenue – <i>Hazelbrook Road to Tualatin Road</i></p>	<p>Iowa Drive – <i>Grahams Ferry Road to Stono Drive</i></p> <p>Martinazzi Avenue – <i>Maricopa Drive to Sagert St</i></p> <p>Warm Springs Street – <i>Boones Ferry Road to Martinazzi Avenue</i></p> <p>SW 65<sup>th</sup> Avenue – <i>Sagert Street to south city limits</i></p> <p>Nyberg Lane – <i>SW 65<sup>th</sup> Avenue to SW 50<sup>th</sup> Avenue</i></p> <p>SW 50<sup>th</sup> Avenue – <i>Nyberg Lane to Wilke Road</i></p>



<p>SW 108<sup>th</sup> Avenue – <i>Blake Street curves to Helenius Road</i>  Ibach Street – SW 108<sup>th</sup> Avenue to <i>Grahams Ferry Road</i>  Grahams Ferry Road – <i>Boones Ferry to south City limits</i>  Pacific Drive – <i>Cipole Road to Highway 99W</i>  Helenius Road – SW 108<sup>th</sup> Avenue to <i>Grahams Ferry Road</i>  SW 103<sup>rd</sup> Avenue – <i>Ibach Street to Grahams Ferry Road</i>  65th Avenue - <i>Nyberg St north to river</i></p>	<p>Wilke Road – <i>Borland Road to SW 50<sup>th</sup> Avenue</i>  Sagert Street – <i>Boones Ferry Road to SW 95<sup>th</sup> Avenue</i>  Stono Drive – <i>Iowa Drive to Vermillion Drive</i>  Vermillion Drive – <i>Stono Drive to Maricopa Drive</i>  Maricopa Drive – <i>Vermillion Drive to Martinazzi Avenue</i>  Loop Road - <i>Nyberg Road to Martinazzi Avenue</i>  95th Avenue - <i>Tualatin-Sherwood Road to Avery Street</i></p>
Residential Collector (Cr)	
<p>Avery Street – <i>Boones Ferry Road to Martinazzi Avenue</i>  Blake Street – <i>Martinazzi Avenue to Boones Ferry Road</i>  Marilyn Road – <i>SW 112th Avenue to SW 108h Avenue</i>  <i>unnamed east/west roadway – SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</i>  Alsea Drive – <i>SW 99th Avenue to Boones Ferry Road</i>  SW 99th Avenue – <i>Paulina Drive to Alsea Drive</i>  SW 112th Avenue – <i>Marilyn Road to Helenius Road</i></p>	<p>Sagert Street – <i>east of SW 65<sup>th</sup> Avenue</i>  Sweek Drive – <i>Tualatin Road to SW 90<sup>th</sup> Avenue</i>  Helenius Road – <i>SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</i>  Paulina Drive – <i>SW 105<sup>th</sup> Avenue to Coquille Drive (west)</i>  Paulina Drive – <i>Coquille Drive (east) to SW 99<sup>th</sup> Avenue</i>  Coquille Drive – <i>Paulina Drive (west) to Paulina Drive (east)</i></p>
Local Commercial Industrial (B-CI)	
<p>Tonka Road – <i>Boones Ferry Road to Warm Springs Street</i>  SW 65<sup>th</sup> Avenue – <i>Lower Boones Ferry Road to Rosewood Street</i>  Rosewood Street – <i>SW 65<sup>th</sup> Avenue to SW 63<sup>rd</sup> Avenue</i>  SW 63<sup>rd</sup> Avenue – <i>Rosewood Street to Lower Boones Ferry Road</i>  Leveton Drive – <i>SW 124<sup>th</sup> Avenue to SW 130<sup>th</sup> Avenue</i>  SW 130<sup>th</sup> Avenue – <i>Leveton Drive to Highway 99W</i>  SW 125<sup>th</sup> Place – <i>north of Leveton Drive</i>  SW 128<sup>th</sup> Avenue – <i>Leveton Drive to Cummins Street</i>  Cummins Street – <i>SW 128<sup>th</sup> Avenue to</i></p>	<p>Manhasset Drive – <i>west of Teton Avenue</i>  unnamed roadway – <i>SW 124<sup>th</sup> Avenue to Myslony Street</i>    <i>(could potentially become a private roadway)</i>  unnamed roadway – <i>SW 124<sup>th</sup> Avenue to Tualatin-Sherwood Road</i>    <i>(could potentially become a private roadway)</i>  SW 120<sup>th</sup> Avenue – <i>south of Tualatin-Sherwood Road to Blake Street ext.</i>  SW 115<sup>th</sup> Avenue – <i>Tualatin-Sherwood Road to McCamant Road</i>  Blake Street – <i>west of SW 105<sup>th</sup> Avenue to SW 120<sup>th</sup> Avenue extension</i>  unnamed east/west roadway – <i>east of SW</i></p>

Cipole Road Spokane Court – east of Teton Avenue 115th Avenue - Tualatin-Sherwood Rd to 112 <sup>th</sup> <u>SW 117<sup>th</sup> Avenue – Itel Street to Blake Street</u> <u>SW 122<sup>nd</sup> Avenue – Itel Street to Blake Street</u>	120 <sup>th</sup> Avenue past SW 115 <sup>th</sup> Ave unnamed east/west roadway - 120 <sup>th</sup> Ave. to Tri-County Industrial Park unnamed east/west roadway - east of 112 <sup>th</sup> Avenue unnamed roadway west of Cipole across from Cummins Street (could potentially become a private roadway)
Local Street Downtown (B-D)	
Seneca Street – west of Martinazzi Avenue Seneca Street – east of Boones Ferry Road Nyberg Street – west of Martinazzi Avenue Nyberg Street – east of Boones Ferry Road SW 84 <sup>th</sup> Avenue – Boones Ferry Road to Nyberg Street	

Section 15. TDC 11.710 is amended to read as follows:

(1) Delays to freight movement caused by traffic congestion are a major concern to the business community, because of the added shipping costs and uncertainty in the arrival times of goods that truck delays generate. The Tualatin TSP addresses improving freight movement to and through the City in the following ways:

(a) a project to widen Tualatin-Sherwood Road to five lanes west of Teton Avenue;

(b) support for an I-5/Highway 99W Connector, which will facilitate high-speed through truck movements around Tualatin, while freeing up capacity for truck movements in and out of Tualatin's industrial area;

(c) projects to modernize Herman Road, which is a major access route into the industrial area;

(d) projects to complete SW 124th Avenue to ~~Tualatin-Sherwood Road~~ SW Tonquin Road, opening a new access route into the industrial area; and

(e) planning an expanded network of local commercial/industrial streets to improve truck circulation and access within the industrial area.

(2) Figure 11-7 shows the City's designated truck routes.

Section 16. TDC 11.730 is amended to read as follows:

(1) TSP Implementation Steps

This chapter outlines specific transportation system improvement policies and recommendations that are required to address the City of Tualatin's long-term transportation needs and to comply with applicable state and regional plans, laws, and rules. This section lists the specific projects that form the TSP's financially constrained capital project plan, and also lists un-funded projects that are required to fully address all of the transportation needs identified through the TSP planning process. New sources of funding, and/or increasing the revenue available from existing funding sources, will be required to meet all of the City's transportation needs.

This TSP will be implemented in two ways. First, the policies set forth in this document will be developed into code language that will be adopted into Tualatin's Community Development Code, and the TSP itself will be adopted as the transportation element of the City's comprehensive plan. Second, the projects contained in the TSP's list will be used to guide the City's annual capital improvement planning efforts.

The sequencing plan presented in the TSP is not detailed to the point of a schedule identifying specific years when infrastructure should be constructed, but rather ranks projects to be developed within near-term (0-5 years) and longer-term (6-10 and 11-20 years) horizon periods and by dollar value. In this manner, the implementation of identified system improvements has been staged to spread investment in the City's transportation infrastructure over the 20-year life of the plan. The City will need to periodically update its TSP, and will review the need and timing for longer-term improvements at those times. Prioritizing specific near-term projects will occur annually when the City updates its five-year financial plan and prepares its capital improvement plan for the following year. Future road improvements or related transportation projects listed or not listed in this chapter are not required to be reviewed and approved through a land use process.

The construction of roads, storm drainage, water, sewer, and electrical facilities in conjunction with local development activity should be coordinated if the City of Tualatin is to continue to develop in an orderly and efficient way. Consequently, the plans proposed in the TSP should be considered in light of developing infrastructure sequencing plans, and may need to be modified accordingly.

(2) Financially Constrained Capital Project Summary

The projects listed in Table 11-3 reflect the trade-offs made by the City between addressing transportation needs identified through the TSP process and the financial constraints faced by the City. These projects do not address all of the City's needs, but

represent the most important projects that the City can reasonably expect to fund over the next 20 years, under the assumption of no new transportation revenue during that time.

The table is organized into four groups: short-term (0-5 years), mid-term (6-10 years), and long-term (11-20 years) projects, with an additional group of projects that will likely be funded when development occurs that triggers the need for that project. Each project is listed with a location, a short project description, the transportation modes served by the project, the project purpose, the project's estimated cost, and the anticipated funding source. Cost estimates reflect 2001 dollars, are unadjusted for inflation, and generally were developed by the RTP or City staff through prior transportation planning efforts.

Figure 11-8 illustrates the project locations. Each project is described briefly afterwards. The projects that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (natural resources) as required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed.

(a) Wilsonville-Beaverton Commuter Rail (Table 11-3, No. 1)

Peak hour commuter rail service along the rail line between Wilsonville and Beaverton, connecting to light rail at the Beaverton Transit Center. A station and small (100-150 space) park-and-ride lot should be located in downtown Tualatin west of Boones Ferry Road, near Tualatin-Sherwood Road.

(b) SW 124th Avenue Extension – Northern Segment (Table 11-3, No. 2)

To accommodate development in the industrial sector of Tualatin and to de-emphasize Tualatin Road's role in serving trips to and from the industrial area, SW 124th Avenue should be extended as a three-lane roadway from Leveton Drive south to Myslony Street, with right-of-way reserved for five lanes. The project should include bike lanes, sidewalks, and a traffic signal at Herman Road.

(c) Lower Boones Ferry Road Improvements (Table 11-3, No. 3)

To improve access to and from adjacent land uses, and to provide better accommodations for bicycle and pedestrian travel, Lower Boones Ferry Road between Bridgeport Road and Upper Boones Ferry Road should be widened from its current two-lane cross-section to provide a center turn lane, bicycle lanes, and sidewalks.

(d) Boones Ferry Road Widening (Table 11-3, No. 4)

Boones Ferry Road should be widened to three lanes with turn lanes from Martinazzi Avenue to Tualatin-Sherwood Road. Pedestrian facilities should be completed and bicycle lanes widened or constructed. Turn lanes at the Martinazzi



Avenue intersection should be lengthened to provide more storage, and the Tualatin Road signal should be upgraded.

(e) Nyberg/I-5 Interchange (#289) Improvements (Table 11-3, No. 5)

As one of only two major access points from I-5 to Tualatin, the Nyberg Road/I-5 interchange is forced to accommodate the majority of traffic traveling in and out of Tualatin. Consequently, the interchange experiences periods of major congestion, both on the I-5 southbound off-ramp and the Nyberg Road approaches. This project increases the interchange's capacity by adding a second left-turn lane to the southbound off-ramp, and widens the overcrossing to accommodate an additional lane in each direction.

(f) Martinazzi Avenue Improvements (Table 11-3, No. 6)

To increase the capacity of Martinazzi Avenue, a new southbound lane should be constructed from Warm Springs Street to Sagert Street, and the median at Mohawk Drive should be closed and a pedestrian refuge provided in the median at the existing crosswalk locations.

(g) Grahams Ferry Road/Ibach Street Intersection Improvements (Table 11-3, No. 7)

Ibach Street should be realigned to intersect Grahams Ferry Road at a 90-degree angle, and the intersection should be signalized.

(h) Herman Road/Teton Avenue Intersection Signalization (Table 11-3, No. 8)

To address capacity and safety issues, the Herman Road/Teton Avenue intersection should be signalized and interconnected with the adjacent railroad grade crossing.

(i) Sagert Street/Martinazzi Avenue Intersection Signalization (Table 11-3, No. 9)

To address safety, existing capacity problems, and to facilitate pedestrian movement from residential areas south of Sagert Street to the Mohawk Park-and-Ride, the Sagert Street/Martinazzi Avenue intersection should be signalized.

(j) SW 124th Avenue Widening at Highway 99W (Table 11-3, No. 10)

An additional travel lane should be constructed on SW 124th Avenue between Tualatin Road and Highway 99W to provide additional capacity.

(k) Tualatin-Sherwood Road/Boones Ferry Road Intersection Improvement (Table 11-3, No. 11)

To improve intersection operations, a second westbound left-turn lane should be constructed from Tualatin-Sherwood Road to Boones Ferry Road, and Boones Ferry Road should be widened for a short distance to accommodate the second lane.

(l) Boones Ferry Road Signal Interconnect (Table 11-3, No. 12)

The existing interconnected signal system on Boones Ferry Road should be extended from Tualatin-Sherwood Road to Avery Street. This project will help progress the peak direction flow of traffic throughout the day.

(m) Tualatin-Sherwood Road Signal Interconnect (Table 11-3, No. 13)

The existing interconnected signal system on Tualatin-Sherwood Road should be extended from Boones Ferry Road to Avery Street. This project will help progress the peak direction flow of traffic throughout the day.

(n) Sagert Street Pedestrian Improvement (Table 11-3, No. 14)

To improve pedestrian travel between the east and west sides of I-5, sidewalks should be constructed on the Sagert Street overpass.

(o) Boones Ferry Road, Martinazzi Avenue Access Management (Table 11-3, No. 15)

To reduce delay, and improve roadway capacity and safety, driveways along Boones Ferry Road and Martinazzi Avenue previously identified by the City Engineer should be restricted to right-in, right-out movements.

(p) Town Center Refinement Plan (Table 11-3, No. 16)

Addresses transportation system needs associated with development in the Town Center Design Type, or portions thereof.

(q) SW 124th Avenue Extension - Southern Segment (Table 11-3, No. 17)

SW 124th Avenue should be extended south from Myslony Street to Tualatin-Sherwood Road, providing an alternate truck route into the industrial area. Sidewalk, bike lanes, and a traffic signal at Tualatin-Sherwood Road should be included. SW 124th Avenue should be extended as a three-lane roadway with right-of-way reserved for five lanes.

(r) Herman Road Reconstruction – Teton Avenue to SW 118th Avenue (Table 11-3, No's. 18, 19, 35)

Future development in the industrial sector of Tualatin will require improvements to Herman Road. This two-lane sub-standard roadway should be reconstructed between Teton Avenue and SW 118th Avenue to provide standard-width travel lanes, a center turn lane, bicycle lanes, a landscape strip, and a sidewalk on the side opposite the railroad tracks.

(s) New Streets in the Industrial Sector (Table 11-3, No's. 20, 21, 23)

To help facilitate additional development in the industrial sector of Tualatin, several new streets should be constructed to the local commercial/industrial standard. These streets include an extension of Leveton Drive west of SW 124th Avenue, and construction of other connecting streets (SW 130th Avenue, SW 128th Avenue, SW 125th Place, and Cummins Drive).

(t) SW 105th Avenue/Blake Street/SW 108th Avenue Improvements (Table 11-3, No. 22)

Two sharp curves where SW 105th Avenue transitions into SW 108th Avenue create a potential safety concern, particularly as residential development continues in southwest Tualatin. The roadway should be reconstructed to increase the curve radii and to provide wider travel lanes, sidewalks, and bicycle facilities.

(u) Sagert Street Extension (Table 11-3, No. 24)

To promote east-west travel connectivity and improve emergency access, Sagert Street should be extended at its current cross-section west to connect to SW 95th Place.

(v) SW 95th Place Extension (Table 11-3, No. 25)

To promote north-south connectivity and improve emergency access, SW 95th Place, which currently ends in a cul-de-sac just north of Avery Street, should be extended at its current cross-section to connect the two streets.

(w) Tualatin-Sherwood Road Widening (Table 11-3, No. 26)

To improve capacity along this busy major arterial, Tualatin-Sherwood Road should be widened to five lanes between Teton Avenue and Highway 99W. This project should include bike lanes and sidewalks.

(x) Hall Boulevard Extension (Table 11-3, No. 27)

To provide an alternative north-south route across the Tualatin River, to relieve the high traffic demands on Upper Boones Ferry Road, to facilitate future transit service, and to provide pedestrian and bicycle access to Tigard's Cook Park and Durham's City

Park, Hall Boulevard should be extended south from its present terminus north of the Tualatin River at SW Durham Road in Tigard to connect to Tualatin Road on the south side of the river. This extension should be constructed as a three-lane cross-section and provide bike lanes and sidewalks.

(y) Herman Road Reconstruction – Teton Avenue to Tualatin Road (Table 11-3, No. 28)

Future development in the industrial sector of Tualatin will require improvements to Herman Road. This two-lane sub-standard roadway should be reconstructed between Teton Avenue and Tualatin Road to provide two standard-width travel lanes, a center turn lane, bicycle lanes, a landscape strip, and a sidewalk on the side opposite the railroad tracks.

(z) Nyberg Street/SW 65th Avenue/Nyberg Lane Intersection Improvement (Table 11-3, No. 29)

To improve the safety and operations at this existing unsignalized intersection, either a traffic signal or roundabout should be installed. The project should also include completing the sidewalk system along Nyberg Street.

(aa) Boones Ferry Road Sidewalk Completion (Table 11-3, No. 30a, 30b)

Several gaps in the sidewalk network exist at key points along Boones Ferry Road, which passes by two schools and also has transit service. To ensure a well-connected sidewalk network, new sidewalks should be constructed to fill in these gaps from Tualatin-Sherwood Road to Tualatin High School.

(bb) Sagert Street/SW 65th Avenue Intersection Improvement (Table 11-3, No. 31)

To improve capacity, the Sagert Street/SW 65th Avenue intersection should be signalized, a new northbound left-turn lane should be constructed on SW 65th Avenue, and the signal should be interconnected with the Borland Road/SW 65th Avenue signal.

(cc) Tualatin-Sherwood Road Bike lanes (Table 11-3, No. 32)

To complete a system of east-west bike lanes between Sherwood and Tualatin, bike lanes should be constructed along Tualatin-Sherwood Road between SW 90th Avenue and Nyberg Street.

(dd) Avery Street/Teton Avenue Intersection Improvement (Table 11-3, No. 33)

To improve safety and intersection operations, a traffic signal would be installed at this intersection.

~~—— (ee) Herman Road/SW 118th Avenue Intersection (Table 11-3, No. 36)~~

~~To improve safety and intersection operations, a traffic signal would be installed at this intersection.~~

(ee) SW 124<sup>th</sup> Avenue Extension – Southern Segment (Table 11-3, No. 43)

SW 124<sup>th</sup> Avenue should be extended south from Tualatin-Sherwood Road to Tonquin Road and or a future I5/99W Connector, providing an alternate truck route into the industrial area. Sidewalks, bike lanes, and traffic signals at Blake Street and the east-west collector street south of Blake Street should be included. This segment will eventually have a five-lane cross-section.

(ff) Development Related Improvement Projects

In addition to the above list of improvement projects, additional transportation improvement projects have been identified that would most likely be constructed as a result of development related projects. Some of these projects include:

(i) Construct SW 125th Place.

(ii) A new east west street connecting SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue (Table 11-3, no. 34). This project provides connectivity within a future residential development.

(iii) Signalizing the Tualatin Road/SW 108th Avenue intersection (Table 11-3, No. 37). The signal would be warranted based on increasing traffic volumes and poor sight distance for northbound traffic.

(iv) Signalizing the SW Cummins Drive/SW Cipole Road intersection. (Table 11-3, No. 38)

(v) Improve SW 72nd Avenue as part of the Durham Quarry project.

(vi) SW Cipole Road widening (Table 11-3, No. 41). Widen to the Cb&t standard from Highway 99W to Cummins Drive, provide three northbound lanes & modified signal phasing at Highway 99W intersection.

(vii) SW Herman Road/SW Cipole Road Intersection (Table 11-3, No.42). Realign, signalize intersection, provide two inbound lanes on each approach, railroad interconnect.



(viii) SW 115<sup>th</sup> Avenue (Table 11-3, No. 44). Construct a new roadway to the Cb&t standard between Blake Street and Tonquin Road.

(ix) SW Blake Street (Table 11-3, No. 45). Construct to the Cb&t standard between SW 115<sup>th</sup> Avenue and SW 124<sup>th</sup> Avenue.

(xi) East-west Collector (Table 11-3, No. 46). Construct to the Cb&t standard between SW 115<sup>th</sup> Avenue and SW 124<sup>th</sup> Avenue.

(xi) New streets in the Southwest Tualatin Concept Plan Area (Table 11-3, No. 47 and 48). To help facilitate development within the Southwest Tualatin Concept Plan Area, several new streets should be constructed to the local commercial-industrial (B-CI) standard. These streets include a westerly extension of Itel Street, SW 117<sup>th</sup> Avenue, and SW 122<sup>nd</sup> Avenue.

(gg) For purposes of applying the Oregon Transportation Planning Rule's section 660-012-0060(4), future development related land use amendments may not rely on the existence of projects listed in subsection (ff). Projects in subsection (ff) are intended to be conditioned on developments contributing to the need for them.

### (3) Priority Project Summary

Table 11-4 identifies additional projects required to fully address the City's long-term transportation needs, but for which no current funding sources have been identified. In some cases, potential alternative funding sources have been identified. Should future transportation funding increase above the levels assumed in this TSP, this list can be used as a starting point to prioritize additional projects. Some projects on this list may also be appropriate for development-based funding, depending on the relationship of the development's transportation impacts to the project. Figure 11-9 presents the Priority System TSP Projects. Table 11-4 does not specifically list a project for every segment of every street. It is the intent of this subsection and Table 11-4 to indicate that all segments of streets designated E, D, C and B-CI on Figure 11-1 are on a project for future construction and are permitted outright in each Planning District. The projects that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (Natural Resources) as required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed.

### (4) Traffic Signal Plan

Figure 11-10 shows Tualatin's proposed future traffic signals. This list represents those traffic signals that have been identified as part of the Tualatin TSP. Due to the potential for shifting or unanticipated development, other traffic signal locations may be added based on the findings from a detailed traffic operations and safety analysis.

Section 17. TDC Table 11-3 is amended to read as follows:

TABLE 11-3  
TRANSPORTATION IMPROVEMENT PROGRAM SUMMARY

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
0-5 Years					
1	Wilsonville-Beaverton Commuter Rail capital costs to start up service	Transit	mode choice, connectivity	\$75,000,000 *	MSTIP, STIP
2	124th Avenue new street, Leveton to Myslony, signal at Herman	auto, ped, bike, rail	connectivity, safety	\$6,500,000*	LTIP
3	Lower Boones Ferry Road center turn lane, bike lanes, sidewalks, Bridgeport to Boones Ferry	auto, ped, bike, transit	safety, connectivity, capacity	\$5,800,000*	MSTIP
4	Boones Ferry Road center turn lane, bike lanes, sidewalk, Martinazzi to Tualatin-Sherwood	auto, ped, bike, transit	safety, connectivity, capacity	\$3,500,000*	CURP
5	Nyberg/I-5 interchange (#289) southbound turn lanes, widen bridge	auto, ped, bike	capacity	\$4,000,000*	CURP, STIP, SDC
6	Martinazzi Avenue new southbound lane, Warm Springs to Sagert	auto, ped, transit	capacity, safety	\$300,000*	SDC
7	Grahams Ferry Road/Ibach Street realign, signalize intersection	auto, ped, bike	safety, capacity	\$700,000*	SDC
8	Herman Road/Teton Avenue signalize intersection, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$425,000*	SDC

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
9	Sagert Street/Martinazzi Avenue signalize intersection	auto, ped, transit	capacity	\$600,000*	SDC
10	124th Avenue additional travel lane at Highway 99W	auto, transit	capacity	\$270,000*	LTIP
11	Tualatin-Sherwood Road/Boones Ferry Road second westbound left-turn lane	auto, transit	capacity	\$700,000*	SDC
12	Boones Ferry Road interconnect signals south of Tualatin-Sherwood	auto, transit	progress through traffic	\$50,000*	SDC (needs to be added)
13	Tualatin-Sherwood Road interconnect signals west of Boones Ferry	auto, transit	progress through traffic	\$50,000*	SDC (needs to be added)
14	Sagert Street construct sidewalks on I-5 overpass	Ped	Pedestrian safety, connectivity	\$13,500*	SDC (needs to be added)
15	Boones Ferry Road, Martinazzi Avenue driveway restrictions	auto, transit	safety, capacity	\$7,500*	SDC
16	Tualatin Town Center Refinement Plan to address RTP Area of Special Concern	auto, transit, ped, bike	planning	\$20,000*	City
24	Sagert Street connect to 95th Place	auto, ped, bike	connectivity	\$75,000*	SDC
25	95th Place connect to Avery Street	auto, ped, bike	connectivity	\$250,000*	SDC
29	Nyberg Street/65th Avenue/Nyberg Lane signalize intersection or construct roundabout, sidewalks on Nyberg	auto, ped, bike	capacity, safety	\$650,000*	SDC
30a	Boones Ferry Road complete sidewalks,	Ped	safety, connectivity	\$250,000*	SDC (needs to be added)

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
	T-S Road to Avery Street				
6-10 Years					
17	124th Avenue new street, Myslony to T-S Road, signal at T-S Road	auto, ped, bike	connectivity	\$5,150,000*	LTIP
18	Herman Road reconstruct, 108th to 118th	auto, ped, bike, freight movement	modernization	\$2,720,290*	LTIP
35	Herman Road/108th Avenue signalize, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$200,000*	LTIP
36	Herman Road/118th Avenue signalize, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$200,000*	LTIP
19	Herman Road reconstruct, Teton to 108th	auto, ped, bike, freight movement	modernization	\$920,000*	SDC
20	Leveton Drive, 130th Avenue new streets	auto, ped, bike	connectivity, facilitate development	\$1,961,400*	LTIP & Development
21	SW 128th Avenue, Cummins Drive new streets	auto, ped, bike	connectivity, facilitate development	\$3,001,750*	LTIP & Development
22	105th Avenue-Blake Street-108th Avenue realign curves	auto, ped, bike	safety	\$860,000*	SDC
11-20 Years					
26	Tualatin-Sherwood Road widen to five lanes, Teton to Highway 99W	auto, transit	capacity, freight movement	\$25,000,000*	MSTIP
27	Hall Boulevard extend across Tualatin River	auto, ped, bike, transit	connectivity, recreation, capacity	\$25,000,000*	MSTIP, STIP, CURP, cities
28	Herman Road reconstruct, Tualatin Road to Teton	auto, ped, bike	modernization	\$1,700,000*	SDC
30b	Boones Ferry Road	Ped	safety,	\$250,000*	SDC (needs

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
	complete sidewalks, Avery St to Tualatin High School		connectivity		to be added)
31	Sagert Street/65th Avenue turn lane, signalize, interconnect with Borland Road/SW 65th Avenue intersection	auto, ped, transit	capacity	\$400,000*	SDC
32	Tualatin-Sherwood Road bike lanes, 90th-Nyberg	Bike	connectivity	\$330,000*	SDC (needs to be added)
33	Avery Street/Teton Avenue signalize intersection	auto, ped, bike	capacity	\$200,000*	SDC (needs to be added)
43	<u>SW 124<sup>th</sup> Avenue: new street, Tualatin-Sherwood Road to Tonquin Road and/or a future I5/99W Connector, traffic signals at Blake Street and unnamed east/west collector</u>	<u>auto, ped, bike, freight movement</u>	<u>Connectivity, reduce truck delays</u>	<u>\$85,745,000</u>	
Development-Related					
40	Bridgeport Road widen to 5+ lanes, west city limits to Lower Boones Ferry Road	auto, ped, bike	capacity, connectivity, safety, facilitate development	TBD	Development
23	SW 125th Place new street	auto, ped, bike	connectivity, facilitate development	\$360,000*	Development
34	East West Street in southwest residential Tualatin new street, 108 <sup>th</sup> to 112 <sup>th</sup> Avenues	auto, ped, bike	connectivity, facilitate development	\$1,100,000*	Development
37	Tualatin Road/108th Avenue signalize	auto, ped, bike, transit	capacity, safety	\$200,000*	Development



Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
38	Cummins Drive/Cipole Road/unnamed street west of Cipole signalize	auto, ped, bike	capacity	\$200,000*	Development
41	Cipole Road widening from Highway 99W to Cummins Drive modified signal phasing at Highway 99W intersection	auto, ped, bike	capacity, facilitate development	\$1,195,000**	Development
42	SW Herman Road/SW Cipole Road realign, signalize intersection, railroad interconnect	auto, ped, bike	capacity, safety	\$1,800,000**	Development, LID
<u>44</u>	<u>SW 115<sup>th</sup> Avenue; new or widened street, Blake Street to Tonquin Road</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$11,162,520</u>	<u>Development</u>
<u>45</u>	<u>Blake Street; new street, west of the railroad to SW 124<sup>th</sup> Avenue</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$15,846,088</u>	<u>Development</u>
<u>46</u>	<u>Tonquin Road; new or widened street, bridge over the railroad crossing and a signal at SW 115<sup>th</sup> Avenue</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$15,985,600</u>	<u>Development</u>
<u>47</u>	<u>Unnamed east-west collector; new street between SW 115<sup>th</sup> Avenue and SW 124<sup>th</sup> Avenue</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$2,258,244</u>	<u>Development</u>
<u>48</u>	<u>Itel Street and SW 122<sup>nd</sup> Avenue; new or widened street between SW 120<sup>th</sup> Avenue and Blake Street</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$3,190,000</u>	<u>Development</u>

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
49	<u>SW 117<sup>th</sup> Avenue; new street between Irel Street and Blake Street</u>	<u>auto, ped, bike</u>	<u>connectivity, facilitate development</u>	<u>\$1,540,000</u>	<u>Development</u>

\*2001 dollars; costs are not adjusted for inflation

\*\* 2005 dollars, costs are not adjusted for inflation.

MSTIP: Washington County Major Streets Transportation Improvement Program, STIP: Oregon Statewide Transportation Improvement Program, CURP: Central Urban Renewal Plan, LTIP: Leveton Tax Increment Plan, TGM: Oregon Transportation Growth Management Program, SDC: Systems Development Charge, TBD: to be determined.

The projects listed in each time period are for planning purposes only and may change by City Council direction to address development, funding opportunities, or community need.

Section 18. TDC Table 11-4 is amended to read as follows:

TABLE 11-4  
PROJECTS UNFUNDED OR REQUIRING NEW FUNDING SOURCES

Project Description	Modes Served	Purpose	Cost
Recreation SDC or Bond			
SW 108th Avenue ped/bike bridge	ped, bike	recreation, connectivity	\$450,000*
Tualatin River pathway	ped, bike	recreation	\$2,500,000*
SW 65th Avenue ped/bike bridge	ped, bike	recreation, connectivity	\$450,000*
Nyberg Creek pathway	ped, bike	recreation, connectivity	\$170,000*
Pedestrian trail system completion (6 projects)	ped	recreation	\$625,000*
<u>Tonquin Trail (SW Tualatin Concept Plan Area) -</u>	<u>ped, bike</u>	<u>recreation</u>	<u>\$880,000</u>
Unfunded Industrial Area Projects			
Myslony Street (112th Avenue) extend to Tualatin-Sherwood Road	auto, ped, bike	connectivity	\$1,880,000*
Cipole Road widen to three lanes, Cummins Drive to T-S	auto, ped, bike, freight movement	capacity, modernization	\$5,500,000*
Herman Road reconstruct, Cipole Road to SW 124th Avenue	auto, ped, bike, freight movement	modernization	\$920,000*
Herman Road reconstruct, 118th Avenue to SW 124th Avenue	auto, ped, bike, freight movement	modernization	\$1,250,000*

Project Description	Modes Served	Purpose	Cost
Leveton Drive widen to five lanes, SW 108th to SW 118 <sup>th</sup>	auto, ped, bike, freight movement	capacity	\$1,000,000*
SW 108th Avenue widen to five lanes, Leveton to Herman	auto, ped, bike, freight movement	capacity	\$500,000*
Herman Road widen to five lanes, SW 108th to Teton	auto, ped, bike, freight movement	capacity	\$900,000*
Unnamed roadway extending west of Cipole Road/Cummins Drive intersection	auto, ped, bike, freight movement	capacity	\$840,000**
STIP/Federal Earmark			
I-5/Highway 99W Connector	auto, freight movement	capacity, reduce auto & truck delays	\$250,000,000*
I-205 widen to six lanes, I-5 to Stafford Road	auto, freight movement	capacity, safety	\$6,100,000*
Lower Boones Ferry Road interchange (#290) reconstruct with loop ramps	auto, transit	capacity	TBD
LID			
SW 93rd Avenue Complete to City standards	auto, ped, bike	modernization	\$150,000*
Unfunded, Other Priority Projects			
Boones Ferry Road/Blake Street Construct turn lanes, signalize	auto, ped, bike	safety, capacity	\$1,200,000*
Teton Avenue bike lanes, Herman Road to T-S	bike	connectivity, safety	\$750,000*
McEwan Road widen to three lanes, Lower Boones Ferry to city limits	auto, ped, bike	capacity, modernization	\$2,300,000*
Avery Street/SW 105th Avenue Signalize	auto	capacity	\$150,000*
Unfunded, Other Desirable Projects			
Lower Boones Ferry Road extend across Tualatin River <i>*Note – Project removed from the 2035 RTP and will be addressed in the Tualatin TSP Update</i>	auto, ped, bike	capacity, connectivity	\$14,000,000*+ right-of-way
Boones Ferry Road widen to five lanes, T-S to Ibach	auto, ped, bike, transit	capacity	\$3,000,000*
Nyberg Street bike lanes, T-S to SW 65th Avenue	bike	connectivity	\$850,000*

Project Description	Modes Served	Purpose	Cost
Borland Road bike lanes	bike	connectivity	\$1,500,000*
SW 65th Avenue*** extend across Tualatin River	auto, ped, bike	capacity, connectivity	\$10,000,000*
SW 65th Avenue bike lanes, Nyberg to Borland	bike	connectivity	\$700,000*
SW 95th Avenue extend to SW 90th Avenue	auto, ped, bike	connectivity	\$500,000*
Highway 99W sidewalks, north city limits to south city limits	ped	connectivity	\$1,100,000*
SW 105th Avenue sidewalks, west side	ped	connectivity	\$84,000*
Tualatin Road/Teton Avenue Signalize	auto	capacity	\$150,000*
Leveton Drive/SW 108th Avenue Signalize	auto	capacity	\$150,000*
Borland Road/Wilke Road Signalize	auto	capacity	\$150,000*
Grahams Ferry Road/Helenius Road Signalize	auto	capacity	\$150,000*
Highway 99W/SW 130th Avenue Signalize	auto	capacity	\$150,000*
Central design district pedestrian street enhancements	pedestrian	safety	\$2,600,000*
Highway 99W widen to six lanes, Cipole Rd to the Tualatin River	auto	capacity	\$4,000,000*
Tualatin Road widen to five lanes, Herman to Boones Ferry	auto	capacity	\$2,500,000*
SW 65th Avenue widen to five lanes, Sagert to Nyberg	auto	capacity	\$2,300,000*
Borland Road widen to five lanes	auto	capacity	\$4,300,000*
Nyberg Road widen to seven lanes, Martinazzi to I-5	auto	capacity	\$700,000*
95th Avenue bike lanes, Avery to Tualatin- Sherwood Rd.	bike	connectivity	\$1,000,000*
Sagert Street widen to five lanes, Martinazzi to SW 65 <sup>th</sup>	auto	capacity	\$2,300,000*+ bridge widening
SW 90th Avenue widen to five lanes, Tualatin to	auto	capacity	\$1,200,000*

Project Description	Modes Served	Purpose	Cost
Tualatin-Sherwood			
All segments of streets designated E, D, C and B-CI in Figure 11-1 that are not specifically listed above.	auto, ped, bike	capacity, safety, connectivity, modernization	TBD
Boones Ferry Road widen to four lanes with turn lane or medians of varying widths from Lower Boones to Martinazzi	auto, ped, bike, transit	Safety, connectivity, capacity	\$3,500,000*
Loop Road extend Seneca Street east of Martinazzi then north between the City offices and the old Safeway, then east behind K-Mart and south on the east side of K-Mart. A connection to Boones Ferry Road may be appropriate on the north side of the City offices.	auto, ped, bike	Capacity, connectivity	\$2,500,000*
*2001 dollars; costs are not adjusted for inflation ** 2005 dollars, costs are not adjusted for inflation *** The project at 65th river crossing is designated as a study area. Alternate crossing locations will be considered as part of the design of this project. MSTIP: Washington County Major Streets Transportation Improvement Program, STIP: Oregon Statewide Transportation Improvement Program, CURP: Central Urban Renewal Plan, LTIP: Leveton Tax Increment Plan, TGM: Oregon Transportation Growth Management Program, SDC: Systems Development Charge, TBD: to be determined			

Section 19. The Figure 11-1 Functional Classification Plan is amended to show transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-1, marked "Exhibit H."

Section 20. The Figure 11-2 Metro Regional Street Design System is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-2, marked "Exhibit I."

Section 21. The Figure 11-4 Tualatin Pedestrian Plan is amended to transportation plan amendments as proposed in the Southwest Concept Plan , as shown on the attached Figure 11-4, marked "Exhibit J."



Section 22. The Figure 11-5 Tualatin Bicycle Plan is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-5, marked "Exhibit K."

Section 23. The Figure 11-6 Tualatin Transit Plan is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-6, marked "Exhibit L."

Section 24. The Figure 11-7 Tualatin Truck Routes is amended to reflect the Southwest Regionally Significant Industrial Area and SW 124<sup>th</sup> Avenue, as shown on the attached Figure 11-7, marked "Exhibit M."

Section 25. The Figure 11-8a Financially Constrained TSP Projects is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-8a, marked "Exhibit N."

Section 26. The Figure 11-8b Financially Constrained TSP Projects is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-8b, marked "Exhibit O."

Section 27. The Figure 11-8c Financially Constrained TSP Projects is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-8c, marked "Exhibit P."

Section 28. The Figure 11-8d Financially Constrained TSP Projects is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-8d, marked "Exhibit Q."

Section 29. The Figure 11-9 Priority TSP Projects is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-9, marked "Exhibit R."

Section 30. The Figure 11-10 Traffic Signal Plan is amended to transportation plan amendments as proposed in the Southwest Concept Plan, as shown on the attached Figure 11-10, marked "Exhibit S."

Section 31. TDC 12.010 is amended to read as follows:

(1) In 1979, the City of Tualatin adopted the Tualatin Community Plan. R. A. Wright Engineering Company prepared the water service element. In 1982, the Tualatin Community Plan was reviewed due to the annexation of approximately 900 acres west of the city limits. City staff reviewed the water sewer service element. In 1983 the City Council amended the Plan, including the water service element. The Plan was changed from covering only the city limits to covering the city limits and the area out to the Urban Growth Boundary (UGB)(an "Active Plan").

(2) In accordance with the Urban Planning Area Agreement between the City and Washington County and an Intergovernmental Agreement between the City and the City of Portland, the City of Tualatin is responsible for providing water service in the City of Tualatin. The City of Tualatin obtains its water from the City of Portland.

(3) In 1990 and 1999 minor amendments to TDC Chapter 12 were adopted. In 2000 and 2002 the City contracted with CH2M Hill to update the City's water master plan. The 2000 update reflected Tualatin's growth and refined the 1983 plan. The 2003 "Report, Tualatin Water Master Plan Update," (the "Master Plan") was the basis for amending the Tualatin Development Code (TDC), Chapter 12, in 2003. The purpose of the 2003 Master Plan was to provide the City with a comprehensive water master plan for future development of the water system. The 2003 Master Plan included a description of the existing water system, the planning criteria, a water system analysis and a capital improvement plan.

(4) The 2003 Master Plan study area was the same as the Tualatin Community Plan, plus it included the Southwest Manufacturing Business Park approximately 238 acre Tigard Sand & Gravel site added to the UGB by Metro in December 2002 in the southwest portion of the City's planning area. The Master Plan's information about the Tigard Sand & Gravel site was preliminary and was intended to be refined in a future comprehensive Master Plan prepared by the City as required by Metro Code for areas added to the UGB.

(5) Northwest Tualatin Concept Plan 2005 identifies water service needs for the study area. This information is new and updates the 2003 Master Plan.

(6) The purpose of Chapter 12 is to provide for:

(a) Reinforcement of the existing water system to provide adequate peak and fire-flow capabilities;

(b) Expansion of the distribution system as areas inside the Urban Growth Boundary are annexed to the City and are developed;

(c) Expansion of supply and storage facilities for present and future needs;  
and

(d) Financing the construction of the foregoing facilities.

Section 32. TDC 12.020 is amended to read as follows:

City of Tualatin water service policies are to:

- (1) Plan and construct a City water system that protects the public health, provides cost-effective water service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.
- (2) Require developers to aid in improving the water system by constructing facilities to serve new development and extend lines to adjacent properties.
- (3) Water lines should be looped whenever possible to prevent dead-ends, to maintain high water quality and to increase reliability in the system.
- (4) Improve the water system to provide adequate service during peak demand periods and to provide adequate fire flows during all demand periods.
- (5) Review and update the water system capital improvement program and funding sources as needed or during periodic review.
- (6) Prohibit the extension of City water services outside the City's municipal boundaries, unless the water service is provided to an area inside an adjacent city.
- (7) The Report, Tualatin Water Master Plan Update, August 2003, is accepted by reference as a supporting technical document to the Tualatin Community Plan.
- (8) The Northwest Tualatin Concept Plan 2005 is adopted by reference as a supporting technical document to the Tualatin Community Plan.
- (9) The Southwest Tualatin Concept Plan 2010 is adopted by reference as a supporting technical document to the Tualatin Community Plan.
- (10) Continue the work started in 2001 and select one or more additional water sources.

Section 33. TDC Table 12-1 is amended to read as follows:

Table 12-1  
WATER SYSTEM PROJECTS AND COST ESTIMATES

Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
<b>STORAGE</b>			
2003. Level A. 10 million gallon reservoir. R-1.	NA	NA	4.050
2005. Level C. 1 million gallon reservoir. R-2.	NA	NA	0.601
2010. Level B. 1.9 million gallon reservoir. R-3.	NA	NA	1.188
<b>SOURCE AND PUMPING</b>			
<del>2003. Seismic upgrade of pump stations, reservoirs and pressure reducing valves. S-3.</del>	NA	NA	1.620
2005. Increase maximum day demand (MDD) source capacity from 10.8 million gallons per day (mgd) to buildout MDD of 17.2 mgd. Aquifer storage and recovery is the assumed source. S-1.	NA	NA	13.300
<del>2005. Upgrade Norwood Pump Station from 700 gallons per minute (gpm) firm capacity to 1,000 gpm firm capacity. Replacement of 2 pumps. S-2.</del>	NA	NA	0.405
2006. Construct a 3.5 million gallon per day pump station near the Avery pressure relief/pressure sustaining valve to provide redundant supply service to Level B. S-4.	NA	NA	2.970
<b>TRANSMISSION/DISTRIBUTION SYSTEM</b>			
<del>2003. New pipe from the new Level A reservoir to the intersection of Cipole Road and Tualatin-Sherwood Road. P-1.</del>	18	2,000	See Below
<del>2003. New pipe from the intersection of Cipole Road and Tualatin-Sherwood Road northerly along Cipole Road. P-1.</del>	12	1,100	See Below
<del>2003. New pipe from the intersection of Cipole Road and Tualatin-Sherwood Road easterly along Tualatin-Sherwood Road to the 12" pipe north of the Avery pressure reducing valve. P-1.</del>	46	4,600	3.299 For 3 projects P-1, P-1, P-1.
2003. Level A. New pipe in 124th Avenue from Herman Road to existing pipe in 124th south of Leveton Drive. P-5.	16	1,900	0.616
<del>2003. Level B. New pipe to improve fire flow to</del>	12	500	0.122

Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
<del>Bridgeport Elementary School between Joshua Street and Borland Road. P-11.</del>			
<del>2003. Level B. New pipe to improve fire flow to Legacy Meridian Park Hospital and Bridgeport Elementary School between the line at the west end of Joshua Street and the line in the Hospital driveway loop. P-12.</del>	12	500	0.122
2003. In Level C area, but from line in Level B system. Three new fire hydrants and associated valving and piping adjacent to Tualatin High School in Boones Ferry road served from line in the Level B system. P-14.	NA	NA	0.101
<del>2005. Level C. New pipe to allow improved flow for refilling the C reservoir from the Norwood Pump Station and for fire flow and future growth. Assume boring under I-5. P-2.</del>	12	700	0.510
2005. Level B. New parallel pipe in Sagert Street from Boones Ferry to Martinazzi for greater transmission capacity to eastern portion of Level B under peak and fire flow conditions. P-4.	12	1,900	0.462
2005. Level B. New pipe extending west of the intersection of 105th Avenue and Paulina Drive and then northerly to Avery Street for looping and future growth. P-6.	12	3,600	0.583
2005. Level B. New parallel pipe from intersection of Boones Ferry Road and Ibach Street to Norwood Reservoir site, or replace existing 12" pipe with 16" pipe, for future growth and reservoir refill. P-8.	12 or 16	4,500	1.458
<del>2005. Level A. New pipe in 124th Avenue from Tualatin-Sherwood Road north for 900 feet for future growth, redundancy and looping. P-13.</del>	12	900	0.219
2006. Level B. New pipe extending south of existing Level B piping on 105th Avenue and connecting to existing 12" pipe in Ibach Street. R-16.	16	2,000	0.324
<del>2007. Level unknownB. New pipe to serve the Tigard Sand &amp; Gravel and Tonquin Industrial</del>	16	13,000	1.755



Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
<del>Group properties added to the Urban Growth Boundary by Metro in December 2002. This is a conceptual project. The actual planned system will be determined when the City does a Master Plan for the area as required by Metro Code Southwest Tualatin Concept Plan Area.</del>			
2008. Level C. New pipe along Iowa Drive from Lumbee Lane to Grahams Ferry Road for future growth, redundancy and looping. P-7.	12	1,200	0.292
2010. Level B. New pipe from new Level B reservoir on 108th Avenue northerly in 108th Avenue to the 12" line in Ibach Street for future fire flows and peak hour demand. P-3.	46	2,200	0.713
2010. Level A. New pipe along easement from Leveton Drive northerly toward 115th Avenue for future growth. P-9.	12	700	0.170
2010. Level A. New pipe in 3 separate sections. The 1st extends 1,600 feet along Myslony Street between 124th Avenue and 118th Avenue for future growth. P-10.	16	1,600	See Below
2010. Level A. The 2d extends 1,700 feet from the end of an existing 16" at the east end of Myslony Street to the east before connecting with an existing 16" pipe running north-south for future growth. P-10.	16	1,700	See Below
2010. Level A. The 3d extends 600 feet from the southern terminus of the existing 16" pipe running north-south to Tualatin-Sherwood Road for future growth.	16	600	1.296 For 3 Sections P-10, P-10, P-10
2013. Level A. New looped pipe system serving the Northwest Concept Plan area.	10	1,600	0.148*

MISCELLANEOUS			
<del>2003. System wide. Replace the software and hardware of the remote monitoring and controlling telemetry system. M-1.</del>	NA	NA	0.405
<del>2005. System wide. Implement the recommendations for the required vulnerability assessment when it is completed. M-2.</del>	NA	NA	0.270 Estimate

SUMMARY OF CAPITAL PROJECT COSTS:			
Storage			13.300
Source and Pumping			18.295
Transmission/Distribution System			12.290
Miscellaneous Total			0.675
CAPITAL PROJECT COST GRAND TOTAL:			36.999
GENERAL NOTES.			
1. The actual growth in demand will be monitored and available funding will be evaluated to verify the recommended implementation period of the projects. 2. Projects that are dependent on new development should be constructed only when the developments actually occur or are imminent.			
*Costs in 2005 dollars			

Section 34. TDC 13.010 is amended to read as follows:

(1) In 1979, the City of Tualatin adopted the Tualatin Community Plan. R. A. Wright Engineering Company prepared the sanitary sewer service element. In 1982, the Tualatin Community Plan was reviewed due to the annexation of approximately 900 acres west of the city limits. City staff reviewed the sanitary sewer service element. In 1983 the City Council amended the Plan, including the sewer service element. The Plan was changed from covering only the City limits to covering the City limits and the area out to the Urban Growth Boundary (UGB) (an "Active Plan"). Generally, the sewer service changes were minor as they incorporated information based on the new Planning Districts placed on the lands inside the UGB.

(2) In accordance with the Urban Planning Area Agreement between the City and Washington County and an Intergovernmental Agreement between Clean Water Services (CWS) and the City, the City is responsible for collecting the sewage and CWS is responsible for the major conveyance lines and treatment. CWS's Durham Advanced Waste Water Treatment Plant treats most of the sewage generated in the City limits. Waste generated in the City limits north of the Tualatin River and east of I-5 is treated at the City of Portland's Tryon Creek Waste Water Treatment Plant.

(3) The purpose of the 1982 review was to determine what existing lines needed reinforcing, what new lines were needed to meet the requirements of an expanding community and to determine what costs and financing methods were needed to implement the proposed improvements.

(4) The study area was the same as the Tualatin Community Plan (the "Active Plan" out to the UGB).

(5) The system adopted in 1983 was intended to serve the area within the UGB at saturation densities. It was anticipated that some areas might experience limited surcharging during periods of peak user and infiltration flow.

(6) In 2002 the City contracted with CH2M Hill to update the City's sewer master plan ("Report, Tualatin Sewer Master Plan," December 2002). The update accurately reflected Tualatin's growth and refined CWS's recently completed county-wide master plan system evaluation ("2000 Sanitary Sewer System Master Plan Update"). The City's "Report, Tualatin Sewer Master Plan," December 2002 (the "Master Plan") was the basis for amending the Tualatin Development Code (TDC), Chapter 13 in 2003. The purposes of the City's "Master Plan" were to:

(a) Further develop the planning done by CWS for the Tualatin area as part of its county-wide planning effort in its 2000 update. Refine the evaluation, focus on Tualatin and address the City's specific planning projections.

(b) Evaluate and recommend current and future infrastructure needs to allow the sewer system to keep up with growth and provide planning level costs.

(c) Control and eliminate sanitary sewer overflows (SSOs), such as basement flooding, to the extent possible.

(d) Protect public health.

(e) Protect water quality of neighborhood creeks, ponds and the Tualatin River.

(f) Address regulatory requirements.

(g) Develop a plan that will result in cost-effective sewer service that meets the demands of residential, commercial and industrial customers.

(7) The 2002 "Master Plan" study area was the same as the Tualatin Community Plan, plus it included the Southwest Tualatin Concept Plan Area, ~~the approximately 238 acre Tigard Sand & Gravel site added to the UGB by Metro in December 2002 in the southwest portion of the City's planning area. The "Master Plan's" information about the Tigard Sand & Gravel site was preliminary and was intended to be refined in a future comprehensive Master Plan prepared by the City as required by Metro Code for areas added to the UGB.~~

(8) Northwest Tualatin Concept Plan 2005 identifies sewer service needs for the study area. This information is new and updates the 2003 Master Plan.

Section 35. TDC 13.015 is amended to read as follows:

(1) Plan and construct a City sewer system that protects the public health, protects the water quality of creeks, ponds, wetlands and the Tualatin River, provides cost-effective sewer service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.

(2) Provide a City sanitary sewer system in cooperation with Clean Water Services (CWS). The City is responsible for the collection system's smaller lines and the 65th Avenue pump station and CWS is responsible for the larger lines, pump stations and treatment facilities.

(3) Work with CWS to ensure the provisions of the intergovernmental agreement between the City and CWS are implemented.

(4) Prohibit the extension of sewer service to areas outside the City limits, unless it is provided to an area inside the city limits of an adjacent city.

(5) Require developers to aid in improving the sewer system by constructing facilities to serve new development as well as adjacent properties.

(6) Improve the existing sewer system to provide adequate service during peak demand periods.

(7) Improve the existing sewer system to control and eliminate sanitary sewer overflows such as basement flooding to the extent possible.

(8) The "Report, Tualatin Sewer Master Plan," December 2002, is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(9) The Northwest Tualatin Concept Plan 2005 is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(10) The Southwest Tualatin Concept Plan 2010 is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(11) Review and update the "Report, Tualatin Sewer Master Plan," December 2002, on a regular basis in coordination with CWS.

(142) Perform a cost of service rate study and study funding methods to ensure sufficient City funds exist to construct planned improvements.

(123) Work with CWS to update CWS's and the City's plans and regulations once new sanitary sewer overflow (SSO) and capacity, management, operation and maintenance (CMOM) regulations are published in the Federal Register.

Section 36. TDC 13.070 is amended to read as follows:

(1) The proposed sewage collection system for 2010 is essentially the same as the 1983 system and is illustrated in Map 13-1.

(2) The majority of the trunk and interceptor lines planned in the 1983 sewer service element were constructed, but some were not of sufficient capacity. The "Master Plan" reviewed the system and recommended improvements to 2010. The "Master Plan" focused on sewer system capacity deficiencies. Consistent with CWS's sewer design criteria, it compared peak hydraulic grade lines (HGL's) for each segment of the system with pipe slopes and ground surface elevations. City staff also identified locations requiring maintenance or replacement due to degradation and aging of the system.

(3) Because the system is essentially built and several trunk and interceptor lines are too small, the "Master Plan's" recommendations primarily were to increase trunk and interceptor line sizes. ~~It conceptually recommended new lines to serve the Tigard Sand & Gravel site that Metro added to the UGB in 2002. The lines would connect into the Bluff Cipole Trunk.~~

(4) New collection system pipes and at least one pump station will be needed to serve the ~~Tigard Sand & Gravel site~~ Southwest Tualatin Concept Plan Area. The actual configuration will depend on individual development plans, land use type and location, site grading and other factors not known in ~~2002~~ 2010. ~~In accordance with Metro Code, in the future the City will prepare a comprehensive plan for the area, including a sewer master plan.~~

Section 37. TDC Table 13-1 is amended to read as follows:

Table 13-1  
SEWER LINE IMPROVEMENTS

Timing (est.), Location and Description	Size in Inches	Quantity in Feet	City Cost in 2002 Dollars (millions)
2003. Bluff/Cipole <del>Trunk</del> <sup>4</sup> <u>Trunk</u> <sup>2</sup> . Lower Tualatin Interceptor to Herman Road. Increase 18-24" line to 36-42".	36-42	8,075	0.153
2003. Boones Ferry Road <del>Trunk</del> <sup>3</sup> <u>Trunk</u> <sup>1</sup> . Upper Boones Ferry Road to Lower Tualatin Interceptor. Increase 8-12"	12-15	1,786	0.330



line to 12-15".			
2003. Boones Ferry Road Lateral <sup>3</sup> . In Martinazzi Avenue south of Boones Ferry Road. Increase 8" line to 10".	10	286	0.042
2004. 65 <sup>th</sup> Avenue Lateral <sup>3</sup> . 65 <sup>th</sup> between Nyberg Road and Borland Road. Increase 8" line to 18".	18	165	0.031
2004. Nyberg Trunk <sup>4</sup> Trunk <sup>2</sup> . Mobile Place to Tualatin-Sherwood Road. Increase 18" line to 24-30".	24-30	6,566	1.624
2005. Killarney Lane Septic System Replacement <sup>3</sup> . Killarney Lane. Replace existing septic systems with new sanitary collection system and service laterals.	Typical	1,500	0.450
2005. Lower Tualatin Interceptor <sup>2&amp;4</sup> . Hedges Creek to Tualatin River. Increase 30" line to 48".	48	3,692	0
2006. Lower Tualatin Interceptor Siphon <sup>2&amp;4</sup> . Siphon under the Tualatin River. Increase size an unknown amount.	Unk	100	0
2008. Bluff/Cipole Lateral <sup>1</sup> . Bluff/Cipole Trunk to Avery Street. Increase 12-21" line to 18-36".	18-36	5,226	0.391
2009. 103d Avenue <sup>3</sup> . Grahams Ferry Road to the stub at the south end of 103d. Increase 8" line to 10-12".	10-12	278	0.045
2010. Tualatin-Sherwood Road Trunk <sup>2</sup> . 115 <sup>th</sup> Avenue to Cipole Road. Extend existing 24" Trunk to west to serve areas added to UGB by Metro in 2002 and potential future additions to UGB.	24	6,300	1.406
2013. Northwest Tualatin Concept Plan sewer.	8	1,509	0.232*
<sup>1</sup> Projects jointly funded by the City of Tualatin and Clean Water Services.			
<sup>2</sup> Projects funded solely by Clean Water Services.			
<sup>3</sup> Projects funded solely by the City of Tualatin			
<sup>4</sup> Clean Water Services is responsible for this project, although the City may elect to accelerate the schedule and split the cost.			
* Costs in 2005 dollars			

Section 38. TDC 14.010 is amended to read as follows:

There are ten principal drainage basins for storm water and surface water in the Tualatin Planning Area. Except for a small drainage located in the south part of the City's planning area, the drainages flow to the Tualatin River. Hedges Creek, Nyberg Creek and Saum Creek are tributaries of the Tualatin River and are the larger drainages located within Tualatin's Planning Area.

Drainage, storm water and surface water runoff in the Tualatin Planning Area are addressed in the Tualatin Drainage Plan, the Surface Water Management Ordinance (SWM Ordinance) (Ord. 846-91), the Northwest Tualatin Concept Plan 2005, the Southwest Tualatin Concept Plan 2010 and TDC Chapter 74, Public Improvements.

The 1975 Tualatin Drainage Plan defines and describes the existing and planned drainage in the Tualatin Planning Area. The Tualatin Drainage Plan is periodically updated as drainage studies are prepared by the City or for development projects. In September of 1995, the City adopted the Hedges Creek Subbasin Plan (HCS Plan) and incorporated the drainage improvements and drainage pattern modifications in the Hedges Creek subbasin into the Tualatin Drainage Plan. The HCS Plan consists of the drainage and storm water management activities and programs recommended in Chapter I of the Hedges Creek Subbasin Strategies (HCSS) Report prepared by the City and ~~the Unified Sewerage Agency (USA)~~ Clean Water Services (CWS).

USA CWS began subbasin planning work for the Hedges Creek Basin in 1990, based on two previous storm water and nonpoint source plans, the Tualatin Basinwide Report and Technical Guidelines and the USACWS Surface Water Management Plan. The HCSS report incorporates the original Hedges Creek Subbasin Management Plan completed in October 1992 and the Hydraulic Study of the Hedges Creek Marsh report completed in October 1994.

The surface water management policies and requirements in the SWM Ordinance were adopted by the City and other jurisdictions in the Tualatin River Basin to implement USACWS requirements for control of sedimentation and water quality.

The drainage and surface management development requirements of the Tualatin Drainage Plan and SWM Ordinance are implemented in TDC Section 74, Public Improvements.

Section 39. TDC 14.020 is amended to read as follows:

(1) The Tualatin Drainage Plan is the City's drainage plan. It was originally prepared by Robert A. Wright, Consulting Engineers in 1972 and adopted in 1975 (Ord. 280-75) and in 1979 as an element of the Tualatin Community Plan (Ord. 491-79). The Tualatin Drainage Plan is referenced in the Technical Memoranda TDC 3.080. With the supporting technical material, the Tualatin Drainage Plan provides an overall view of the drainage system, its major problems and their solutions, and is the City's storm water and surface water drainage policy.

(2) The Tualatin Drainage Plan was updated in the fall of 1995 by the Hedges Creek Subbasin Plan. The HCS Plan is outlined in Chapter 1 of the HCSS Report and implements the recommended drainage and storm water management activities and facilities. The HCS Plan relies on the technical data and analysis documented in the HCSS report. The HCSS Report and the HCS Plan identify the critical importance of

the Hedges Creek Marsh to drainage, storm water management and water quality in the subbasin. The HCS Plan provides for drainage improvements, storm water detention requirements and a number of non-structural activities for better management of water quantity and water quality in the Hedges Creek subbasin.

(3) Map 14-1 is from Figure I-1 of the HCS Plan. It shows the drainage pattern revisions and drainage system improvements for the Hedges Creek Subbasin. The drainage pattern revisions and drainage system improvements shown in Map 14-1 are incorporated into the Tualatin Drainage Plan.

(4) The HCSS Report is a comprehensive technical document that provides data and analysis of storm water drainage in the Hedges Creek Subbasin. From an analysis of several alternatives, the report recommended specific management activities and facilities to control water quantity and quality problems associated with urban storm water runoff in the Hedges Creek Subbasin. The HCS Plan incorporates the report's recommended activities and facilities.

(5) The Northwest Tualatin Concept Plan 2005 identifies storm water drainage options for the area west of Cipole Road and south of Pacific Highway 99W.

(6) The Southwest Tualatin Concept Plan 2010 identifies storm water drainage options for the area south of SW Tualatin-Sherwood Road and east of SW 124<sup>th</sup> Avenue.

Section 40. TDC 14.030 is amended to read as follows:

(1) The Surface Water Management Ordinance (SWM Ordinance) (Ord. 846-91) establishes regulations for soil erosion control, surface water management and water quality. The purpose of the SWM Ordinance is to implement Oregon Department of Environmental Quality (DEQ) and ~~Unified Sewerage Agency (USA)~~ Clean Water Services (CWS) requirements for surface water management and water quality in the Tualatin River basin by reducing sediment and other pollutants reaching the public storm and surface water system. The SWM Ordinance provides requirements for permits, on-site detention, water quality facilities, floodplain and floodway design standards, protection of sensitive areas and vegetated corridors, specifications for building and side sewers, maintenance and inspection of facilities, permit fees, enforcement of violations and other matters related to surface water management and maintaining water quality.

(2) HCS Plan requirements for on-site storm water detention for new development in the Hedges Creek Subbasin upstream from the Wetland Protected Area portion of the Hedges Creek marsh are adopted in the SWM Ordinance.

Section 41. TDC 14.040 is amended to read as follows:

The objectives of the Tualatin Drainage Plan and Surface Water Management regulations are:

(1) Provide a plan for routing surface drainage through the City, utilizing the natural drainages where possible. Update the plan as needed with drainage studies of problem areas and to respond to changes in the drainage pattern caused by urban development.

(2) Coordinate the City's Drainage Plan and Storm Water Management regulations with the City's Floodplain District, Wetland Protection District and Natural Resource Protection Overlay District regulations and with the plans of USACWS and other regional, state, and federal agencies to achieve consistency among the plans.

(3) Reduce sediment and other pollutants reaching the public storm and surface water system by implementing the Oregon Department of Environmental Quality (DEQ) and USA requirements for surface water management and water quality in the Tualatin River basin. Reduce soil erosion, manage surface water runoff and improve surface water quality.

(4) Identify and solve existing problems in the drainage system and plan for construction of drainage system improvements that support future development.

(5) Provide standards for surface water management and water quality by which development will be reviewed and approved. Review and update the standards as needed.

(6) Clearly indicate responsibilities for maintaining storm water management and water quality facilities.

(7) Enforce drainage and storm water management standards.

(8) Route storm water runoff from the upper Hedges Creek subbasin through the Wetland Protected Area marsh which as a wetland provides important drainage, storm water management and water quality benefits.

(9) Protect the Wetland Protected Area marsh and its important drainage, storm water management and water quality functions in the Hedges Creek subbasin.

(10) Require new development to provide on-site pollution reduction facilities when necessary to treat storm water runoff prior to entering Hedges Creek and protect the marsh from urban storm water pollutants.

(11) To reduce sedimentation and erosive storm water flow volumes, require on-site storm water detention facilities for new development in the Hedges Creek Subbasin upstream from the Wetland Protected Area marsh.

(12) Consider opportunities to construct regional pollution reduction facilities to treat storm water runoff prior to entering Hedges Creek and protect the marsh from urban storm water pollutants.

(13) Restrict beaver dam activity in the Wetland Protected Area marsh to retain the drainage flow through the marsh area and to reduce flooding between Teton Avenue and Tualatin Road.

(14) As outlined in the HCS Plan, the City will assist USACWS with non-structural activities including public education programs and water quality and management activity monitoring.

(15) Comply with Metro's Urban Growth Management Functional Plan, Title 3.

Section 42. TDC 37.010 is amended to read as follows:

The Tualatin City Council may approve an Industrial Master Plan within the Manufacturing Business Park (MBP) Planning District or the Manufacturing Park Planning District that sets particular standards for development within the Industrial Master Plan Area defined by such plan, in accordance with the Tualatin Community Plan, the Southwest Tualatin Concept Plan (SWCP) and the Leveton Tax Increment Plan. Such approved plans are intended to achieve a campus-like setting within an Industrial Master Plan Area, while allowing development to occur independently on a number of smaller parcels within that area. It is the intent of this chapter to provide procedures and criteria for the submission and review of such Industrial Master Plan applications.

Section 43. TDC 37.020 is amended to read as follows:

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

(2) A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be initiated by the owner or owners of all properties within the Industrial Master Plan Area or an authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. Prior to the submittal of an application, an applicant shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant may submit a written application addressing applicable review criteria and a site plan, as outlined in (3) below, showing the dimensions and



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

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

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

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

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

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

(ii) A complete description of the proposal;

(iii) A description of how all approval criteria for the land use review are met;

(iv) Any request for alternate development standards, pursuant to (4) below, shall be included in the written statement.

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

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

(ii) North arrow and scale of drawing;

(iii) Adjacent streets, motor vehicle circulation systems, including connections off site, location of parking areas, and design to

include number of spaces, location of loading areas, curbs, and sidewalks;

(iv) Easements and on-site utilities;

(v) General location of existing and proposed building envelopes;

(vi) Location of adjacent off-site buildings;

(vii) Types and location of vegetation, street trees, screening, fencing, and building materials;

(viii) Pedestrian and bicycle access and circulation systems, including connections off site and bicycle parking areas;

(ix) Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site;

(x) Conceptual building materials and location of landscaped areas; and

(xi) Partition application if applying for concurrent approval in accordance with TDC 36.220.

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

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

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

(a) Setbacks from each lot line to buildings, parking areas and circulation areas. Required setbacks may be exact, or minimum and maximum ranges may be specified. Required setbacks may be greater than or less than those required under TDC 62.060 or TDC 64.060.

(b) Locations of shared parking and circulation areas and access improvement, including truck maneuvering and loading areas and common public or private infrastructure improvements.

(c) Building heights and placement and massing of buildings with respect to parcel boundaries.

(d) Location and orientation of building elements such as pedestrian ways or accesses, main entrances and off-street parking or truck loading facilities, including the number of off-street parking spaces and loading docks required.

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

(i) For properties in the MP Planning district, less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive unless otherwise provided under TDC 62.050(1).

(ii) For properties in the Regionally Significant Industrial Area (RSIA) of the MBP Planning District, Lots or parcels may be divided into smaller lots or parcels of 20,000 sq. ft or larger when the Industrial Master Plan identifies at least one lot or parcel of 100 acres in size or larger and one lot or parcel 50 acres in size or larger in the RSIA.

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

(6) Except as specifically provided in subsection (4) above, all other provisions of this Code shall apply within an Industrial Master Plan Area.  
73.240 is amended to read as follows:

Section 44. TDC 37.030 is amended to read as follows:

The City Council shall approve an Industrial Master Plan, after a hearing conducted pursuant to TDC 32.040, provided that the applicant demonstrates that the following criteria are met:

(1) Public facilities and services, including transportation, existing or planned, for the area affected by the use are capable of supporting the proposed development or will be made capable by the time development is completed.

(2) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity.

(3) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC

Chapter 62 for the MP Planning District and TDC Chapter 64 for the MBP Planning District unless otherwise approved through the Industrial Master Plan process.

Section 45. TDC 37.040 is amended to read as follows:

(1) Before acting on a request for an Industrial Master Plan, the application shall be considered by the City Council at a public hearing conducted in the manner provided for in TDC 31.077. The City Council may continue a hearing in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the Council shall announce the time, place and date when the hearing will be resumed.

(2) The City Council may approve, approve with conditions, or deny the application for an Industrial Master Plan. The City Council may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole and for compliance with the Metro UGMFP Title IV policies and requirements.

Section 46. The Map 72-1 Natural Resources Protection Overlay District (NRPO) and Greenway Locations is amended to show revisions as proposed in the Southwest Concept Plan, as shown on the attached Map 72-1, marked "Exhibit T."

Section 47. The Map 72-2 Greenway Development Plan is amended to show revisions as proposed in the Southwest Concept Plan, as shown on the attached Map 72-2, marked "Exhibit U."

Section 48. The Map 72-3 Significant Natural Resources is amended to show revisions as proposed in the Southwest Concept Plan, as shown on the attached Map 72-3, marked "Exhibit V."

Section 49. TDC 73.240 is amended to read as follows:

(1) The following standards are minimum requirements.

(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030 (4)(j), 40.030 (4)(m), 40.030 (4)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted in accordance with the planning district provisions on the subject

property for a fish and wildlife habitat area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(4) The minimum area requirement for landscaping for uses in IN, CN, CO/MR, MC and MP Planning Districts shall be twenty-five (25) percent of the total land area to be developed. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District and the Manufacturing Business Park Planning District shall be twenty (20) percent of the total land area to be developed.

(6) The minimum area requirement for landscaping for approved Industrial Master Plans shall be 20% of the total land area to be developed.

(7) For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

(8) Developments not in a Low Density Residential (RL) or Manufacturing Park (MP) Planning District, but which abut an RL or MP Planning District shall provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses in the district and the adjacent Low Density Residential (RL) or Manufacturing Park (MP) Planning District as approved through the Architectural Review process.

(9) Yards adjacent to public streets, except as described in the Hedges Creek Wetlands Mitigation Agreement, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or



other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone. Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

(12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

(a) The amount of wetland buffer area which may be counted as landscaping is limited to a maximum of two and one-half percent (2.5 percent) of the total land area to be developed.

(b) All portions of the required buffer area to be counted as landscape shall be within the boundaries of the subject property. No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel.

(c) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer shall perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency.

(d) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer shall include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer shall complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

(13) Landscape plans for required landscaped areas that include fences should carefully integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.

Section 50. The Figure 73-3 Parking Maximum Map is amended to show revisions as proposed in the Southwest Concept Plan, as shown on the attached Figure 73-3, marked "Exhibit W."

Section 51. The Map 74-1 Street Tree Plantings is amended to reflect the Southwest Regionally Significant Industrial Area as part of Zone 1, as shown on the attached Map 74-1, marked "Exhibit X."

Section 52. TDC 75.030 is amended to read as follows:

This section shall apply to all City, County and State public streets, roads and highways within the City and to all properties that abut these streets, roads and highways.

(1) Access shall be in conformance with TDC Chapter 73 unless otherwise noted below.

(2) Freeways, Expressways and Arterials Designated.

For the purposes of this chapter the following are freeways, expressways and arterials:

(a) Interstate 5 Freeway;

(b) Interstate 205 Freeway;

(c) I-5/99W Connector;

(d) Pacific Highway 99W;

(e) Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;

(f) Nyberg Street, from its intersection with Tualatin-Sherwood Road east to 65th Avenue, including the I-5 Interchange;

(g) 124th Avenue from Highway 99W south to ~~Tualatin-Sherwood Road~~ Tonguin Road and/or the future I5/99W Connector;

(h) Lower Boones Ferry Road, from Boones Ferry Road to the Bridgeport/72nd intersection and from the Bridgeport/72nd intersection to the east City limits;

(i) Boones Ferry Road at all points located within the City of Tualatin Planning Area;

(j) SW 65th Avenue from its intersection with Nyberg Street south to Sagert Street;

- (k) Borland Road from SW 65th Avenue east to Saum Creek;
- (l) Bridgeport Road from Lower Boones Ferry Road to the west City limits;
- (m) Martinazzi Avenue from Boones Ferry Road south to Sagert Street;
- (n) Tualatin Road from Boones Ferry Road to Herman Road;
- (o) Sagert Street from Martinazzi Avenue to 65th Avenue;
- (p) Hall Boulevard extension from Tualatin Road to the north City limits;
- (q) Leveton Drive from 118th Avenue to 108th Avenue;
- (r) 108th Avenue from Leveton Drive to Herman Road;
- (s) Herman Road from 108th Avenue to Teton Avenue;
- (t) Lower Boones Ferry Road extension west to Tualatin Road.

If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.

### (3) Applicability

(a) This chapter applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City Council or any administrative officer of the City pertaining to property abutting any road or street listed in TDC 75.030. In addition, any parcel not abutted by a road or street listed in TDC 75.030, but having access to an arterial by any easement or prescriptive right, shall be treated as if it did abut the arterial and this chapter applies. This chapter shall take precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.

(b) With the approval of the City Council, the City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City's Road Authority.

Section 53. TDC 75.120 is amended to read as follows:

The following list describes in detail the freeways, expressways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are

examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

#### INTERSTATE 5

I-5 is a State facility and access is controlled by the State.

#### INTERSTATE 205

I-205 is a State facility and access is controlled by the State.

#### I-5/99W CONNECTOR

If a Goal exception is granted for the Regional Transportation Plan, the I-5/99W Connector may run from a new interchange near Norwood Road westerly and then northwesterly to Tualatin-Sherwood Road or it may run westerly to Highway 99W south of Sherwood. This roadway is a controlled access highway with possible intersections proposed at the following locations:

- (1) The intersection of Boones Ferry Road and I-5/99W Connector.
- (2) The intersection of Grahams Ferry Road and I-5/99W Connector.
- (3) The intersection of the southern extension of SW 124th Avenue and I-5/99W Connector.
- (4) The intersection of Tualatin-Sherwood Road and I-5/99W Connector.

If the I-5/99W Connector is constructed in phases, some interim accesses may be provided in accordance with TDC Chapter 75 when the road is a two-lane road. When the road is completed to its design width, it may be necessary to construct sections of a frontage road to provide access to properties along the I-5/99W Connector. This would be mainly in the area between Graham Ferry Road and the Portland and Western (old Burlington Northern) railroad track.

#### PACIFIC HIGHWAY 99W

On the southeasterly side of Pacific Highway 99W access will be provided by Cipole Road, a future street 130th Avenue, 124<sup>th</sup> Avenue and Hazelbrook Road. Prior to construction of 130th Avenue, interim access in accordance with TDC Chapter 75 may be approved by the City Engineer. In addition to 130th Avenue, shared driveway accesses will be allowed between Tax Lots 1800 (Grimm's Fuel, 18850 99W) and 1801 (Construction Equipment Company, 18550 99W), and Lots 2000 (SW Readymix, 18610 99W) and 2101 (Anderson Forge and Machine, 18500 99W), Tax Map 2S121A. A shared driveway access will also be allowed between 130th Avenue and 124<sup>th</sup> Avenue. 130th Avenue should match-up with a re-aligned Pacific Drive on the northwesterly side of 99W. West of Cipole Road and south of Pacific Highway access will be provided by a new street or private drive extending west of Cipole Road across from the proposed Cummins Drive/Cipole Road intersection.

East of 124<sup>th</sup> Avenue on the southeasterly side of Pacific Highway 99W, property will access onto Tualatin Road or onto Hazelbrook Road. In this area a central access from Pacific Highway consisting of one right-in and one right-out driveway may be allowed. The access point shall be located within the middle one-third of the frontage between 124<sup>th</sup> Avenue and Hazelbrook Road. The final location shall be determined by the City Engineer at the time any portion of either site is developed.

On the northwesterly side of Pacific Highway 99W access will be provided by Cipole Road and Pacific Drive. West of Cipole Road and north of Pacific Highway access will be provided by SW Pacific Drive. Pacific Drive will be extended as a frontage road toward the 124<sup>th</sup> Avenue intersection as far as is practicable as determined by the City Engineer. Past that point shared driveways shall be used as determined by the City Engineer. Pacific Drive will be reconfigured to align with 130<sup>th</sup> Avenue to form a new intersection. From the reconfigured intersection with Pacific Drive and 99W to 124<sup>th</sup> Avenue, interim accesses may be approved in accordance with TDC Chapter 75. Between 124<sup>th</sup> Avenue and the Tualatin River on the northwesterly side of Pacific Highway 99W existing accesses will remain except as noted below for development or redevelopment due to the median of Highway 99W these will be limited to right-turn in, right-turn out. Any redevelopment in this area will require that the driveway accesses be consolidated to a minimum number as determined by the City Engineer.

#### TUALATIN-SHERWOOD ROAD

##### Nyberg Street to Boones Ferry Road:

Access to this section was purchased at the time of right-of-way acquisition. Access will be provided by Martinazzi Avenue and Boones Ferry Road. Notwithstanding other provisions of this Code, a single access onto Tualatin-Sherwood Road shall be allowed along the north side of this section in the block between Martinazzi Avenue and Boones Ferry Road; its exact location and configuration shall be determined by the City Engineer.

##### Boones Ferry Road to S.W. 89<sup>th</sup> Avenue:

All access to this property was purchased as part of the right-of-way acquisition. Access shall be limited to right-in, right-out access on the south side at Mohave Court and on the north side opposite Mohave Court. Full access shall be prohibited at these locations by means of a median barrier. A new four-way intersection serving SW 89<sup>th</sup> and Old Tualatin-Sherwood Road shall be located approximately 800 feet west of Boones Ferry Road. This intersection shall be designed in cooperation with Washington County.

##### 89<sup>th</sup> Avenue to Teton Avenue:

Tualatin-Sherwood Road access shall be limited as follows: On the north side of the road the Emery Zidell Subdivision (2S1-23A) shall have two street accesses located at 90<sup>th</sup> Avenue across from 90<sup>th</sup> Court and at 95<sup>th</sup> Place at the west property line. The intersection of 90<sup>th</sup> Avenue with Tualatin-Sherwood Road shall be a four-way intersection. The four-way intersection at the west line of the Emery Zidell Subdivision shall be located across from 95<sup>th</sup> Place on the south side of Tualatin-Sherwood Road.



Between 95th Place and 97th Avenue on the north side of Tualatin-Sherwood Road, the two existing driveways may remain, but limited to right-in, right-out. A cross access will be developed to serve tax lots 200, 500, 501, 600, 700, 800, 801 and 900, Tax Map 2S1 23CA for access to 95th Place.

At a point 850 feet east of Teton a cul-de-sac street system (97th Avenue) will extend north with a stub to the west to pick up the property behind Premier Industrial Park. On the south side Evergreen Business Park (2S1 23DA, 1400) shall access onto Old Tualatin-Sherwood Road. Tax Lot 600, Tax Map 2S1 23DB (9360 Tualatin-Sherwood Road) shall access onto 95th Place. Between 97th Avenue and Teton Road, Tax Lots 200 and 300 of Tax Map 2S123CC shall have a joint driveway access. Tax Lot 400 of Tax Map 2S123CC shall have a cross access to either the joint driveway on Tax Lots 200 and 300 or a cross access over Tax Lot 500 to Teton Avenue.

A driveway or a cul-de-sac street will extend south of Tualatin-Sherwood Road at 97th Avenue. The driveway or cul-de-sac will provide access for the two Tualatin Business West (old Pardue) properties (2S1 23 CD/200, 300) located between 95<sup>th</sup> Place and the properties to the west fronting SW Teton (2S1 23CC/1100, 1200, 1300). The properties fronting on Teton Avenue will take access from Teton Avenue. The Washington County water quality facility (2S123CC/1000) is permitted one service driveway adjacent to its east property line.

Teton Avenue to Avery Street/112th Avenue:

On the north side of Tualatin-Sherwood Road no new streets or driveways will be constructed and existing driveways will be removed at the time of development or redevelopment. All of the properties will be served by either Manhasset Drive or 112th Avenue. 112th Avenue will connect to Myslony Street. Western Industrial Ceramics (2S1 22D/200) shall take access to Manhasset Street. An eastern extension off of the 112th Avenue/Myslony Street connection will terminate at and provide access to the Pascuzzi (2S1 22D/600) and UPS (2S1 22D/301) properties. The actual alignments of the 112th Avenue/Myslony Street connection and the eastern extension to the Pascuzzi and UPS properties will be determined at the time the surrounding properties are developed. 112th Avenue may be constructed over some period of time and will require interim access agreements per TDC 75.090.

On the south side of Tualatin-Sherwood Road there will be no new driveways or streets. Development of property east of Oregon Culvert (2S1 27A/101, 102) on Tualatin-Sherwood Road may be accomplished only with a joint access agreement with Air Liquid through the Air Liquid driveways. The Oregon Culvert property (2S1 27AA/100 and 200) shall have one access onto Tualatin-Sherwood Road. Properties between Oregon Culvert and Avery Street on the south side shall be served from SW Avery Street and no driveway or street access will be constructed with Tualatin-Sherwood Road.

Avery Street/112th to Cipole Road:

On the north side of Tualatin-Sherwood Road between 112th Avenue and Cipole Road the area will be served by the following streets or driveways: 1) An intersection with 115th Avenue approximately 1100 feet west of the intersection of Tualatin-Sherwood Road and 112th Avenue which will extend north and east to an intersection at 112th Avenue a minimum of 150 feet north of Tualatin-Sherwood Road. 2) An intersection approximately 1300 feet east of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue which will extend north and west to an intersection at 124<sup>th</sup> Avenue approximately 800 feet north of Tualatin-Sherwood Road. 3) 124th Avenue. 4) Cipole Road. The exact location and configuration of the streets or driveways shall be determined by the City Engineer.

On the south side of Tualatin-Sherwood Road between Avery Street and 120th Avenue the area will be served by the following street system: 1) An intersection with 115th Avenue approximately 1100 feet west of Avery Street. 2) A street intersection at 120<sup>th</sup> Avenue, which may be restricted to right-in, right-out movements in the future. The exact location and configuration of the streets shall be determined by the City Engineer. No driveways will be constructed in this area and existing driveways will be removed. Select Sales (2S1 27B/800) shall have a cross access to 115th Avenue.

#### S.W. NYBERG STREET

Tualatin-Sherwood Road to 65th Avenue:

On the south side between Fred Meyer and I-5 Freeway any development shall be served by the Fred Meyer driveway aligned with the K-Mart driveway on the north side and shall not be granted any access to Nyberg Street.

On the east side of I-5 Freeway on the north side of the road between the Sweetbrier Inn and the Trailer Park of Portland, any additional development or redevelopment shall remove existing driveways and be limited to two street accesses, the driveway for Forest Rim and a driveway on the west side of 7035 SW Nyberg Street (2S124A/2505).

On the south side of Nyberg Street the accesses to Texaco and Lazyboy will be relocated to align with the access on the north side of Nyberg Street. The westside Nyberg Retail access may be limited to right-in, right-out. The Meridian Veterinary Hospital and 7-11 driveways may remain, or be closed or combined if redevelopment occurs, or be changed as needed when the 65th/Nyberg Street intersection is reconfigured. There will be no new additional driveways created in this section of roadway.

#### 124TH AVENUE

Pacific Highway to Tualatin Road:

Tualatin Road shall intersect with 124th Avenue as a T-intersection approximately 450 feet south of Pacific Highway. No street or driveway accesses on the west side of this intersection will be permitted. No driveway accesses shall be allowed between Pacific Highway and Tualatin Road.

Tualatin Road to Herman Road:

Between Tualatin Road and Herman Road, access to 124<sup>th</sup> Avenue shall be limited to a street intersection at Leveton Drive. The area west of the 124<sup>th</sup> Avenue/Tualatin Road intersection and south of Pacific Highway will be served by a cul-de-sac connecting to the westward extension of Leveton Drive. Access to 124<sup>th</sup> in this section may require the execution of interim agreements per TDC 75.090 to serve properties on the west side of 124<sup>th</sup> Avenue until the new street system can be constructed to adequately serve all the properties.

Herman Road to Tualatin-Sherwood Road:

On the east side of 124<sup>th</sup> Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways: 1) A street intersection at Myslony Street. 2) A street or driveway intersection approximately 800 feet south of the Myslony Street/124<sup>th</sup> Avenue intersection extending east with an alternative to extend north to connect with Myslony Street a minimum of 150 feet east of 124<sup>th</sup> Avenue. Access may be limited to right in/right out as determined by the City Engineer. 3) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue extending east and south to an intersection at Tualatin-Sherwood Road across from 120<sup>th</sup> Avenue. The exact location and configuration of the streets and driveways shall be determined by the City Engineer.

On the west side of 124<sup>th</sup> Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways: 1) A driveway across from Myslony Street. 2) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue. The exact location and configuration of the streets or driveways shall be determined by the City Engineer.

Tualatin-Sherwood Road to Tonquin Road and/or a future I5/99W Connector.

Between Tualatin-Sherwood Road and Tonquin Road and/or a future I5/99W Connector, access to 124<sup>th</sup> Avenue shall be limited to street intersections at Blake Street and the unnamed east-west collector street. Depending on when this segment of 124<sup>th</sup> Avenue is constructed, and where and when the Connector is constructed, a (possibly interim) connection to Tonquin Road may also be provided.

LOWER BOONES FERRY ROAD

Boones Ferry Road to Childs Road:

On the south side of the road the Club Sport property (old Costco site) (2S124AB, 800) (18120 SW Boones Ferry Road) shall have its access located at its east property line. This access shall be combined with the access of the Mt. Hood Chemical Building (the old Chadwick building) (2S124AB, 700) at its west property line into one joint access. On the north side of the road is a small lot (Leageld Development) (2S1 13DC/2000) whose driveway shall line up with the intersection of Childs Road and Lower Boones Ferry Road.

Childs Road to I-5 Freeway:

On the south side of the road the existing driveways may be allowed to remain. If the properties change to another Planning District, the number and location of the accesses may need to be changed. The property at the northeast corner of Lower Boones Ferry Road and Childs Road, (Foursquare Church) shall take its access off of Childs Road. The Billygan's Roadhouse (2S113DC/700 & 800) shall share an access with 2S113DC/1100.

On the north side of the road, the existing driveways may be allowed to remain. The Robertson/Bioremediation lots (2S113DC/ 1800 & 1900) shall share a driveway. The Robinson Property (old Directors Furniture site) east of the Schneider Truck Terminal (the old Ryder Truck rental facility) (2S1 13DC/1000) shall align its driveway with the driveway immediately across Lower Boones Ferry Road on the south side. The Barbara Johnson property (2S1 13DC/501) shall share an access and may be limited to right-in, right-out. The CarQuest site (2S113DC/501) shall take access off of Hazel Fern Road.

I-5 Freeway northerly to Bridgeport Road:

On the west side, Hazel Fern Road shall intersect with Lower Boones Ferry Road. The Village Inn's (2S113DB/1200 & 1300) access may remain. If the site is redeveloped, access shall be determined by the City Engineer. Shilo Inn (2S1 13DB 1400) shall access off of Hazel Fern Road. On the east side, the Tri-Met park and ride shall be permitted two driveway accesses as determined by the City Engineer.

72nd to the east City limits:

On the north side access shall be permitted only by 65th Avenue and 63rd Avenue and a right-in, right-out driveway between 65th and 63rd. Between 63rd Avenue and the east City limits the properties fronting Lower Boones Ferry Road shall take access from 63rd Avenue. On the south side access shall be permitted at 65th Avenue. Between 65th Avenue and the east City limits no new accesses shall be permitted. A median may be constructed to limit access to right-in, right-out.

#### BOONES FERRY ROAD

North City Limits to Tualatin River:

All existing driveways will remain. No new driveways will be permitted.

Tualatin River to Tualatin Road:

Between the River and Martinazzi Avenue on the south side, the access for the apartments (2S1 24B/1500) will be closed and converted over to the Loop Road. The Loop Road may have a right-in, right-out connection to Boones Ferry Road between the river and Martinazzi Avenue. On the south side of Boones Ferry Road between Martinazzi Avenue and the driveway for the White Lot (old Lot C), any development or redevelopment shall take access over the White Lot or from Martinazzi Avenue. Between the White lot and 84th Avenue, all properties shall have combined accesses resulting in only one access on Boones Ferry Road. Between 84th Avenue and Tualatin Road on the south side, any redevelopment shall result in no driveways onto Boones Ferry Road and access shall be taken from 84th Avenue or Seneca Street.

On the north side the Baranzano (2S1 24BC/1301, 1400) and Bray (2S1 24B/1300) properties shall combine their driveways at a location to be determined by the design of the Martinazzi Avenue-Boones Ferry Road intersection. The Baranzano and Kaplan (formerly Greulich) (2S1 24BC/1300) properties shall combine their access into one across from the White lot's driveway. Between the Green (old G lot) and Blue (old H lot) lots, any redevelopment of these properties shall remove the existing driveways and take access from the public parking lots from a cross access between the two public lots. Between the Blue lot and Tualatin Road any development or redevelopment shall have access off of Tualatin Road at the north edge of the property or over the Blue lot.

**Tualatin Road to Tualatin-Sherwood Road:**

On the west side of this road is the Portland and Western (old Burlington-Northern) railroad tracks. There will be no access to Boones Ferry Road across the Portland and Western tracks except an access for a public street to the west side of the railroad tracks, centered on the centerline of Nyberg Street. The existing two driveways to the Pratt-Broome (2S123/200) property shall be closed and access taken over the Hedges Greene Retail development to Nyberg Street. On the east side of this road, all redevelopment shall lead to elimination of all driveways onto Boones Ferry Road. Vehicular access to Boones Ferry Road in this section shall be limited to the Seneca Street intersection and Nyberg Street intersection. This will require interim access agreements per TDC 75.090.

**Tualatin-Sherwood Road to Sagert Street:**

On the west side, all existing driveways will be allowed to remain. On the former Old Tualatin Elementary School property frontage (2S123DD 500), a new local street intersection is allowed on SW Boones Ferry Road that connects to a future public street on the Old Tualatin Elementary School property that extends north from SW Sagert Street in the approximate alignment of SW 90<sup>th</sup> Avenue. The new local street intersection may be located approximately 500 ft. north of the intersection with SW Sagert Street. The Tualatin Center property (the old Galloway site) (2S1 23DA/100) (19401-19417 Boones Ferry Road) will have one access aligned with Warm Springs. On the east side, the old McDonald's driveway was closed and shall remain closed (2S1 24CB/1201). Any additional development on the Brock property (2S1 24CB/2100) shall result in closure of this driveway to Boones Ferry Road. Any additional development on the Ziedman property (2S1 24CB/2200) shall result in closure of this driveway to Boones Ferry Road. Between Warm Springs Street and Tualatin-Sherwood Road, as an option to closing the driveways at Brocks, and Ziedmans, it may be permissible to construct a raised median barrier or other improvements in Boones Ferry Road in this section to physically eliminate left turning movements, thus limiting all these driveways to right turn in, right turn out. Any redevelopment of the residential property between Mohawk and Sagert on the east side of Boones Ferry Road shall be accomplished in such a manner that the ultimate access to this area is from a street off of Sagert Street at its intersection with 86th Avenue. This may require interim agreements in accordance with TDC 75.090. All existing driveways in this area will be allowed to remain so long as the use of the property does not change.

**Boones Ferry Road south of Sagert Street to Avery:**



The existing driveways will be allowed to remain. Any redevelopment of any residential property between Sagert and Avery shall result in no additional driveways being constructed in this area.

**Avery to Ibach:**

South of Avery Street, the Sundae Meadows Subdivision and Tualatin Presbyterian Church (2S1 26AC, 301) (9230 Siletz Drive) shall access Boones Ferry Road via Siletz Drive. One additional street or private drive (Cherry Lane) will be provided for the Boones Ferry Condos (2S1 26AC Supplemental).

**Ibach Street to Norwood:**

Development of these residential properties shall result in no more than two driveway accesses for Tualatin High School, one emergency access with no curb cut for Grahams Landing Condos (SW Corner of Boones Ferry and Ibach) and only street intersections for other properties. All street intersections on Boones Ferry Road between Ibach and Norwood shall be spaced a minimum of 500 feet apart.

**65TH AVENUE**

**Nyberg to Borland:**

There will be no new additional driveways.

**Borland Road to Sagert Street**

There will be no new driveways. A street connection will be constructed across from Sagert Street to serve property to the east of 65th Avenue.

**BORLAND ROAD**

**Between 65th and the Entrance to Bridgeport School:**

In this section of roadway, as the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road.

**Bridgeport School Entrance to Saum Creek:**

As the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road. Access to Prosperity Park Road is allowed.

**BRIDGEPORT ROAD**

**72nd Avenue to the West City Limits:**

On the north side, the Durham Quarry (2S113DB/100) access will be limited to three driveways. Two driveways shall align across from Hazel Fern Road and the REI driveway and the final driveway location at the southwest corner of the site shall be determined by the City Engineer. As part of the Durham Quarry development Finday Street in the City of Durham at the northwest corner of the site may be an access to the site.

On the south side between Lower Boones Ferry Road and Hazel Fern Road no driveway access shall be permitted. From Hazel Fern to the City limits, A-1 Coupling (2S113DB/701) shall take access from Hazel Fern Road. The undeveloped property (2S113DB/600) shall have a joint access with REI (2S113DB/500). Bridgeport Office (2S113DB/400) and the driveway easement for 2S113DB/401 shall combine driveways.

#### 72ND AVENUE

Bridgeport Road to North City Limits:

On the east side no street or driveway access shall be permitted. Access to the Tri-Met Park and Ride shall be provided from a new driveway access serving the Borders Book development in the City of Tigard. On the west side no street or driveway access shall be permitted. Access to 72nd from the Durham Quarry development will be in the City of Tigard.

#### MARTINAZZI AVENUE

Boones Ferry Road to Seneca Street:

On the west side, any redevelopment on the Doyle (old Silvey) property (2S1 24BC/1500, 1503) or the Halstin (old post office property) (2S1 24BC/1502) shall result in combining these two driveways into one driveway on Martinazzi Avenue, or the Halstin property shall take access from the White public parking lot (old Lot C) to Boones Ferry Road. On the east side the existing driveway shall be removed and access shall be taken off of the Loop Road.

Seneca Street to Nyberg Street:

No driveways shall be permitted. The raised center median prohibiting left turns in this area shall remain until driveways are removed. On the west side the Wells Fargo driveway shall be removed and access taken from Seneca Street or Nyberg Street. On the east side the driveway for 2S114B/2000 shall be removed and access taken from the Loop Road or Nyberg Street.

Nyberg Street to Tualatin-Sherwood Road:

There shall be no access to Martinazzi Avenue.

Tualatin-Sherwood Road to Warm Springs Street:

The only access shall be the existing Fred Meyer/Martinazzi Square driveway intersection.

Warm Springs Street to Sagert Street:

There shall be no additional access granted. The only street intersection will be Mohawk Street.

#### TUALATIN ROAD

Boones Ferry Road to Hall Boulevard Extension:

On the west side is the Portland and Western railroad tracks (the old Burlington Northern tracks). There will be no access to Tualatin Road across the tracks. On the east

side a driveway access may be permitted for 2S124BC/300. The existing driveways for 2S124BC/100 & 200 may remain.

#### Hall Boulevard Extension to Chinook Street:

On the north and east side no new driveway access shall be permitted. Redevelopment shall require access to be taken from 84th Avenue or Cherokee Street. On the south and west side, no new driveway accesses shall be permitted. Access related to redevelopment of 2S123/100 shall be determined by the City Engineer.

#### Chinook Street to Herman Road:

No new driveway accesses shall be permitted. On the north side any development or redevelopment of the Tualatin Country Club (2S114D/500) shall require a street or driveway connection aligning with 90th Avenue. Redevelopment of 2S123BA/2403 or 2S123BA/4800 shall require access to Cheyenne Way connecting to Tualatin Road.

On the south side of this road is the Portland and Western railroad tracks (old SP tracks). There will be no access to Tualatin Road across the tracks except for 90th Avenue and the Durametal (2S123BD/800) driveway.

#### SAGERT STREET

No new driveways or streets shall be allowed, except the City Engineer may allow one driveway from the SE corner lot of Sagert and Martinazzi. This driveway may be restricted to right-in, right-out.

#### HALL BOULEVARD

##### Tualatin Road to North City Limits:

No driveway access shall be allowed to the Hall Boulevard extension. A street connection shall be made for the Lower Boones Ferry Road/Tualatin Road extension.

#### LEVETON DRIVE

##### 118<sup>th</sup> Avenue to 108<sup>th</sup> Avenue:

On the north side of Leveton Drive, JAE (2S122B/200) shall align a driveway across from 118<sup>th</sup> Avenue and be permitted a second driveway approximately 50 feet from their east property line. Novellus (2S122AA/500 and 2S122AB/100) shall be permitted three driveways located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108<sup>th</sup> Avenue for Tax Lot 500.

On the south side, Phight Inc. (2S122/300) shall be allowed a driveway aligned with the west Novellus (2S122AB/100) driveway and a driveway adjacent to their east property line. Fujimi (2S122/400) shall be allowed a driveway adjacent to their west property line and east property line. Tofle (2S122AD/400) shall be allowed a driveway aligning across from the Novellus (2S122AA/500) driveway and a second driveway approximately 260 feet west of 108<sup>th</sup> Avenue.

#### 108TH AVENUE

##### Leveton Drive to Herman Road:

On the west side, Tofle (2S122AD/400) shall take access from Leveton Drive. The undeveloped property (2S122AD/500) shall be allowed one driveway onto 108th Avenue. The old Shults Clearwater site (2S122AD/800) and then Northwest Pipe and Metal Fab (2S122AD/600 & 700) shall provide a joint driveway access. The Wahco Inc. property (2S122AD/900) shall take access from Herman Road.

On the east side, the DOT Inc.. site shall have a driveway that aligns with Leveton Drive. The City Operations Center (2S122AD/200 & 300) will be permitted two driveways at locations to be determined by the City Engineer.

#### HERMAN ROAD

108th Avenue to Teton Avenue:

On the north side, the City Operations Center (2S122AD/200 & 2300) will be permitted one driveway approximately midpoint along their Herman Road frontage. Airifco (2S123B/600) will be permitted one driveway adjacent to their west property line.

On the south side is the Portland and Western railroad tracks (the old SP tracks). There will be no access to Herman Road across the tracks except for a shared driveway between the Kem Equipment (2S122AD/800) and Marshall Property (2S122AD/1000) located on the common property line. The Marshall Property (2S123BC/1000) shall take access from Teton Avenue.

#### LOWER BOONES FERRY ROAD EXTENSION WEST TO TUALATIN ROAD

Boones Ferry Road to Tualatin Road:

Driveway or street locations during redevelopment of the properties west of Boones Ferry Road and east of the river shall be determined by the City Engineer. A street connection shall be at the Hall Boulevard extension. Driveway or street access for properties along Chinook Street will be determined by the City Engineer at the time of development or redevelopment.

Section 54. The Map 75-1 Access Management is amended as proposed in the Southwest Concept Plan, as shown on the attached Map 75-1, marked "Exhibit Y."

Section 55. A new section, TDC 64.010 is added to read as follows:

The purpose of this district is to provide an environment for industrial development consistent with the Southwest Concept Plan (SWCP) (Accepted by the City in October, 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary (UGB) expansion decisions of December 2002 and June 2004.

The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards. Permitted uses are required to be conducted within a building and uses with

unmitigated hazardous or nuisance effects are restricted. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The remainder of the area is likely to include light to medium industrial uses with some limited, local-serving commercial services.

The district is intended to provide for an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.

Section 56. A new section, TDC 64.020 is added to read as follows:

No building, structure or land shall be used except for the following:

(1) Research and development offices and laboratories for chemical, engineering, and physical sciences; medical and pharmaceutical products; alternative energy production from sources such as solar and wind; industrial products and consumer products.

(2) Manufacture, assembly and production uses except the uses and activities listed as prohibited in TDC 64.040:

(3) Food and beverage product processing and packaging.

(4) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

(5) Molding of products from plastic and ceramic materials.

(6) Printing and publishing.

(7) Warehousing related to the above uses.

(8) Offices when part of a manufacturing use as listed in (1) through (7) above.

(9) Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.

(10) Private parking lot improved and landscaped in accordance with TDC Chapter 73.

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



(12) Sewer and Water Pump Station, Pressure Reading Station. Water Reservoir.

(13) Public works shop and storage yard.

(14) Electrical substation.

(15) Natural gas pumping station.

(16) Wireless communication facility attached.

(17) Transportation Facilities and Improvements.

(18) Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use.

(19) Other uses of similar character, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070.

Section 57. A new section, TDC 64.021 is added to read as follows:

The following restrictions shall apply to those uses listed as permitted uses in TDC 64.020.

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

Section 58. A new section, TDC 64.030 is added to read as follows:

The following uses are allowed when authorized in accordance with TDC Chapter 32:

(1) Wireless communication facility.

(2) Training center and facilities for primarily industrial activities.

(3) Film and video production.

(4) Caretaker residence.

(5) Call center or customer service center.

(6) Data processing or data storage center.

Section 59. A new section, TDC 64.035 is added to read as follows:

Additional uses listed below are permitted in the Commercial Services Overlay on Map 9-5 and only when conducted within an enclosed building except outdoor play areas of child day care centers as required by state day care certification standards. The maximum floor area for a single use listed in TDC 64.035(1-8) is 3,000 square feet and the maximum building size for a building with multiple tenants is 20,000 sq. ft.

(1) General offices.

(2) Branch banks and ATM banking kiosks.

(3) Medical and healing arts offices.

(4) Child day care center.

(5) Food store.

(6) Restaurant, without drive-up or drive through facilities.

(7) Dry Cleaners.

(8) Printing, copying and office services.

Section 60. A new section, TDC 64.040 is added to read as follows:

The following uses have activities, operations or physical characteristics that are not consistent with the Manufacturing Business Park as identified in TDC 64.010 and are prohibited. The uses represent conflicts with the development and operation of campus-style facilities for technology, light manufacturing, and higher wage employment uses and conflict with the residential areas that adjoin the MBP Planning District. The following uses are prohibited:

(1) Residential dwellings.

(2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 64.035.

(3) Places of assembly.

(4) K-12 Schools.

(5) Others:

(a) Auto wrecking.

(b) Commercial radio or TV broadcasting antennas.

(c) Creosote treatment of products.

(d) Distillation of bones.

(e) Distillation of oil, coal, wood or tar compounds.

(f) Fuel storage or distribution facilities.

(g) Truck Driving School.

(h) Fat rendering.

(i) Forge plants.

(j) Junk or salvage yard.

(k) Manufacture of the following products:

(i) Acid.

(ii) Ammonia.

(iii) Bleaching powder.

(iv) Celluloid pyroxylin.

(v) Cement, lime, gypsum and plaster of paris.

(vi) Chlorine gas.

(vii) Creosote.

(viii) Disinfectant.

(ix) Dye stuffs.

- (x) Explosives.
- (xi) Fertilizer.
- (xii) Herbicides.
- (xiii) Insect poison.
- (xiv) Radioactive materials.
- (xv) Soap.
- (xvi) Sodium compounds.
- (xvii) Tar roofing, water-proofing and other tar products.
- (l) Rock crushing.
- (m) Rolling mills.
- (n) Saw mill and rough milling of lumber.
- (o) Slaughter of livestock or poultry.
- (p) Primary processing of organic materials such as tanning of leather.
- (6) Storage, transferring or processing of hazardous, toxic, or radioactive waste.
- (7) Commercial storage yards, RV storage or mini-storage facilities.
- (8) Parks and recreation facilities.

Section 61. A new section, TDC 64.050 is added to read as follows:

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.

(a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.

(b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the

RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.

(c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.

(d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37.

(2) The minimum average lot width shall be 100 feet.

(3) The minimum lot width at the street shall be 100 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac bulb.

(6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.

(7) No minimum lot size, width or frontage requirement shall apply to wetland conservation lots.

Section 62. A new section, TDC 64.055 is added to read as follows:

Industrial Master Plans may be approved subject to TDC Chapter 37.

Section 63. A new section, TDC 64.060 is added to read as follows:

Except as determined and approved through an Industrial Master Plan in accordance with TDC Chapter 37 or the Architectural Review process in accordance with TDC Chapter 73, which may establish greater minimum setback requirements, the setbacks for permitted uses shall be:

(1) Front Yard. The minimum front yard setback to a public street shall be 30-50 feet.

(2) Side Yard/Rear Yard. The minimum side and rear yard setbacks shall be 0-100 feet as established in the Architectural Review process.



(3) For a Corner Lot, the minimum setback shall be 30-50 feet from a public street.

(4) To a private street, the minimum setback shall be 5 feet.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 20-25 feet from any public right-of-way, and a minimum of 10 feet from any other property line.

(a) No spur rail track shall be permitted within 200 feet of an adjacent residential district.

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

(6) No fence shall be constructed within 50 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 20 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet.

(8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or

(iii) be retained in private ownership by the developer.

Section 64. A new section, TDC 64.065 is added to read as follows:

Except as otherwise provided, the setback requirements for conditional uses shall be as determined and approved through the Conditional Use Permit process in accordance with TDC Chapter 32 and the Architectural Review process in accordance with TDC Chapter 73. However, no setback greater than 50 feet may be required.

Section 65. A new section, TDC 64.070 is added to read as follows:

(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.

(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.

(4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(5) "Straight-line lateral path" means a direct line between two points as measured on a site plan. "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" includes, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.

(6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound

barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.

(7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

Section 66. A new section, TDC 64.080 is added to read as follows:

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, which shall not exceed 100 feet in height above grade, and except as provided in subsection (2) of this section, the maximum height of any structure is 65 feet.

(2) The maximum permitted structure height provided in TDC 64.080(1) may be increased to no more than 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line, street or alley separates MBP land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation set in TDC 64.080(1) and (2).

Section 67. A new section, TDC 64.090 is added to read as follows:

All lots created after September 1, 1979, shall abut a public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

Section 68. A new section, TDC 64.100 is added to read as follows:

Refer to Chapter 73.

Section 69 A new section, TDC 64.110 is added to read as follows:

Refer to Chapter 70.

Section 70. A new section, TDC 64.120 is added to read as follows:

Refer to Chapter 63.

Section 71. A new section, TDC 64.130 is added to read as follows:

Refer to Chapter 72.

Section 72. A new section, TDC 64.140 is added to read as follows:

Refer to Chapter 73.

Section 73. A new section, TDC 64.150 is added to read as follows:

Refer to Chapter 73.

INTRODUCED AND ADOPTED this 25th Day of April, 2011.

CITY OF TUALATIN, OREGON

BY

  
\_\_\_\_\_  
Mayor

ATTEST:

BY

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

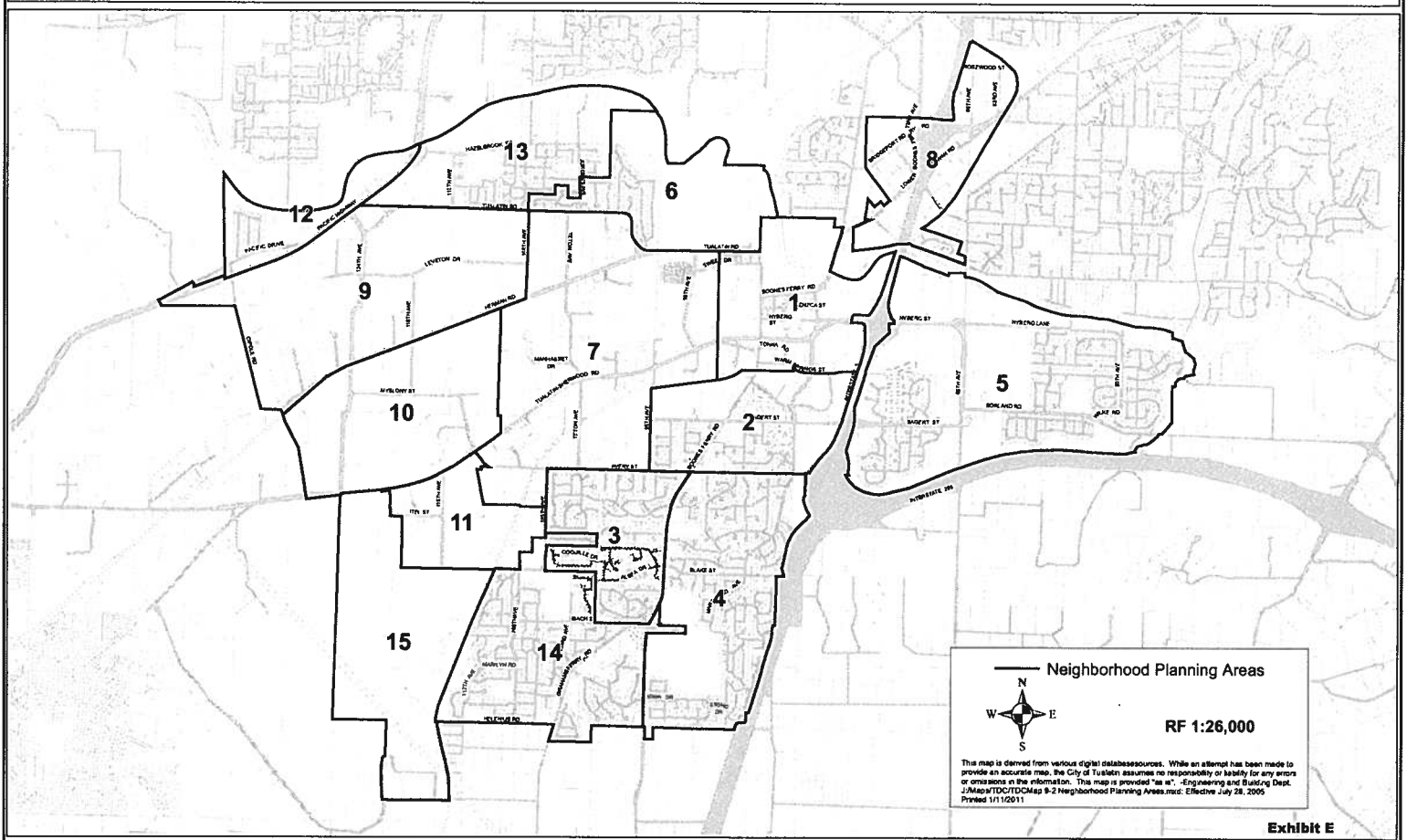
ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



**Map 9-2: Neighborhood Planning Areas**

**DRAFT PTA-10-04**

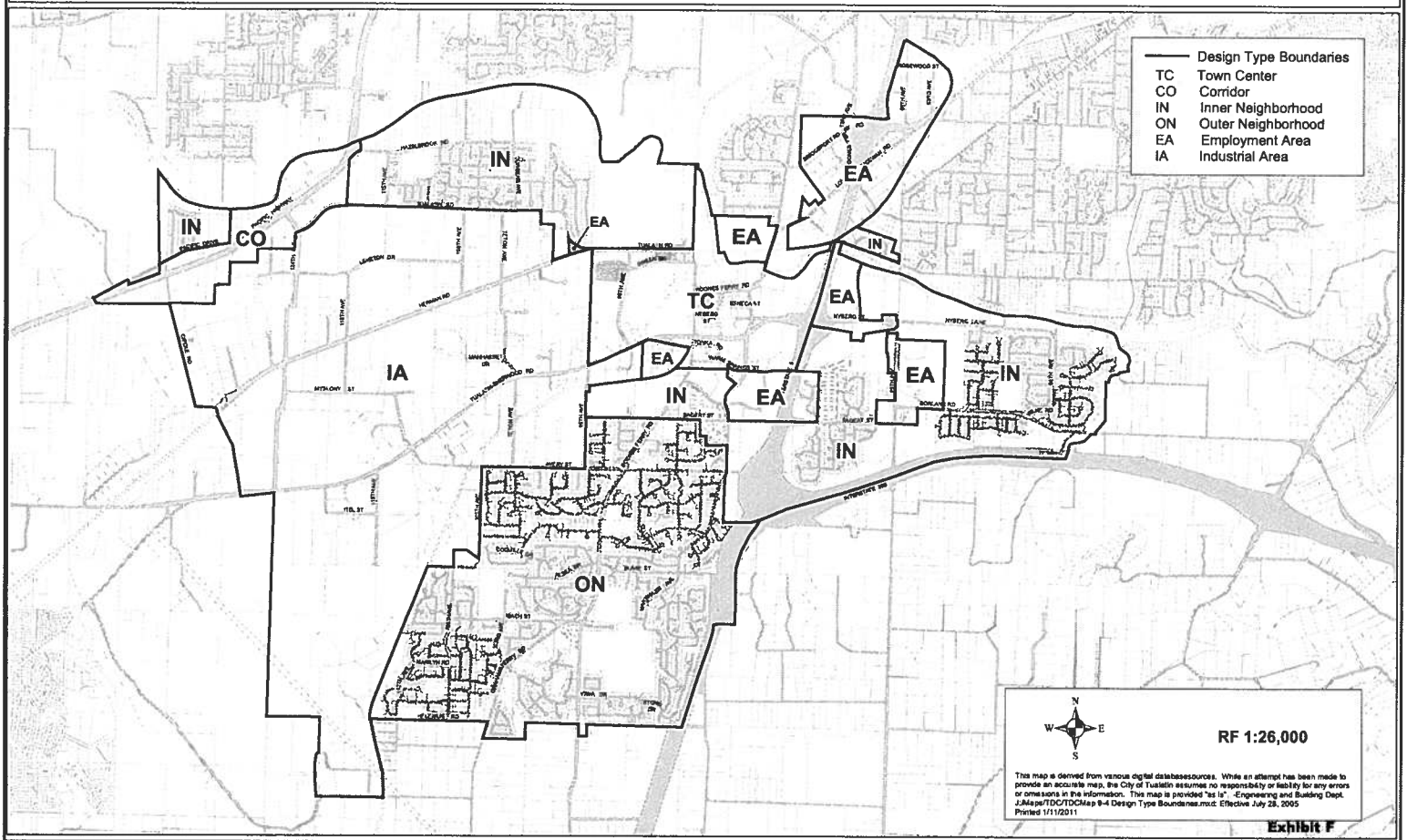
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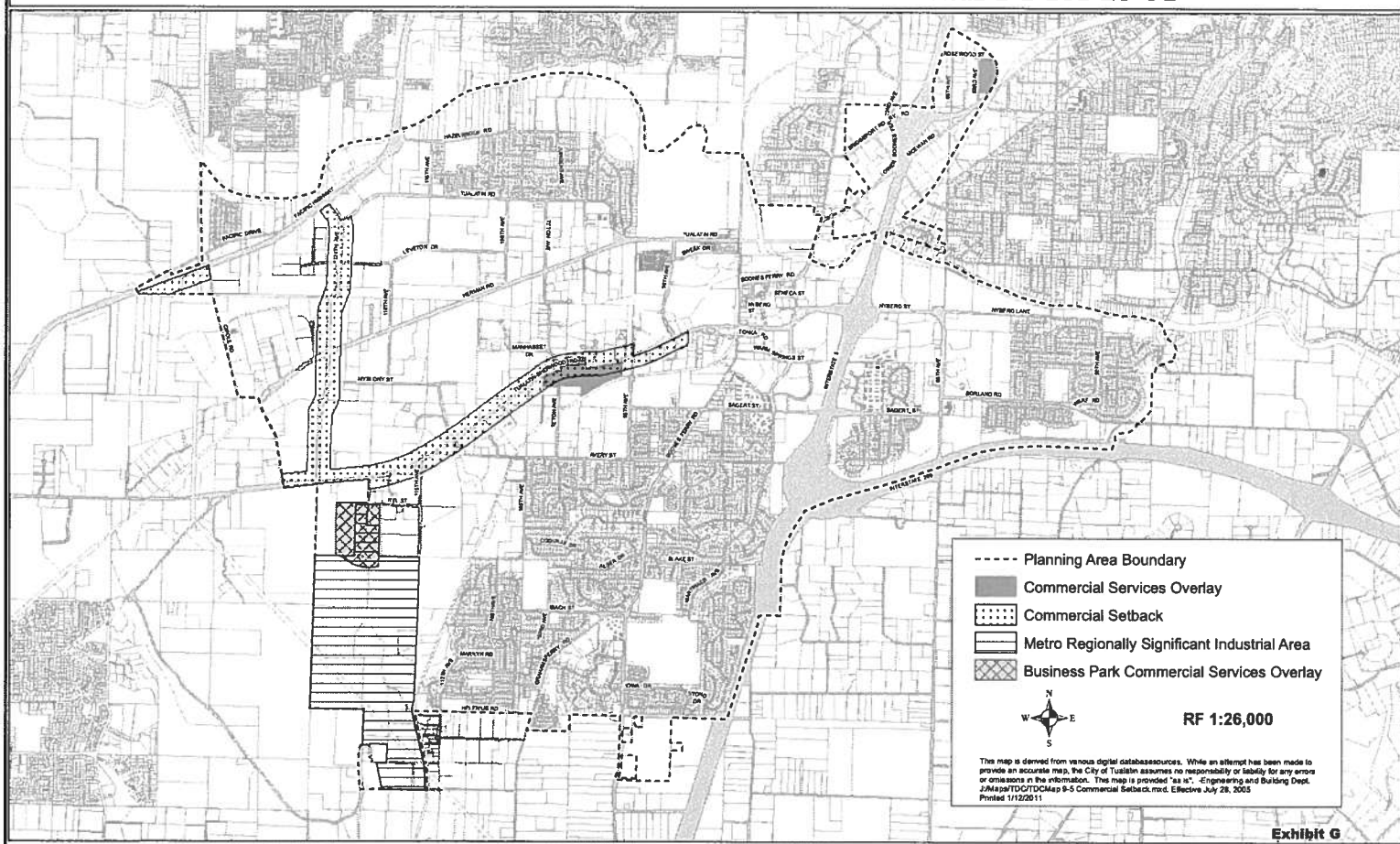


**Map 9-4: Design Type Boundaries**

**DRAFT PTA-10-04**

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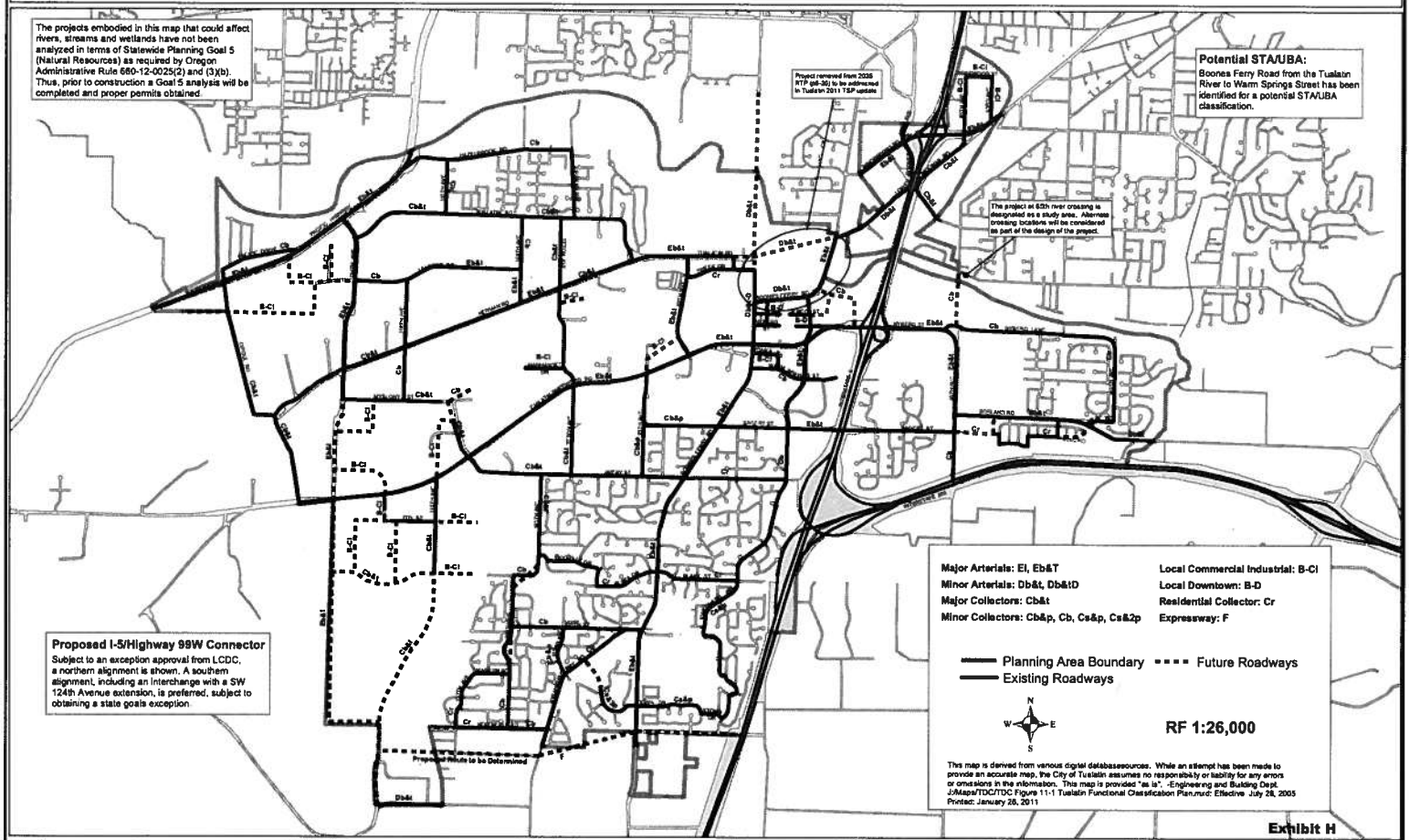


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**Figure 11-1: Functional Classification Plan**

**DRAFT PTA-10-04**

**TUALGIS**



**DRAFT PTA-10-04**

Freeways  
Regional Boulevard  
Regional Street  
Community Street  
Urban Road  
Planning Area Boundary

N  
W  
E  
S

RF 1:26,000

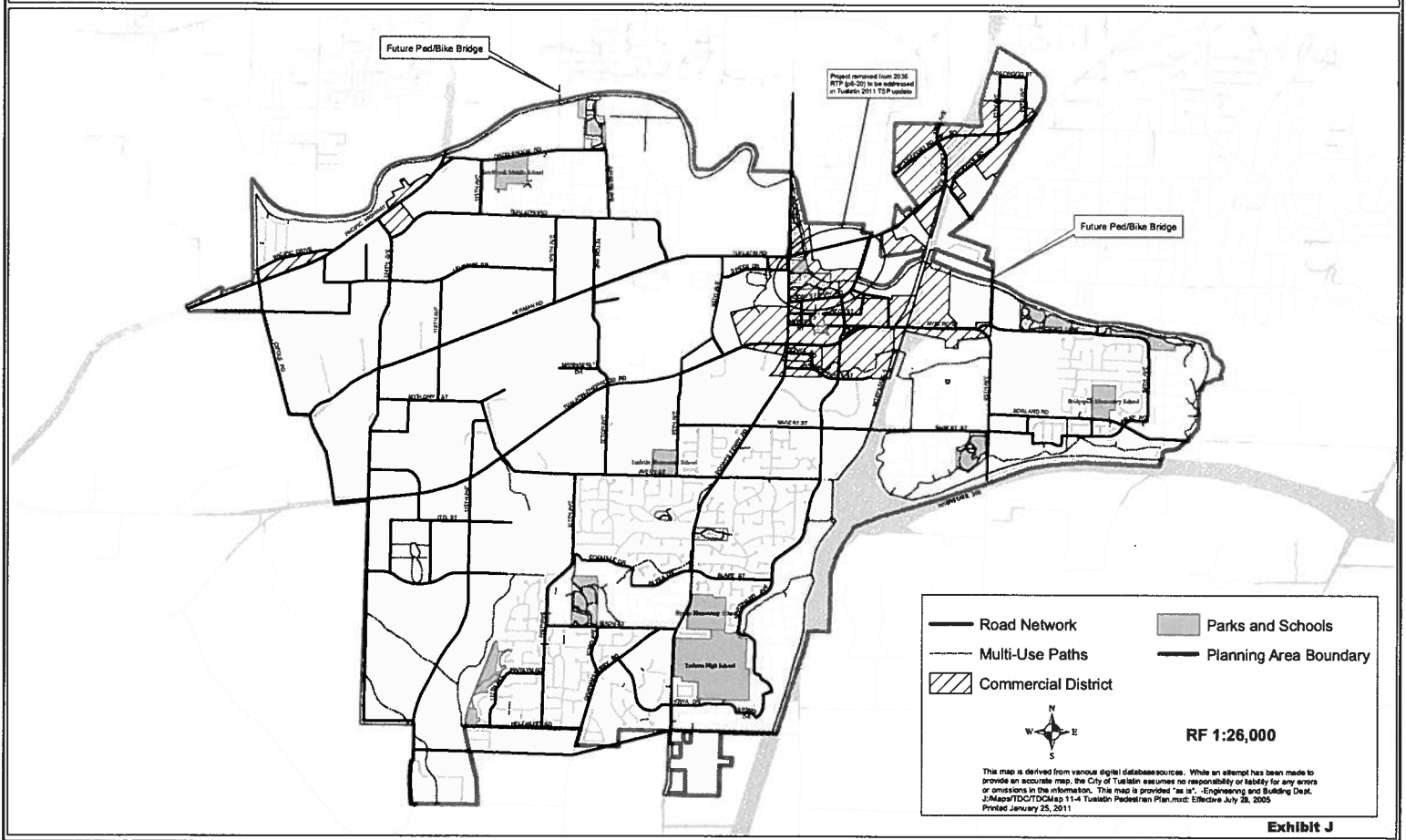
This map is derived from various digital databases/sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. J:\Maps\TDC\TDC Figure 11.2 Metro Regional Street Design.mxd, Effective July 28, 2005. Printed January 23, 2011

Exhibit I

## Exhibit I



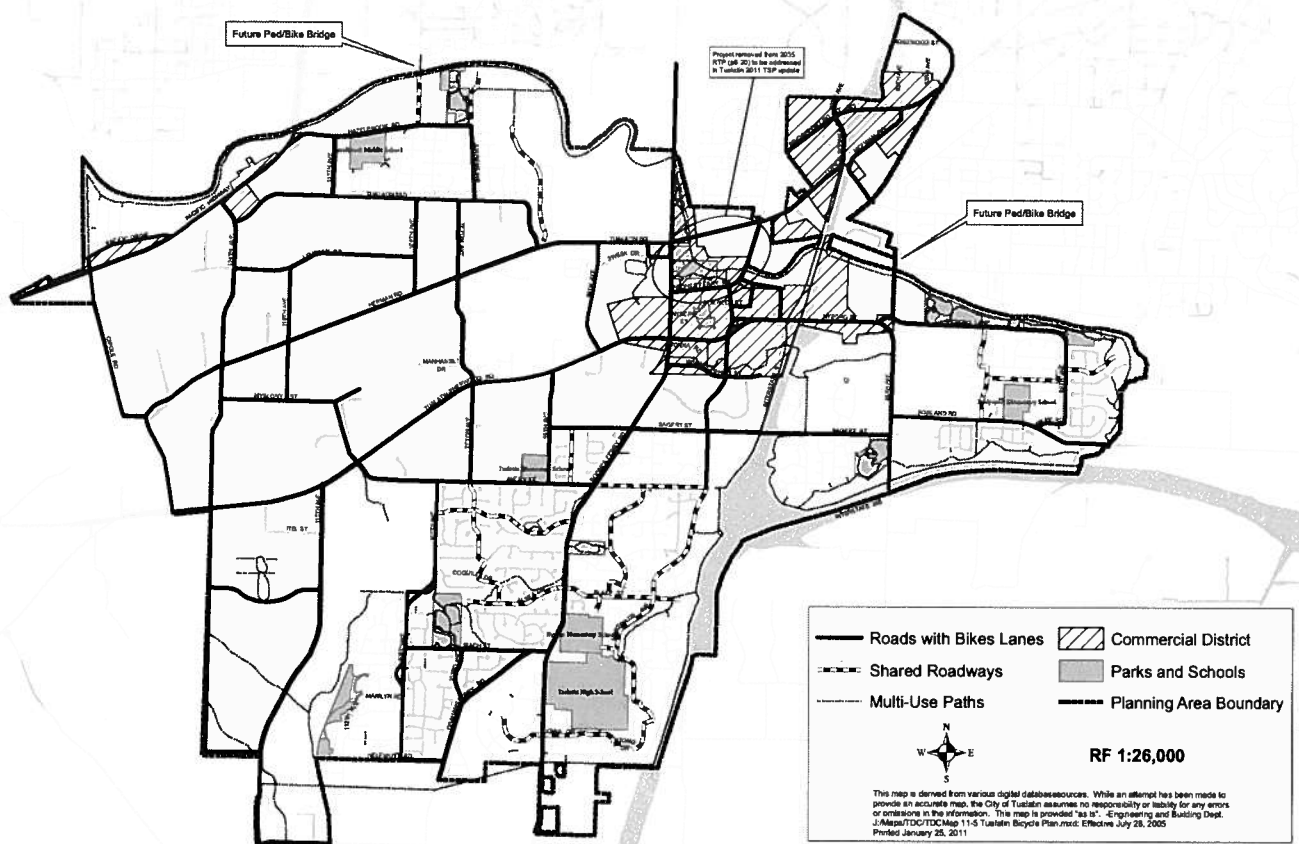
**Figure 11-4: Tualatin Pedestrian Plan**



**Figure 11-5: Tualatin Bicycle Plan**

**DRAFT PTA-10-04**

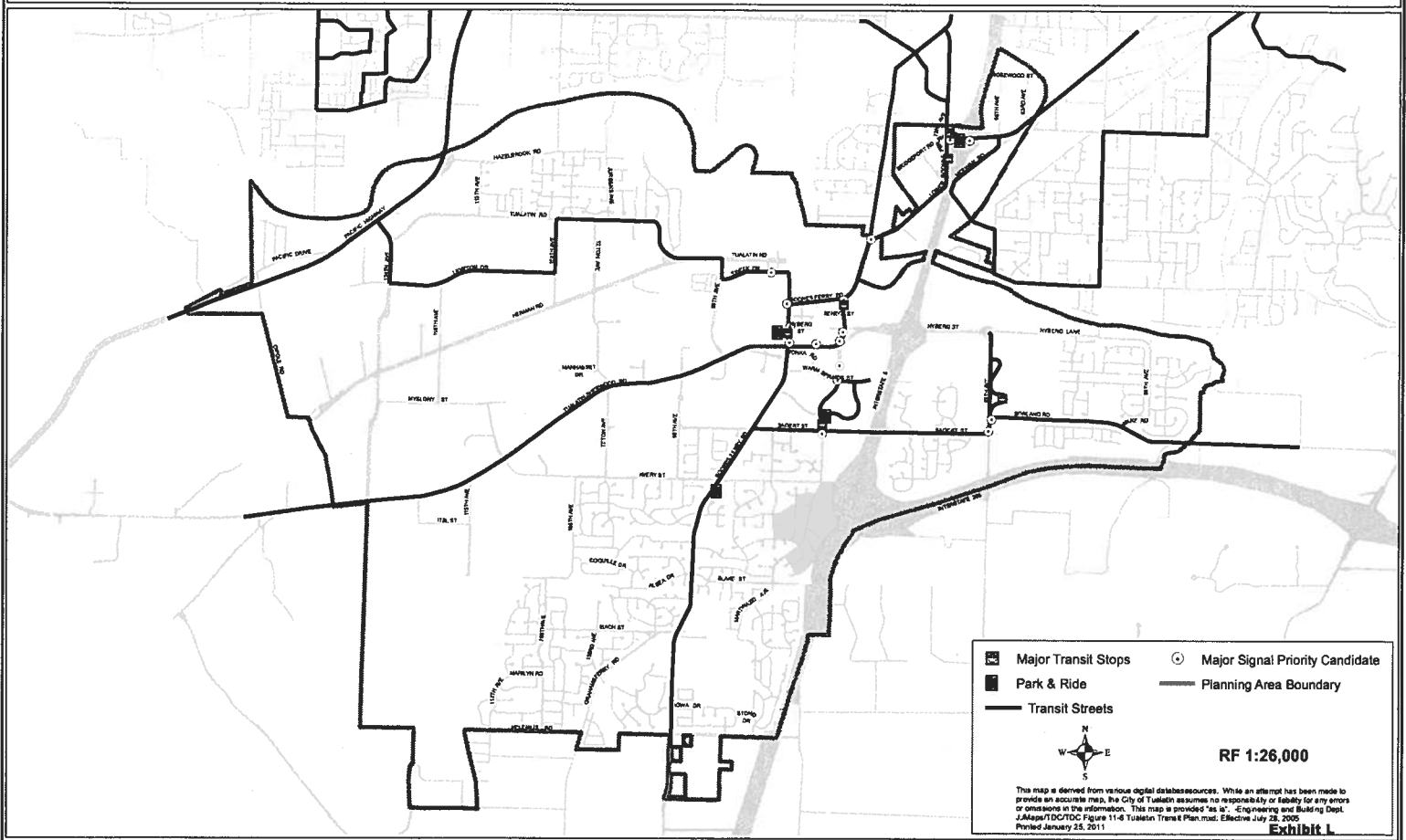
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**Figure 11-6: Tualatin Transit Plan**

**DRAFT PTA-10-04**

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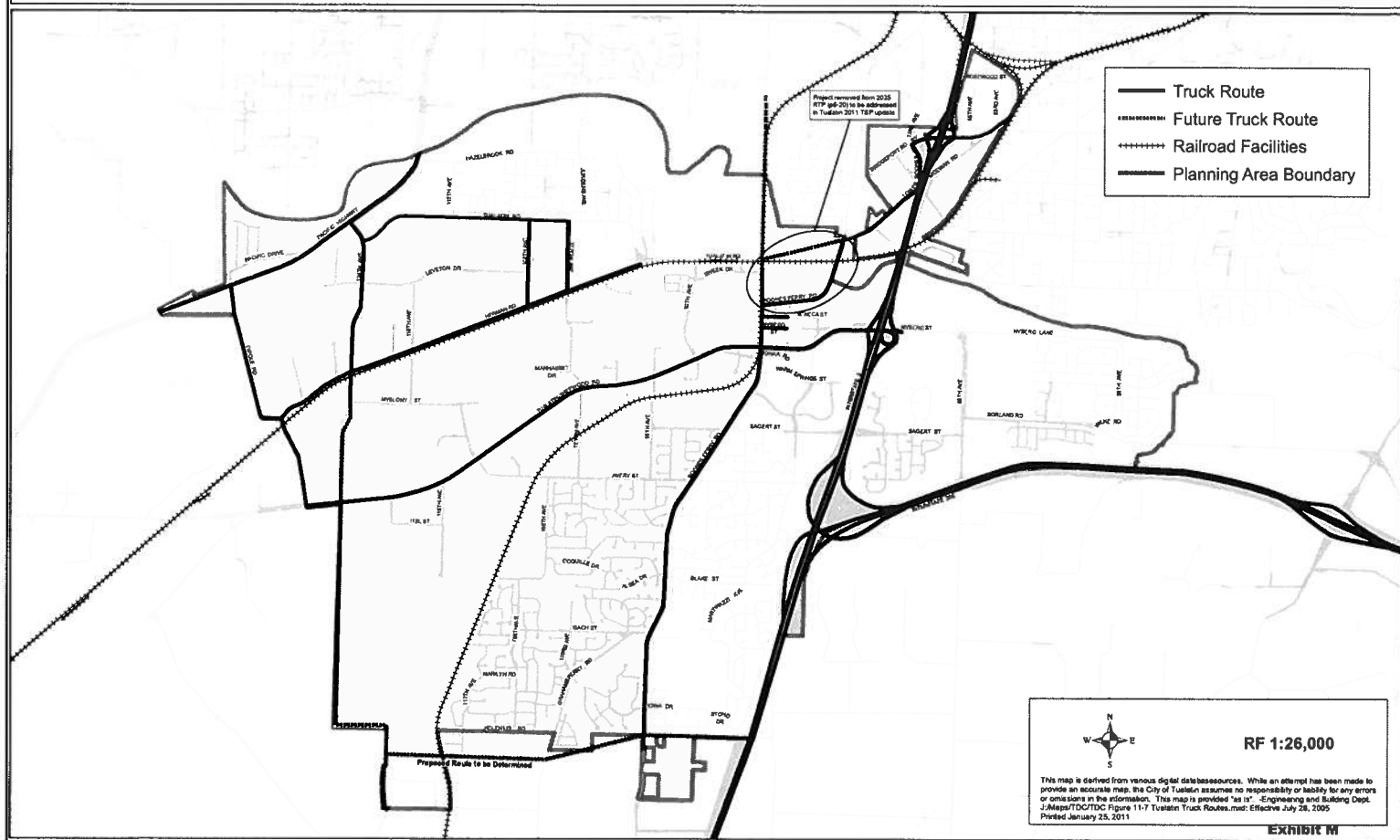


**Exhibit L**

**Figure 11-7: Tualatin Truck Routes**

**DRAFT PTA-10-04**

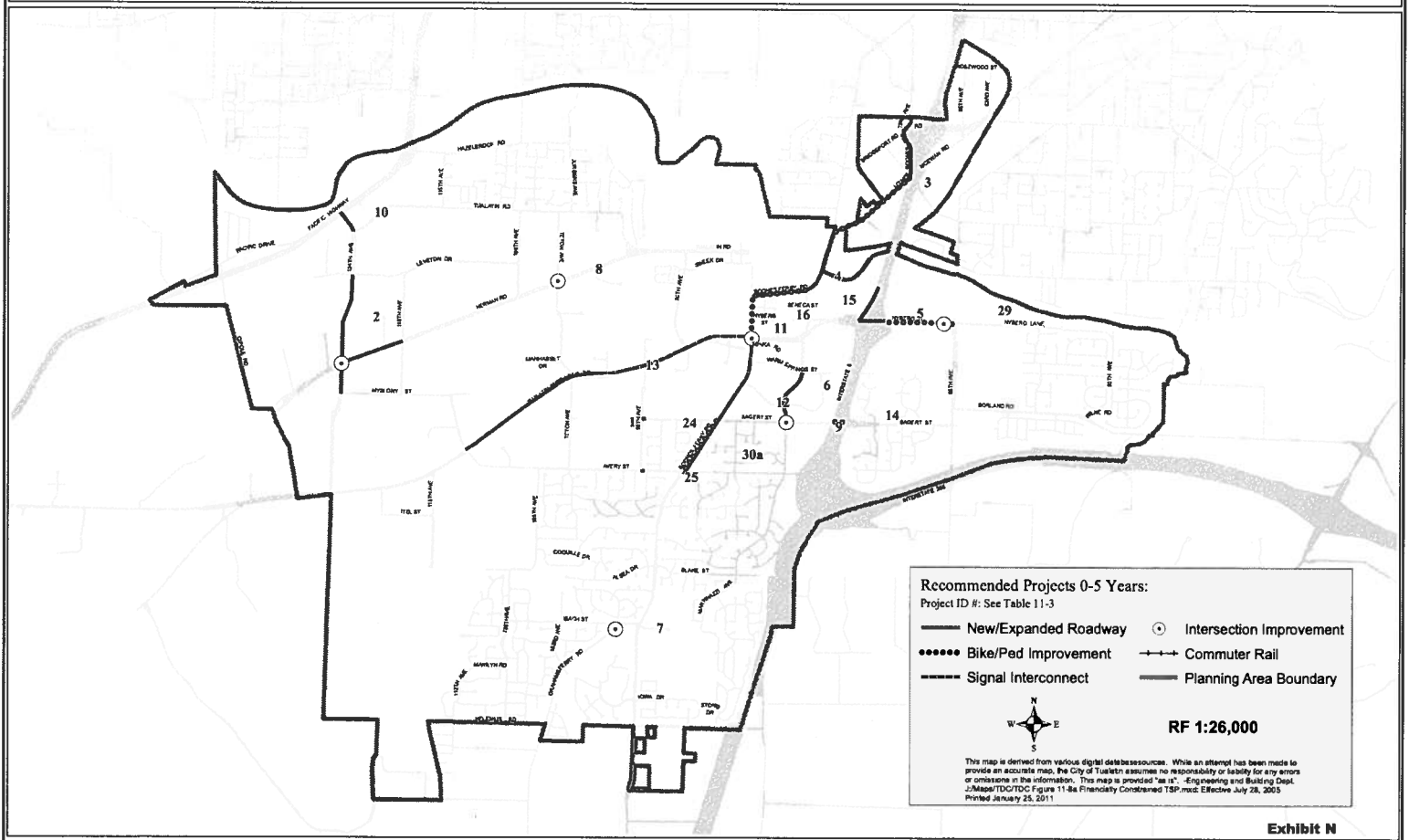
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**Figure 11-8a: Financially Constrained TSP Projects**

**DRAFT PTA-10-04**

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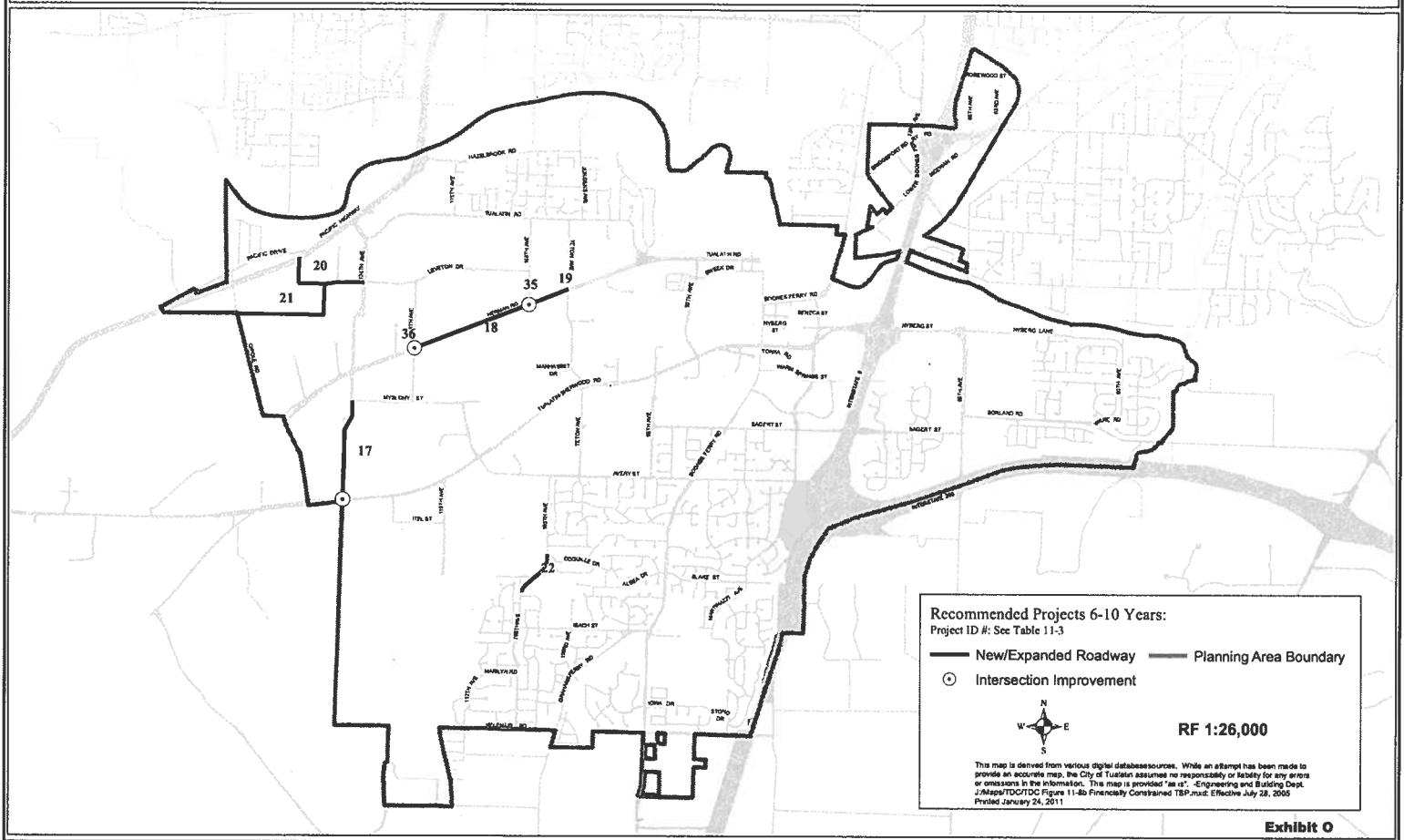
**Exhibit N**



**Figure 11-8b: Financially Constrained TSP Projects**

**DRAFT PTA-10-04**

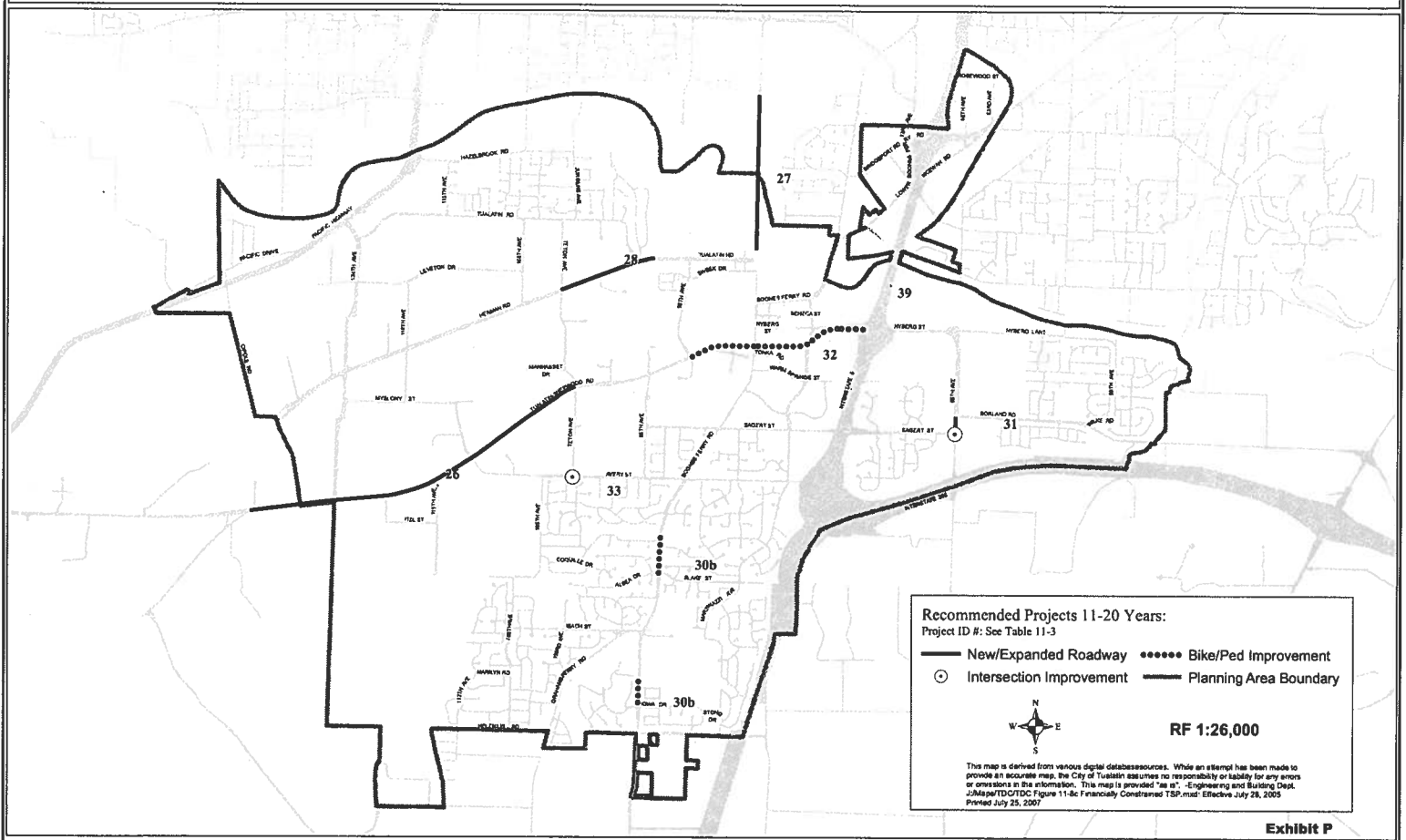
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**Figure 11-8c: Financially Constrained TSP Projects**

**DRAFT PTA-10-04**

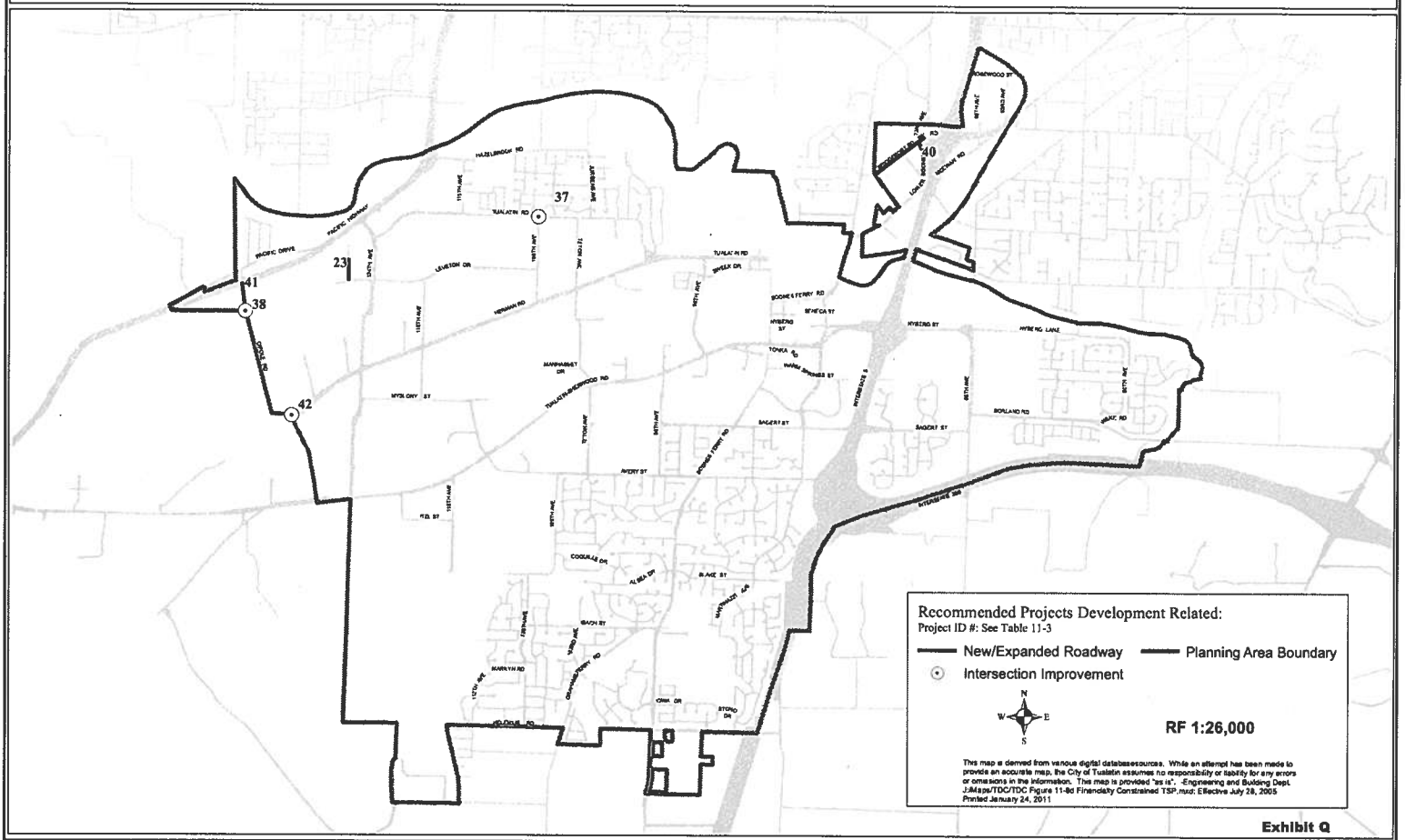
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**Figure 11-8d: Financially Constrained TSP Projects**

**DRAFT PTA-10-04**

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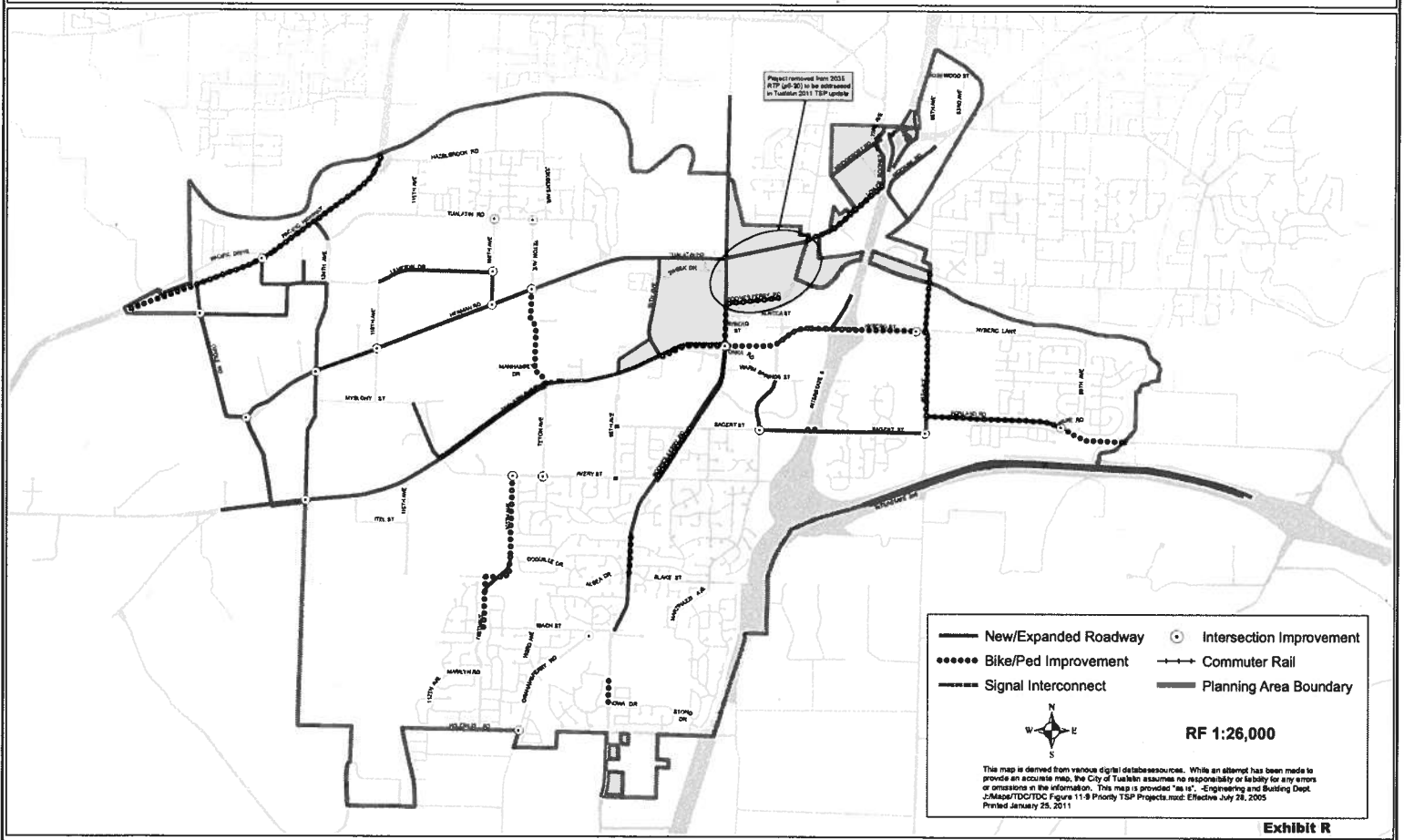


**Exhibit Q**

**Figure 11-9: Priority TSP Projects**

**DRAFT PTA-10-04**

**TUALGIS**

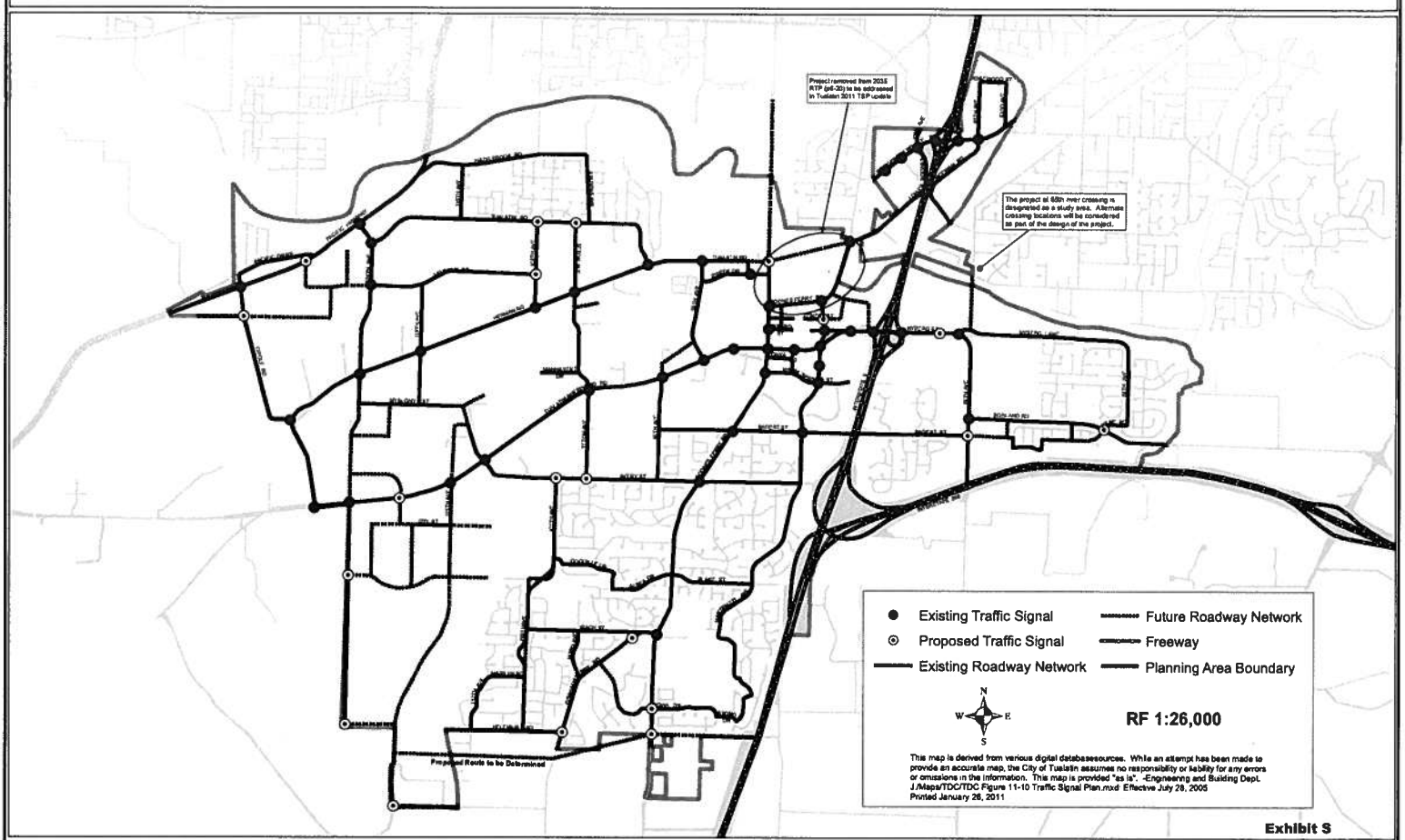


**Exhibit R**

**Figure 11-10: Traffic Signal Plan**

**DRAFT PTA-10-04**

**TUALGIS**

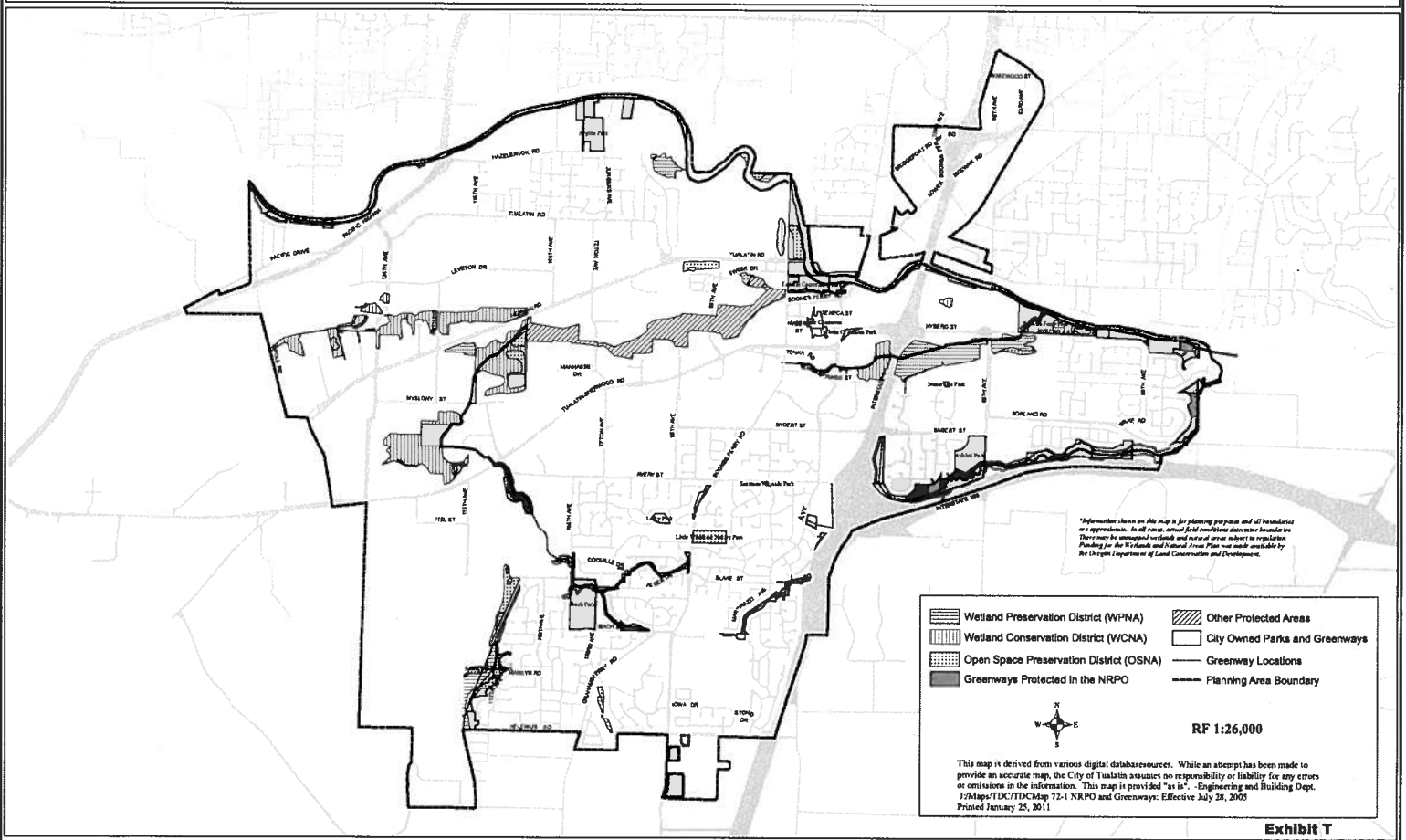


**Exhibit S**

**Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations**

**DRAFT PTA-10-04**

**TUALGIS**



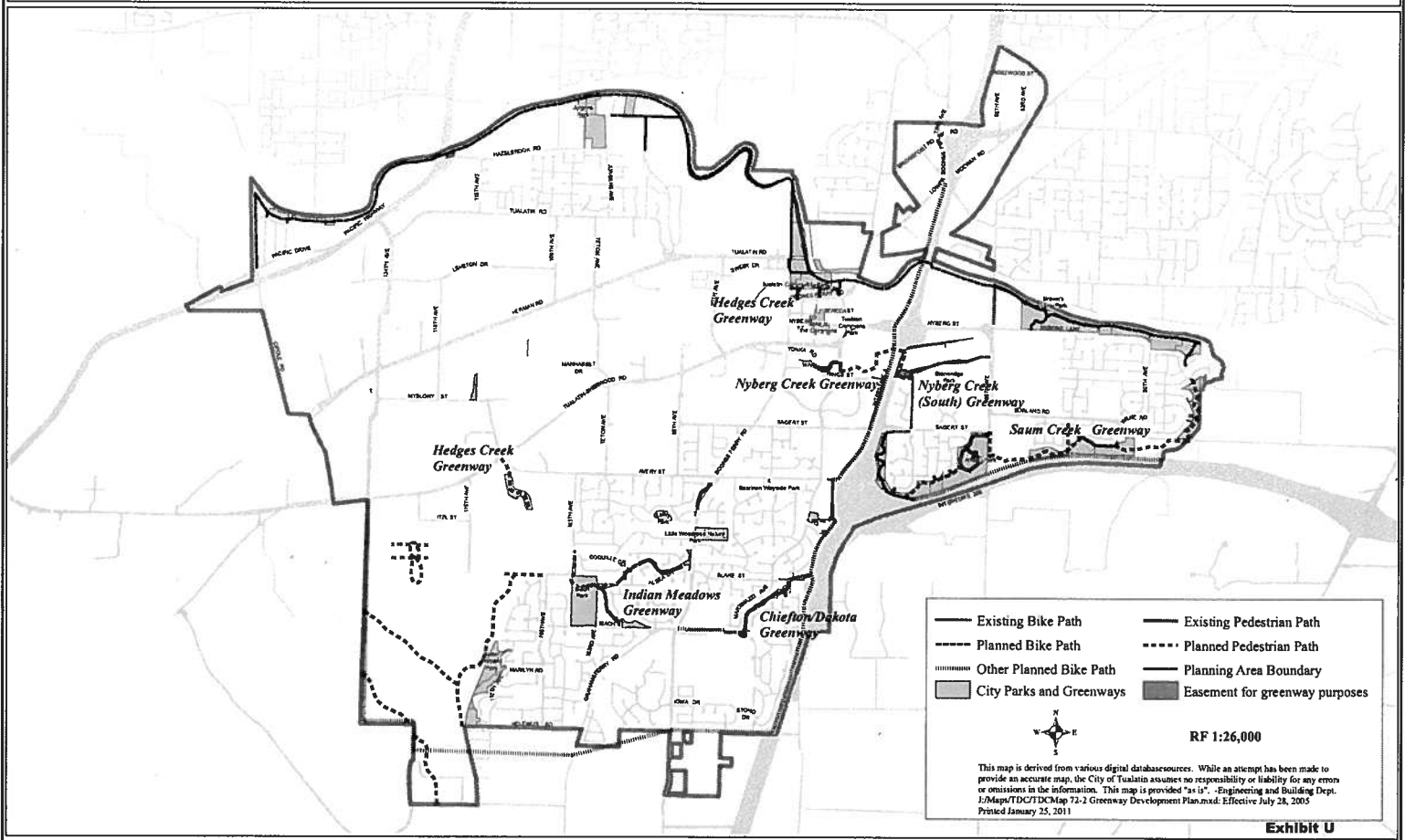
**Exhibit T**



**Map 72-2:** Greenway Development Plan Pedestrian and Bike Path Locations

**DRAFT PTA-10-04**

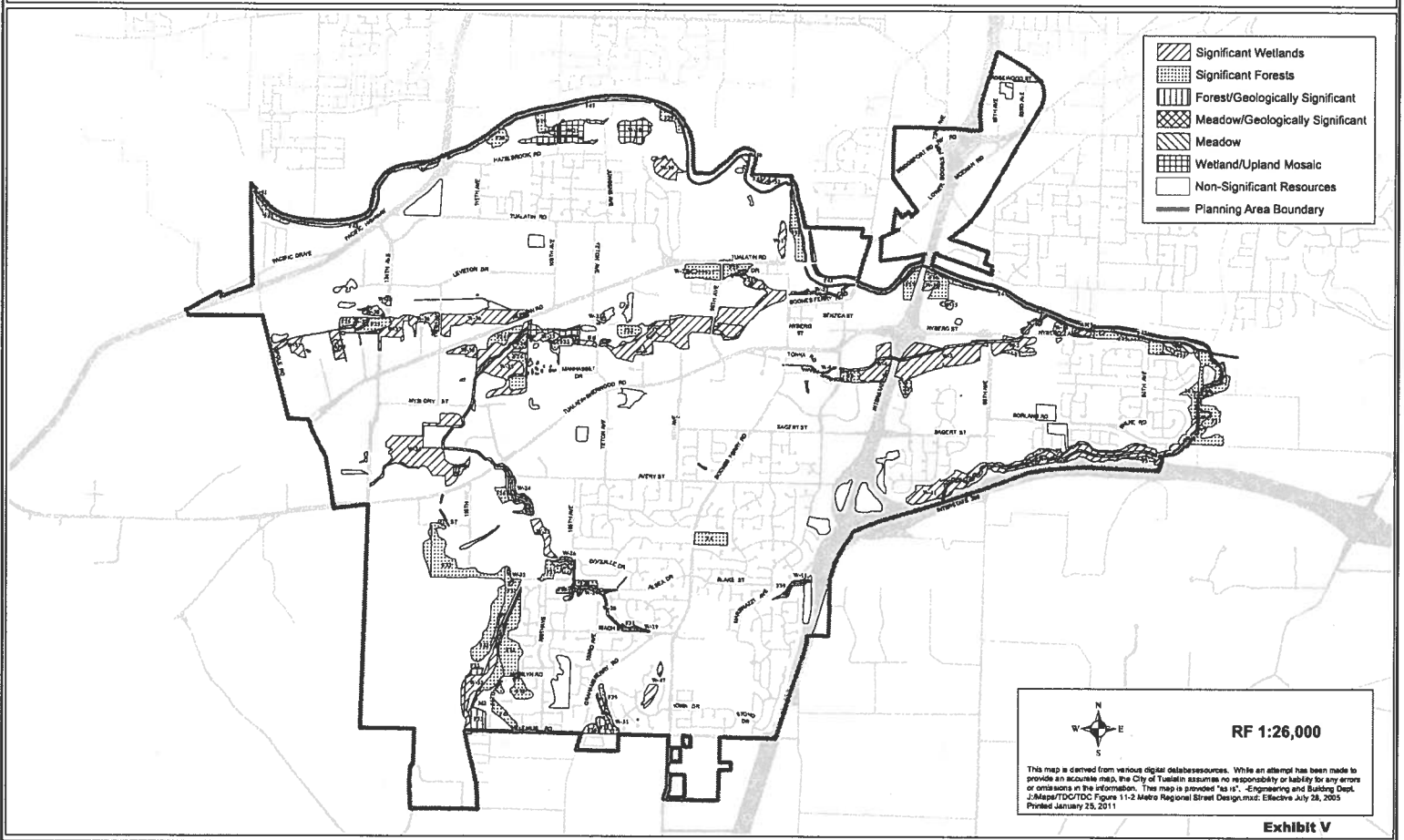
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**Map 72-3: Significant Natural Resources**

**DRAFT PTA-10-04**

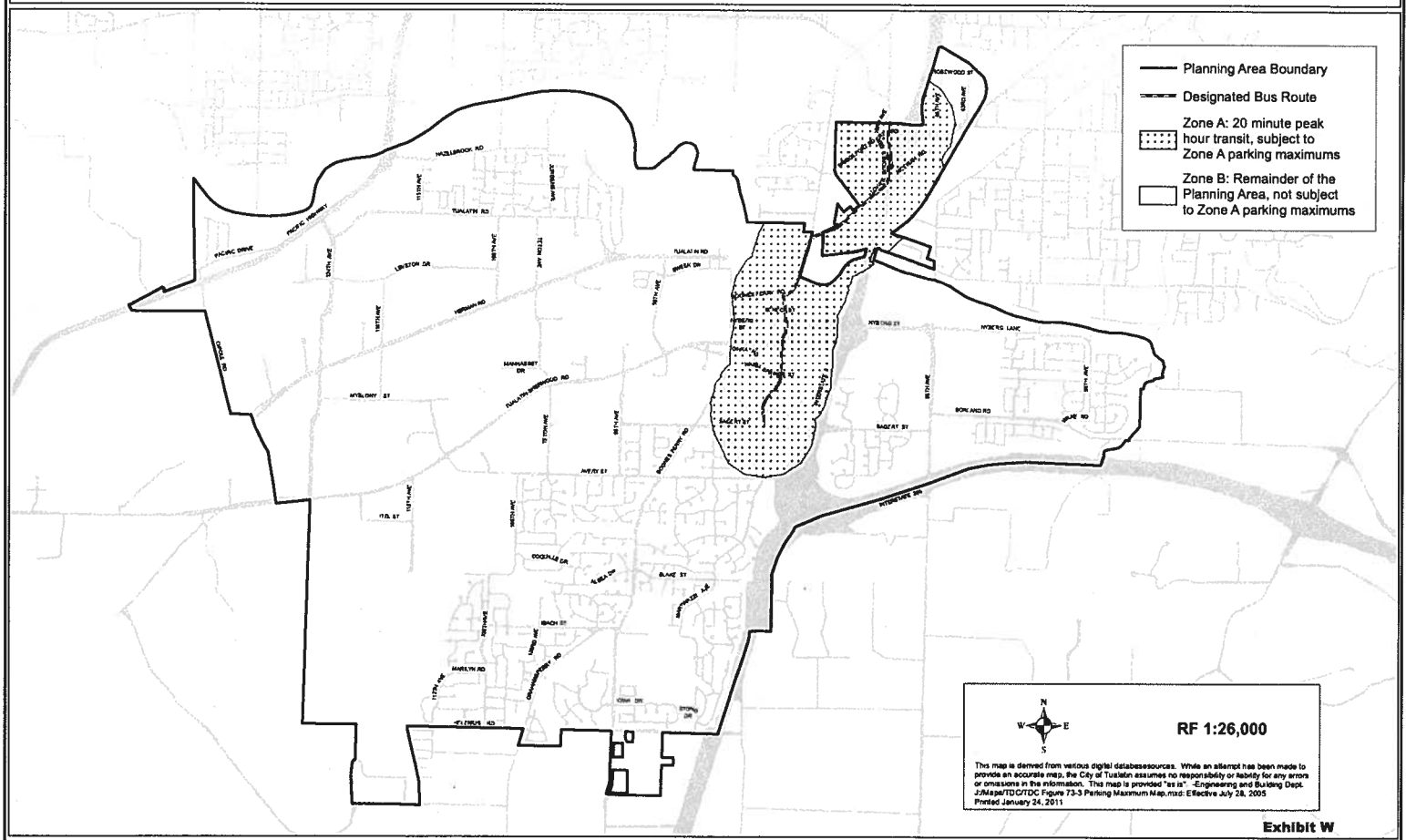
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**Figure 73-3: Parking Maximum Map**

**DRAFT PTA-10-04**

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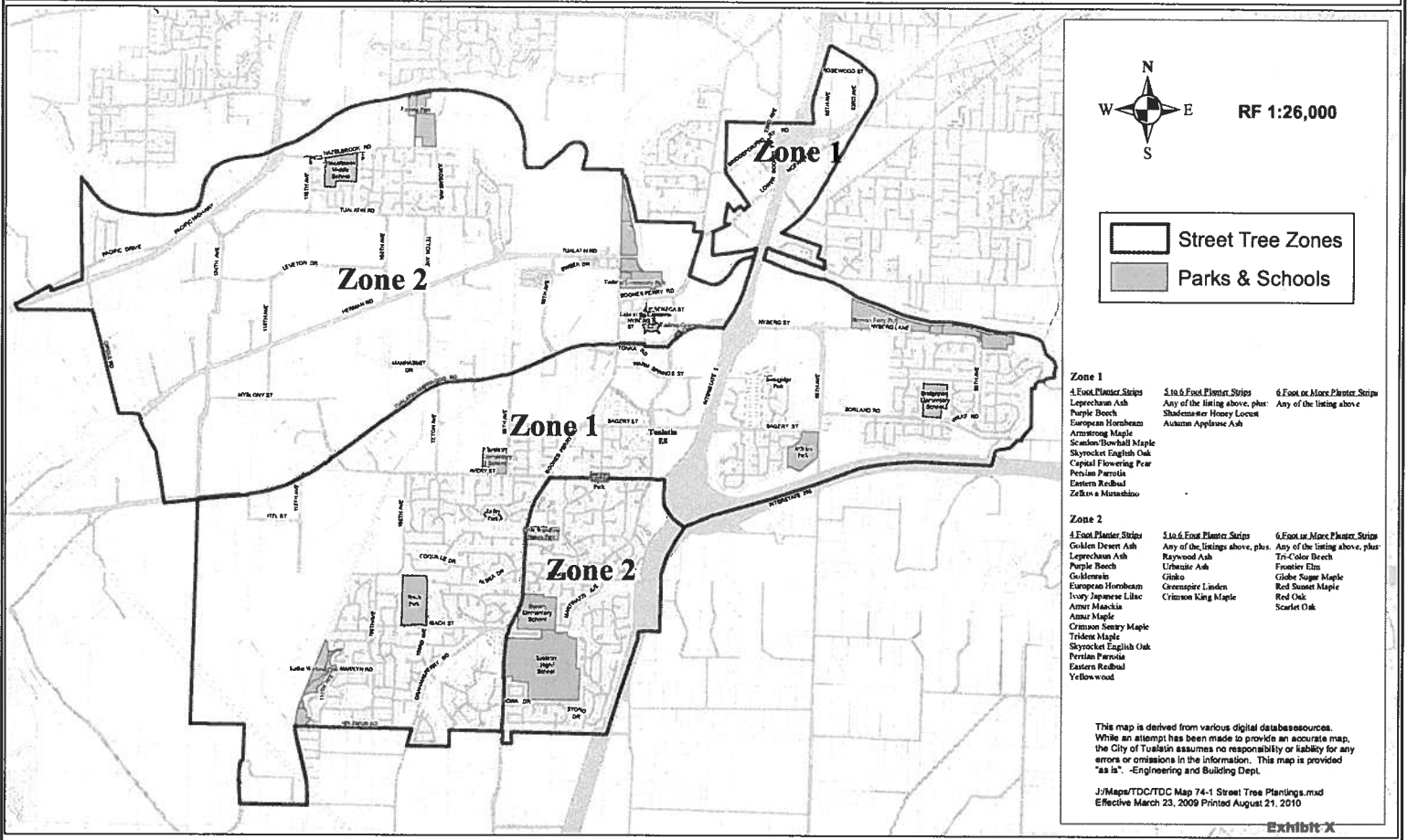


**Exhibit W**

Map 74-1: Street Tree Plantings

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## **PTA-10-04 and PMA-10-02: ANALYSIS AND FINDINGS**

In order to establish a comprehensive plan and development regulations for that portion of the Southwest Tualatin Concept Plan (SWCP) area referred to at the "Southwest Tualatin Regionally Significant Industrial Area" (SWRSIA), Plan Text Amendment (PTA) 10-04 proposes amendments to Tualatin Development Code (TDC) Chapters 1, 2, 4, 7, 9, 11, 12, 13, 14, 37, 73, and 75, and adds a new Chapter 64 Manufacturing Business Park (MBP) Planning District. The companion Plan Map Amendment (PMA) 10-02 designates the SWRSIA with the City's planning district designations on Community Plan Map 9-1. The PTA and PMA are quasi-judicial processes. The eight (8) approval criteria of TDC 1.032 must be met if the proposed PTA and PMA are to be granted. Each criterion, A through H, is discussed below with respect to both PTA-10-04 and PMA-10-02.

### **A. Granting the amendment is in the public interest.**

The public interest is for a comprehensive plan and development regulations to be established for the SWRSIA as proposed in PTA-10-04. Without the comprehensive plan and development regulations in place the area could not develop under the provisions of the Tualatin Development Code (TDC) to ensure compatibility with adjoining lands, implement transportation improvements, prescribe required infrastructure to serve the area and address environmental protection requirements. Further, the public interest is for planning districts to be applied to the SWRSIA as proposed in PMA-10-02. Statewide Planning Goal 2 requires all parcels in each city and county to be designated with a planning district. The proposed amendment will apply the Manufacturing Business Park (MBP) Planning District to the SWRSIA. The proposed amendments are in the public interest.

Criterion "A" is met.

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

Now is the time to establish comprehensive plan and development regulations for the SWRSIA, and to designate the area with planning districts. The City of Tualatin is the local entity with jurisdiction over land use activities in the area as it converts from a rural to an urban development pattern. Without the proposed PTA-10-04 and its companion PMA-10-02 it would be unknown what the permitted uses, transportation, sewer, water, storm drainage, environmental regulations, and architectural requirements would be for the area. If the City does not establish the comprehensive plan, and apply planning district designations and development regulations for the SWRSIA, property owners could apply to the City and request the type of designation or regulations they preferred without a comprehensive view of compatibility with surrounding properties within the City. The public interest is best protected by granting the amendments at this time.

Criterion "B" is met.

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



The applicable objectives of the Tualatin Community Plan, as contained in the Tualatin Development Code (TDC), have been considered, and are discussed below.

#### **Chapter 4. Community Growth**

##### **Section 4.050. General Growth Objectives**

**(4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.**

PTA-10-04, along with its companion PMA-10-02, establishes the comprehensive plan and applies planning district designations and development regulations that allow the transition from rural to urban land uses by applying the Manufacturing Business Park (MBP) Planning District to the SWRSIA. These provisions will provide compatibility and consistency with abutting planning district designations to the north, east and south, thereby meeting the objective.

**(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.**

PTA-10-04 proposes comprehensive plan and development regulations that minimize land use conflicts by proposing a new Manufacturing Business Park (MBP) Planning District that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee-oriented activity. The district also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. The companion PMA-10-02 establishes the specific planning designations in the SWRSIA. Coordinated design and development allows for maximized use of public facilities in the area. The objective is met.

**(7) Prepare a balanced plan meeting, as closely as possible, the specific objectives and assumptions of each individual plan element.**

Various plan elements were considered in the concept planning process to establish the comprehensive plan and apply planning district designations and development regulations in the SWRSIA. The proposed PTA-10-04 and accompanying PMA 10-02 appropriately balance all applicable plan objectives or policies, thereby meeting the objective.

**(9) Prepare a plan providing a variety of living and working environments.**

The proposed PTA-10-04, along with the companion PMA-10-02, assists in providing a variety of working environments in the new Manufacturing Business Park (MBP) Planning District, which meets the objective. No residential use or living environments are proposed in the SWRSIA.

**(11) Coordinate development plans with regional, state, and federal agencies to assure consistency with statutes, rules, and standards concerning air, noise, water quality, and**

**solid waste. Cooperate with the U.S. Fish and Wildlife service to minimize adverse impacts to the Tualatin River National wildlife Refuge from development in adjacent area of Tualatin.**

Development of the Southwest Tualatin Concept Plan and PTA-10-04, as well as the companion PMA-10-02, was in conjunction with regional, state and federal agencies. The list of participating agencies that served on the Technical advisory Committee (TAC) is included in Attachment G. The objective is met.

**(15) Arrange the various land uses in a manner that is energy efficient.**

PTA-10-04, and the companion PMA-10-02, establishes a comprehensive plan and applies planning district designations and development regulations that promote energy efficiency by proposing a new Manufacturing Business Park (MBP) Planning District that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, and other amenities appropriate to an employee-oriented activity. All streets within the SWRSIA would have bike lanes and sidewalks, and there are several pedestrian trails proposed as well, which will contribute to energy efficiency. Inclusion of local serving commercial services in the MBP Commercial Services Overlay area north of SW Blake Street west of SW 120<sup>th</sup> Avenue is designed to reduce the number of local trips by employees to the downtown area of the City. Coordinated design and development allows for maximized use of public facilities in the area, thereby further increasing energy efficiency. The objective is met.

**(16) Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.**

PTA-10-04 and the companion PMA-10-02, by including an area designated MBP Commercial Services Overlay in close proximity to SW Tualatin-Sherwood Road as well as SW Blake Street, are designed to take advantage of transit service in the event such service is provided by Tri-Met in the future. The objective is met.

**(17) Maintain for as long a period as possible a physical separation of non-urban land around the City so as to maintain its physical and emotional identity within urban areas of the region.**

The majority of the SWRSIA was added to the urban growth boundary (UGB) by Metro in 2002 and 2004 and designated Regionally Significant Industrial Area (RSIA). The only non-urban land adjacent to it is on the south and west. The proposed PTA-10-04 and companion PMA-10-02 maintain a physical separation with this adjacent non-urban land in the form of the proposed SW 124<sup>th</sup> Avenue as well as the transition from rural to urban provided by the Manufacturing Business Park (MBP) Planning District designation, thereby meeting the objective.

**(18) Fully develop the industrial area located in Washington County west of the City only when adequate transportation facilities are available and the area has been annexed to the City and served with water and sewer services.**

PTA-10-04, along with the companion PMA 10-02, continues the objective to fully develop industrial land in Washington County west of the City while identifying an adequate transportation system and public facilities to serve the area. The objective is met.

**(20) Territories to be annexed shall be in the Metro Urban Growth Boundary.**

All of the SWRSIA, which is the area affected by PTA-10-04 and the companion PMA-10-02, is within the Metro urban growth boundary (UGB). In addition, all of the SWRSIA has been added to Tualatin's Urban Planning Area. After adoption of PTA-10-04 and the companion PMA-10-02, the area will be available for annexation into the City. The objective is met.

**Chapter 7. Manufacturing Planning Districts**

**Section 7.030. Objectives**

**(1) Encourage new industrial development.**

The proposed PTA-10-04, and companion PMA 10-02, will designate approximately 431 gross acres in the SWRSIA with the Manufacturing Business Park (MBP) Planning District for future industrial development, thereby adding approximately 382 acres of industrial land to the City's inventory. One approximately 50-acre area already designated Light Manufacturing (ML) will be redesignated MBP as part of the proposed amendments. The objective is met.

**(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.**

Although the SWRSIA is not located in the Western Industrial District, designation of approximately 431 gross acres of land with the MBP Planning District will increase local employment opportunity and assist in moving the City towards the local employment objective while enhancing the industrial land base of Tualatin. The objective is met.

**(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.**

PTA-10-04, along with the accompanying PMA 10-02, will provide the opportunity for future industrial development within the City. Future development will increase the revenue generated through taxes to support local government services. The objective is met.

**(5) Cooperate with Washington County, Metro, and the State of Oregon to study the methods available for providing transportation, water and sewer services to the Western Industrial District.**

Although the SWRSIA is not located in the Western Industrial District, the Southwest Tualatin Concept Plan was developed in coordination with the above referenced entities. The traffic, water and sewer analysis supporting the comprehensive plan, planning district designations and development regulations for the SWRSIA indicates public infrastructure can be provided to support future development in the area, thereby meeting the objective.

**(6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.**

PTA-10-04 proposes to change subsection (6) to read as follows:

**(6) Fully develop the Western Industrial District and the Southwest Tualatin Concept Plan Area (SWCP), providing full transportation, sewer, and water services prior to or as development occurs.**

PTA-10-04 establishes comprehensive plan and development regulations that further development of the SWRSIA. The companion PMA-10-02 establishes the planning district designations of this area. Provision of and funding for transportation and infrastructure needs are fully considered. The objective is met.

**(7) Improve traffic access to the Western Industrial District from the Interstate 5 freeway through a new interchange at Norwood Road or a suitable and adequate alternative.**

PTA-10-04 proposes to change subsection (7) to read as follows:

**(7) Improve traffic access to the Western Industrial District and SWCP area from the Interstate 5 freeway and State Highway 99W through regional improvements identified in the 2035 Regional Transportation Plan.**

Primary north-south access to and through the SWRSIA will be from an extended SW 124<sup>th</sup> Avenue south of SW Tualatin-Sherwood Road. Secondary access is planned via SW 115<sup>th</sup> and SW 120<sup>th</sup> Avenues. SW 124<sup>th</sup> Avenue is proposed to connect SW Tualatin-Sherwood Road with SW Tonquin Road and/or a future I-5 to 99W Connector at the south boundary of the SWRSIA, however the alignment of the road is uncertain at this time.

The 2035 Regional Transportation Plan (June 2010) recommends a "Three Arterial" concept between OR 99W and I-5 structured around a Northern, Central and Southern arterial providing east-west access and with an extension of SW 124<sup>th</sup> Avenue providing north-south connectivity. Numerous conditions must be addressed and significant issues resolved before the components of this concept may proceed to construction. More detailed planning is proceeding with a short-term phasing strategy (2008-2017) currently under way, and medium-term and longer-term phasing strategies proposed for 2018-2025 and 2026-2035 respectively. The objective is met.

**(9) Construct a north/south major arterial street between Tualatin Road and Tualatin-Sherwood Road in the 124<sup>th</sup> Avenue alignment to serve the industrial area.**

PTA-10-04 proposes to change subsection (9) to read as follows:

**(9) Construct a north/south major arterial street between Tualatin-Sherwood Road and SW Tonquin Road in the 124<sup>th</sup> Avenue alignment to serve the industrial area.**

Refer to the discussion under Objective (7) above.

**(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.**

PTA-10-04 proposes comprehensive plan and development regulations that minimize land use conflicts by proposing a new Manufacturing Business Park Planning District (MBP) that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee-oriented activity. The district also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. The companion PMA-10-02 establishes the specific planning designations. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts adjacent to residential planning districts. The objective is met.

**(13) Protect adjacent land uses from noise impacts by adopting industrial noise standards.**

Proposed PTA-10-04, along with the companion PMA-10-02, ensures that regulations are in place to address noise impacts in two ways. First, future industrial development will be required to comply with the requirements of TDC Chapter 63 Manufacturing Planning Districts – Environmental Regulations, which apply to all industrial planning districts adjacent to residential planning districts and protect adjacent residential areas from the adverse effects of industrial development. In addition, the new TDC Chapter 64 – Manufacturing Business Park (MBP) Planning District includes requirements for sound barrier construction to reduce noise impacts on adjacent residential areas. The objective is met.

**Section 7.040 Manufacturing Planning District Objectives**

**(4) Manufacturing Business Park Planning District (MBP).**

PTA-10-04 adds subsection (4) that describes the purpose of the new TDC Chapter 64 – Manufacturing Business Park Planning District (MBP) comprehensive plan and development regulations, which will be applied to the SWRSIA area. The companion PMA-10-02 establishes the specific planning designations. Refer to Attachment D for the proposed text amendment language.

**Chapter 9. Plan Map**

**Section 9.041 Area 11 Koch Industrial Area.**

**(2) The need for sensitive treatment of the natural features of the southern area, coupled with its immediate proximity without buffering to residential areas, leads to use of the Light Manufacturing (ML) Planning District.**

PTA-10-04 proposes to change subsection (2) to read as follows:

**(2) In April 2011, the industrial land located south of SW Blake Street was removed**

**from the Area 11 Koch Industrial Area and added to the Area 15 Southwest Manufacturing Business Park Area in accordance with the Southwest Concept Plan accepted in October 2010.**

As part of PTA-10-04 and the companion PMA 10-02, the approximately 50-acre area of the SWRSIA area currently designated Light Manufacturing (ML) on Community Plan Map 9-1 is proposed to be re-designated Manufacturing Business Park (MBP). This area contains a substantial amount of mature trees that provide a buffer between industrial uses in the SWRSIA and residential uses to the east. During the concept planning process residents expressed a desire to preserve this tree buffer. As a result, the Southwest Tualatin Concept Plan proposes a tree buffer and trail in this area, which is currently located in the City's Natural Resource Protection Overlay (NRPO). PTA-10-04 and the companion PMA-10-02 propose changing the existing ML Planning District designation to MBP consistent with the rest of the SWRSIA to create a cohesive area suitable to campus industrial development while preserving the treed buffers between the MBP and residential uses to the east. The objective is met.

#### **Section 9.045 Area 15 Southwest Industrial Planning Area.**

PTA-10-04 adds section 9.045, which describes the boundaries of the SWRSIA. The companion PMA-10-02 establishes the specific planning designations within the area and on Community Plan Map 9-1. Refer to Attachment D for the proposed text amendment language.

### **Chapter 11. Transportation**

#### **Section 11.610. Transportation Goals and Objectives**

##### **(2) Goal 1: Mobility**

**Provide a transportation system that serves the travel needs of Tualatin residents, businesses, and visitors.**

##### **Objectives**

**(a) Provide an interconnected system of streets, pedestrian and bicycle facilities, and other forms of transportation, which will link the community; minimize travel distances and vehicle-miles traveled; and safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit vehicles, trucks, and trains to and through the area when it is fully urbanized.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that links to the existing system serving the City. The objective is met.

**(e) For Plan Map and Text Amendments adopt a Level of Service standard 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. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.**



The traffic analysis completed for the Southwest Tualatin Concept Plan found that all intersections would meet City of Tualatin standards (Level of Service D or better for signalized intersections) and, further, that intersections along SW Tualatin-Sherwood Road, which would also be Washington County intersections, would meet the County's signalized intersection standard of a volume to capacity ratio of 0.99 or less (Southwest Tualatin Concept Plan 2010 Update; October 11, 2010). The objective is met.

### **(3) Goal 2: Livability**

**Provide a transportation system that balances user needs with the community's desire to remain a pleasant, economically vital city.**

#### **Objectives**

**(a) Provide a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage industrial development, the preservation of existing residential neighborhoods, the minimization of industrial traffic and congestion in the Town Center area, and the successful implementation of the City's economic development goals.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that is adequate to handle truck and automobile traffic as the area develops in the future in such a way to encourage industrial development while preserving existing residential neighborhoods to the east, minimizing industrial traffic and congestion in the Town Center area, and successfully implementing the City's economic development goals. The objective is met.

**(b) Minimize the adverse social, economic and environmental impacts created by the transportation system, including balancing the need for street connectivity with the need to minimize neighborhood cut-through traffic.**

PTA-10-04, along with the accompanying PMA-10-02, identify a transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that links to the existing system serving the City while minimizing adverse social, economic and environmental impacts. For example, rather than completing a connection of SW Blake Street through the residential area to the east of the SWRSIA, which would have provided east-west connectivity for automobile traffic, the proposed amendment instead provides a cul-de-sac bulb on SW Blake Street west of the Tri-County Industrial Park to minimize cut-through traffic in the residential neighborhood. The objective is met.

### **(4) Goal 3: Coordination**

**Maintain a transportation system plan that is consistent with the goals and objectives of the community, the region, and the state.**

#### **Objectives**

**(a) Provide a City transportation system that is consistent with other elements and objectives of the Tualatin Community Plan.**

The applicable objectives of the Tualatin Community Plan, as contained in the Tualatin Development Code (TDC), were considered in development of the transportation system within the SWRSIA, and are reviewed and balanced in PTA-10-04 and the companion PMA-10-02. The objective is met.

**(b) Coordinate planning of the City transportation system with the Regional Transportation Plan prepared by the Metro, working toward a plan that is consistent with the RTP.**

The traffic analysis completed for the Southwest Tualatin Concept Plan reviewed the 2035 Regional Transportation Plan (RTP) prepared by Metro with direct input from Metro on the transportation elements to support the proposed PTA-10-04 and companion PMA-10-02. The employment levels estimated by Metro in the 2035 RTP are higher than what is estimated to occur in the SWRSIA; therefore, the improvements identified in the 2035 RTP would be expected to accommodate estimated growth in the area. The proposed changes to Tualatin's Transportation System Plan (TSP) are consistent with the 2035 RTP and meet the objective.

**(c) Work with Metro, ODOT, Tri-Met, Washington County, Clackamas County, and other surrounding organizations/jurisdictions to resolve regional and statewide transportation issues that impact Tualatin, including developing one or more arterial routes connecting I-5 and Highway 99W south of Highway 217, ensuring adequate capacity on the freeway system, and improving access to and the capacity of I-5 interchanges between Highway 217 and the North Wilsonville Interchange.**

Development of the Southwest Tualatin Concept Plan was in cooperation with Metro, ODOT, Tri-Met, Washington County, and other surrounding organizations and jurisdictions to resolve regional and statewide transportation issues that impact Tualatin. Of particular import with respect to the SWRSIA are connections between I-5 and Highway 99W for freight traffic and industrial users. The list of participating agencies that served on the Technical advisory Committee (TAC) is included in Attachment G.

Primary north-south access to and through the SWRSIA will be from an extended SW 124<sup>th</sup> Avenue south of SW Tualatin-Sherwood Road. Secondary access is planned via SW 115<sup>th</sup> and SW 120<sup>th</sup> Avenues. SW 124<sup>th</sup> Avenue is proposed to connect SW Tualatin-Sherwood Road with SW Tonquin Road and/or a future I-5 to 99W Connector at the south boundary of the SWRSIA, however the alignment of the road is uncertain at this time.

The 2035 Regional Transportation Plan (June 2010) recommends a "Three Arterial" concept between OR 99W and I-5 structured around a Northern, Central and Southern arterial providing east-west access and with an extension of SW 124<sup>th</sup> Avenue providing north-south connectivity to address adequate capacity on the freeway system. Numerous conditions must be addressed and significant issues resolved before the components of this concept may proceed to construction. More detailed planning is proceeding with a short-term phasing strategy (2008-2017) currently under way, and medium-term and

longer-term phasing strategies proposed for 2018-2025 and 2026-2035 respectively. The objective is met.

**(5) Goal 4: Public Transportation**

**Improve public transportation service both within Tualatin and to the surrounding area, to reduce reliance on the private automobile.**

**Objectives**

**(b) Working through Tri-Met, develop transit systems and stations, park and ride systems, and related facilities in convenient and appropriate locations that adequately and efficiently serve the residential and employment populations.**

Development of the Southwest Tualatin Concept Plan included communication with TriMet, however, there are no public transit systems or stations, park and ride systems, or other related facilities currently in the SWRSIA and none proposed in the foreseeable future. PTA-10-04 and the companion PMA-10-02, by including an area designated MBP Commercial Services Overlay in close proximity to SW Tualatin-Sherwood Road as well as SW Blake Street, are designed to take advantage of transit service in the event such service is provided by Tri-Met in the future. The objective is met.

**(6) Goal 5: Pedestrian and Bicycle Facilities**

**Provide for an interconnected system of pedestrian and bicycle facilities throughout Tualatin to serve short-distance and recreational trips.**

**Objectives**

**(a) Provide sidewalks on both sides of all fully developed streets within the City, except where it would be unsafe to do so.**

All streets within the SWRSIA, as proposed in PTA-10-04 and the companion PMA-10-02, will have bike lanes, sidewalks, landscaping and lighting. The objective is met.

**(b) Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly-owned land intended for general public use.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that links to the existing system serving the City. The objective is met.

**(c) Maintain and update official map showing existing and future street rights-of-way with bicycle lanes and bikeways.**

PTA-10-04, along with the accompanying PMA-10-02, has detailed maps addressing transportation for the area and where future streets and rights-of-way will be located. This meets the objective.

**(8) Goal 7: Environment**

**Provide a transportation system that protects the environment of the community and region.**

**Objectives**

**(a) Provide a transportation system, which encourages energy conservation, in terms of efficiency of the road network and in the standards developed for street improvements.**

PTA-10-04, and the companion PMA-10-02, establishes a comprehensive plan and applies planning district designations and development regulations that promote energy efficiency and conservation by proposing that all streets within the SWRSIA have bike lanes and sidewalks, and by including several pedestrian trails. Inclusion of local serving commercial services in the MBP Commercial Services Overlay area north of SW Blake Street west of SW 120<sup>th</sup> Avenue is designed to reduce the number of local trips by employees to the downtown area of the City. Coordinated design and development allows for maximized use of public facilities in the area, thereby further increasing energy efficiency and conservation. The objective is met.

**(c) Encourage use of the existing transportation facilities by increasing use of alternative modes of transportation and encourage development that decreases reliance on the automobile.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that links to the existing system serving the City. Necessary improvements to mitigate the impacts of planned future development are identified. In addition, bike lanes, sidewalks and pedestrian trails will be provided in the Concept Plan area to accommodate and encourage use of alternative modes of transportation. The objective is met.

**(d) Balance transportation improvements with the need to protect natural resources.**

PTA-10-04 and the companion PMA-10-02 have considered the environment in development of the transportation system within the SWRSIA. Impacts have been minimized where feasible. The objective is met.

**(9) Goal 8: System Preservation**

**Ensure that development does not preclude the construction of identified future transportation improvements, and ensure that development mitigates the transportation impacts it generates.**

**Objectives**

**(b) Preserve adequate right-of-way for an arterial street connecting Tualatin-Sherwood Road and Highway 99W in the western portion of the industrial area at the general 124<sup>th</sup> Avenue alignment.**

Primary access to the SWRSIA will be from an extended SW 124<sup>th</sup> Avenue south of SW Tualatin-Sherwood Road. Secondary access is planned via SW 115<sup>th</sup> and SW 120<sup>th</sup>

Avenues. SW 124<sup>th</sup> Avenue is proposed to connect SW Tualatin-Sherwood Road with SW Tonquin Road and/or a future I-5 to 99W Connector at the south end of the SWRSIA. The objective is met.

**(c) Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way, and by constructing half or full street improvements needed to serve new development and to mitigate the impacts of new development.**

PTA-10-04 and the companion PMA-10-02 identify transportation improvements needed to support development in the SWRSIA. The SWCP assumes that the new SW 124<sup>th</sup> Avenue extension will be funded through a variety of means including local sources, Washington County and the Metro Regional Transportation Improvement Plan. Other roads and utilities will likely be funded by local resources, including City and private developer contributions. Developers will be responsible for providing local streets and utility connections to trunk line systems. Assumptions are that the best configuration of development in the SWRSIA would be determined by market opportunities and constraints at the time of development, allowed uses, and other TDC requirements. This meets the objective.

**(d) Require developers to mitigate the impacts of development on the transportation system by constructing off-street pedestrian, bicycle and transit facilities.**

PTA-10-04 and the companion PMA-10-02 identify transportation improvements needed to support development in the SWRSIA. All streets within the area will have bike lanes and sidewalks, and developers will be responsible for providing local streets and utility connections to trunk line systems. The objective is met.

**(e) Establish local street plans for contiguous vacant and re-developable areas of five acres or more planned or zoned for development that identify local street access points to the collector and arterial street system, and local street connections to adjacent development.**

PTA-10-04, along with the accompanying PMA-10-02, identify a transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that links to the existing system serving the City and provides local street connections to adjacent development. This meets the objective.

#### **(10) Goal 9: Capacity**

**Provide a transportation system that has sufficient capacity to serve user needs.**

##### **Objectives**

**(a) Establish an arterial street system which will attract and effectively accommodate all “through” trips to relieve residential collectors and local streets from heavy and hazardous traffic burdens.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that is adequate to handle truck and automobiles traffic as the area develops in the future in such a way to encourage industrial development while preserving existing residential neighborhoods to the east and minimizing industrial traffic and congestion in the Town Center area. By linking to the existing transportation system serving the City, the transportation system in the SWRSIA effectively accommodates "through" trips, thus relieving residential, collectors and local streets from heavy and hazardous traffic burdens. It should be noted that, in response to resident's concerns about truck traffic from the SWRSIA in neighborhoods, the initial plan to make SW Blake Street an east-west through street was changed; instead a cul-de-sac is planned at the east end of SW Blake Street to prevent traffic from the SWRSIA from traveling through the residential neighborhood. The objective is met.

**(d) Maintain and update the City's access management standards in the Tualatin Development Code to preserve the safe and efficient operation of the City's roadways, consistent with their functional classification.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system for the SWRSIA, which considers access management standards in the location and classification of proposed streets. For example, no access will be taken directly from SW Tualatin-Sherwood Road except at existing access points at SW 115<sup>th</sup> and SW 120<sup>th</sup> Avenues and from an extended SW 124<sup>th</sup> Avenue south of SW Tualatin-Sherwood Road. In addition, SW 124<sup>th</sup> Avenue is proposed to connect SW Tualatin-Sherwood Road with SW Tonquin Road and/or a future I-5 to 99W Connector in the southern part of the area and will have limited access at SW Blake Street and one other location midway between SW Blake Street and SW Tonquin Road. These access limitations are consistent with Washington County standards, which do not allow local streets to connect with arterials. The objective is met.

**(11) Goal 10: Transportation Funding**

**Provide reasonable and effective funding mechanisms for citywide transportation improvements identified in the transportation system plan.**

**Objectives**

**(a) Develop a Capital Improvements Program and funding mechanisms for all transportation facilities that complies with the requirements of Statewide Planning Goal 12, Transportation, and the Transportation Planning Rule, including making provisions for alternative modes of transportation that will reduce reliance on the automobile, and reduce air pollution and traffic congestion.**

The traffic analysis completed for the Southwest Tualatin Concept Plan (SWCP) considers a funding program for developing and implementing transportation improvements for the SWRSIA. As discussed in the SWCP (page 22, 2010 Update; October 11, 2010), the direct fiscal costs and benefits of planned light industrial development have been forecasted based on typical growth assumptions. Potential funding sources may include federal and state transportation grants (distributed through Metro); state infrastructure loans; special public works funds; Oregon Immediate Opportunity Program; and local funding through



system development charges and establishment of an urban renewal district, local improvement district, or zone of benefit district. Other funding mechanisms may also be considered. These assumptions have been developed in compliance with Goal 12 and the TPR, and include making provisions for alternative modes of transportation. The objective is met.

## **Chapter 12. Water Service**

### **Section 12.020. Water Service Policies**

#### **12.020 City of Tualatin water service policies are to:**

**(1) Plan and construct a City water system that protects the public health, provides cost-effective water service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.**

PTA-10-04, along with the accompanying PMA-10-02, identifies a water system to serve future development in the 431-acre SWRSIA. Because there currently are no public water lines located in the area, the routing of pipes has been modified to follow the proposed new roadways. Once development assumptions have been specified, more specific estimates of future infrastructure needs will be made. The proposed water system has been designed to protect the public health while providing cost effective water service, meeting the demands of users, addressing regulatory requirements, and supporting future industrial and limited commercial uses within the SWRSIA. The objective is met.

**(2) Require developers to aid in improving the water system by constructing facilities to serve new development and extend lines to adjacent properties.**

PTA-10-04 and the companion PMA-10-02 identify improvements necessary in the water system to support development. Developers will be responsible for providing utility connections to trunk line systems. Costs are identified to allow private development funding of improvements. The objective is met.

**(3) Water lines should be looped whenever possible to prevent dead-ends, to maintain high water quality and to increase reliability in the system.**

PTA-10-04, along with the accompanying PMA-10-02, identifies a water system to serve the approximately 431-acre SWRSIA that considers this policy. The objective is met.

**(5) Review and update the water system capital improvement program and funding sources as needed or during periodic review.**

The water system for the approximately 431-acre SWRSIA has been evaluated. PTA-10-04 and the companion PMA-10-02 identify needed updates to the water system to support development. This update was done to coincide with this objective.

## **Chapter 13. Sewer Service**

### **Section 13.015. Sanitary Sewer System Objectives**

**(1) Plan and construct a City sewer system that protects the public health, protects the water quality of creeks, ponds, wetlands and the Tualatin River, provides cost-effective sewer service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.**

PTA-10-04, along with the accompanying PMA-10-02, identifies a sanitary system to serve future development in the 431-acre SWRSIA. Because no sanitary system of adequate size currently exists within or near the area, three recommended capital improvement projects were identified to provide service to the SWRSIA and adjacent areas in southwest Tualatin. The proposed sanitary sewer system has been designed to protect the public health and water quality of creeks, ponds, wetlands, and the Tualatin River, while providing cost effective sanitary sewer service, meeting the demands of users, addressing regulatory requirements, and supporting future industrial and limited commercial uses within the SWRSIA. The objective is met.

**(2) Provide a City sanitary sewer system in cooperation with Clean Water Services (CWS). The City is responsible for the collection system's smaller lines and the 65th Avenue pump station and CWS is responsible for the larger lines, pump stations and treatment facilities.**

PTA-10-04 and the companion PMA-10-02 identify a sanitary sewer system with lines that serve the SWRSIA that will be under the City's jurisdiction. The system was designed and will be operated in accordance with Clean Water Services (CWS) requirements. The objective is met.

**(5) Require developers to aid in improving the sewer system by constructing facilities to serve new development as well as adjacent properties.**

PTA-10-04 and the companion PMA-10-02 identify improvements necessary in the sanitary sewer system to support development. Developers will be responsible for providing utility connections to trunk line systems. Costs are identified to allow private development funding of improvements. The objective is met.

## **Chapter 14. Drainage Plan and Surface Water Management**

### **Section 14.040 Objectives.**

**14.040 The objectives of the Tualatin Drainage Plan and Surface Water Management regulations are:**

**(1) Provide a plan for routing surface drainage through the City, utilizing the natural drainages where possible. Update the plan as needed with drainage studies of problem areas and to respond to changes in the drainage pattern caused by urban development.**

PTA-10-04, along with the accompanying PMA-10-02, identifies a plan for routing surface drainage from future development in the 431-acre SWRSIA. Because no storm water system

currently exists in the area, a new conveyance system will need to be installed along the new roadways. In addition, site development runoff will need to be treated and detained, if necessary, before being discharged to the public drainage systems. The proposed storm water system has been designed to meet peak flows and runoff volumes, and to meet CWS standards. This proposed system was reviewed by the Technical Advisory Committee (TAC) and meets the objective to develop a drainage system for this area of Tualatin. The objective is met.

**(2) Coordinate the City's Drainage Plan and Storm Water Management regulations with the City's Floodplain District, Wetland Protection District and Natural Resource Protection Overlay District regulations and with the plans of USA and other regional, state, and federal agencies to achieve consistency among the plans.**

PTA-10-04 and the companion PMA-10-02 were developed in coordination with participating agencies in the SWRSIA and took into account floodplain, wetlands and natural resource protection programs. The concept planning work for the Southwest Tualatin Concept Plan identified a tree buffer along the eastern edge of the planning area that is currently in the City's Natural Resources Protection Overlay (NRPO). This area is proposed to be retained as a buffer in the PTA-10-04 and the companion PMA-10-02. The coordination meets the objective of this regulation.

**(4) Identify and solve existing problems in the drainage system and plan for construction of drainage system improvements that support future development.**

PTA-10-04, along with the accompanying PMA-10-02, was developed to plan for construction of drainage system improvements that support future development in the SWRSIA. The objective is met.

**(5) Provide standards for surface water management and water quality by which development will be reviewed and approved. Review and update the standards as needed.**

The City of Tualatin operates under surface water standards that have been developed by CWS. CWS participated in development of the storm drainage program for the SWRSIA. Future development will be required to comply with requirements of CWS and the City of Tualatin for storm water at the time of development. The objective is met.

**(15) Comply with Metro's Urban Growth Management Functional Plan, Title 3.**

The Southwest Tualatin Concept Plan was developed factoring in Metro Title 3 requirements. Specifically, on April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing,

Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

## **Chapter 15. Parks and Recreation**

### **Section 15.110. Wetlands and Natural Areas Plan Objectives**

#### **(1) Identify and protect significant natural resources that promote a healthy environment and natural landscape that improves livability.**

Natural and cultural resources were evaluated in the Southwest Tualatin Concept Plan planning process (pages 15-16, 2010 Update, summarize this evaluation; October 11, 2010; Appendix K of the Concept Plan contains the Existing Conditions Technical Memorandum). Natural resources were found to be highly modified by historical and current land uses, and protection of waters and wetlands will constrain many land uses because regulated areas are scattered across the area. The initial impression is that threatened and endangered species protections do not appear to impact development. A small resource area at the southeastern corner of the planning area, where a portion of an old railroad station exists, is designated a Historic and Cultural Resource according to the Washington County's Rural/Natural Resource Plan. According to Washington County, the greatest resource value in the planning area is for mineral and aggregate sources; and a large portion of the area is currently being mined for aggregate by Tigard Sand and Gravel. No significant natural resources were identified in the area.

PTA-10-04 proposes comprehensive plan and development regulations that promote a healthy environment and natural landscape that improves livability. The proposed new Manufacturing Business Park (MBP) Planning District is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, and a cohesive planned-development design. The companion PMA-10-02 establishes the specific planning designations. Through setbacks and landscaping requirements this area will be compatible with neighboring residential areas. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts. The objective is met.

#### **(2) Protect significant natural resources and provide fish and wildlife habitat, scenic values, water quality improvements, stormwater management benefits, and flood control.**

As discussed above, no significant natural resources have been identified in the SWRSIA, however, incorporation of wetlands and other natural features into development in the area as proposed in PTA-10-04 and the companion PMA-10-02 will provide scenic value and other benefits. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts. The objective is met.

**(3) Protect significant natural resources that provide recreational and educational opportunities.**

As discussed above, no significant natural resources have been identified in the SWRSIA, however, recreational opportunity will be provided by pedestrian trails throughout the area as proposed in PTA-10-04 and the accompanying PMA-10-02. The objective is met.

**(4) Balance natural resource protection and growth and development needs.**

PTA-10-04 proposed comprehensive plan and development regulations balance natural resource protection and growth and development needs by proposing a new Manufacturing Business Park (MBP) Planning District that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, and a cohesive planned-development design. The companion PMA-10-02 establishes the specific planning designations. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts. The objective is met.

**(6) Allow public facilities such as sewer, storm water, water and public streets and passive recreation facilities to be located in significant natural resource areas provided they are constructed to minimize impacts and with appropriate restoration and mitigation of the resource.**

As discussed above, no significant natural resource areas have been identified in the SWRSIA. Public facilities as proposed in PTA-10-04 and the companion PMA-10-02 may encroach on natural resource areas that are not significant. Mitigation for these impacts will be addressed at the time physical development is proposed. The objective is met.

**Chapter 64. Manufacturing Business Park Planning District (MBP)**  
**Section 64.010 Purpose**

PTA-10-04 adds the new TDC Chapter 64 – Manufacturing Business Park (MBP) Planning District, which contains the comprehensive plan and development regulations that will be applied to the SWRSIA. The companion PMA-10-02 establishes the specific planning designations within the area and on Community Plan Map 9-1. Refer to Attachment D for the proposed text amendment language.

Applicable objectives of the Tualatin Community Plan have been evaluated and complied with for PTA-10-04 and PMA-10-02.

Criterion "C" is met.

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

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

A large portion of the SWRSIA is currently owned and occupied by Tigard Sand and Gravel, and uses include aggregate extraction, asphalt pavement production, industrial (trucking, wrecking yard, construction material storage) and very limited residential. Bonneville Power Administration (BPA) and Portland General Electric (PGE) power lines traverse the central part of the area, and the Portland & Western Railroad runs on the east side of the area, providing the potential for future direct rail service.

The SWRSIA is bounded on the north and partially on the east by the City of Tualatin. The balance of the area on the east, south and west is bounded by unincorporated Washington County. The area touches SW Tualatin-Sherwood Road and SW Blake Street on the north and SW Tonquin Road on the south. Adjacent land uses include the following: agricultural and newly developing light industrial to the north; rural, forestland, and aggregate extraction to the west; rural, industrial, and aggregate extraction to the south; and rural and residential to the east. The southwest boundary of the City's Western Industrial District adjoins the SWRSIA on its north and northeast sides in the vicinity of SW Tualatin-Sherwood Road, SW 120<sup>th</sup> Avenue, and SW Blake Street.

In December 2002 (Metro Ordinances No. 02-969B and 02-990A) and June 2004 (Metro No. 04-1040B) Metro expanded the UGB to include approximately 382 gross acres of land in the SWRSIA. Of this area, approximately 302 gross acres are designated Regionally Significant Industrial Area (RSIA) and the remaining acreage is designated Industrial. Specific conditions were placed by Metro relating to compliance with the Metro Urban Growth Management Functional Plan (MUGMFP) Titles 3, 4 and 11, lot sizes, and commercial restrictions. In addition to the 382 acres, a 50-acre property already within the Tualatin Urban Planning Area is considered part of the 431-acre SWRSIA.

Designation of the SWRSIA as Manufacturing Business Park (MBP) Planning District as proposed in PTA-10-04 and the companion PMA-10-02 is consistent with the characteristics and planning district designation pattern of the surrounding area, and complies with requirements of the MUGMFP for Regionally Significant Industrial Areas (RSIAs).

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

As discussed above, a large portion of the SWRSIA is currently in aggregate extraction or industrial use. The area adjoins the City's corporate boundary on the north and east, and adjoins the southwestern boundary of the City's Western Industrial District. The majority of the area has been designated either Regionally Significant Industrial Area (RSIA) or Industrial by Metro. Application of the Manufacturing Business Park (MBP) Planning District to the SWRSIA as proposed in PTA 10-04 and the companion PMA-10-02 is consistent with the existing planning district designations in areas to the north and east and ensures that future development will be compatible with existing and future land uses.

**c. Trends in land improvement and development.**



The trend for development in the SWRSIA is for industrial development as evidenced by existing uses in the area. In addition, the majority of the area has been designated either Regionally Significant Industrial Area (RSIA) or Industrial by Metro. Application of the Manufacturing Business Park (MBP) Planning District to the area as proposed in PTA 10-04 and the companion PMA-10-02 is consistent with trends in land improvement and development in the area.

**d. Property values.**

Prior to December 2002 and June 2004 the land in the SWRSIA (with the exception of the 50 acres already within the Tualatin Planning Area) was outside of the UGB and regulated by Washington County. Subsequent to the UGB expansion, the majority of the SWRSIA was given a FD20 Future Development, 20-acre minimum lot size, designation, with a few parcels in the central part of the area designated AF20 Agriculture & Forestry, 80-acre minimum lot size. With completion of the concept planning process, which includes the proposed PTA-10-04 and accompanying PMA-10-02, the area will be designated Manufacturing Business Park (MBP) Planning District by the City. All of the SWRSIA has already been included within Tualatin's Urban Planning Area. By inclusion of the study area into the UGB and, subsequently, into Tualatin's Urban Planning Area the value of property has substantially increased. The area can now be developed to urban densities consistent with the MBP Planning District designation and receive urban services, thus increasing property value. The overall industrial land market, however, will determine the final property value.

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

The Metro analysis associated with ORD. No. 02-990A, 02-969B, and 04-1040B looked at the economic needs of the entire Metro area with respect to land that should be added to the urban growth boundary (UGB). The conclusion of the analyses was to add land for industrial purposes, including Regionally Significant Industrial Area (RSIA) within the SWRSIA. At the local level, the Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. The timing of development will be market drive.

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

As proposed in PTA-10-04 and the accompanying PMA-10-02, primary access to the SWRSIA will be from an extended SW 124<sup>th</sup> Avenue south of SW Tualatin-Sherwood Road. Secondary access is planned via SW 115<sup>th</sup> and SW 120<sup>th</sup> Avenues. SW 124<sup>th</sup> Avenue is proposed to connect SW Tualatin-Sherwood Road with SW Tonquin Road and/or a future I-5 to 99W Connector in the south part of the area. In addition, the study area will incorporate several internal roadway rights-of-way.

Specific details on the functional classification, access restrictions and transportation improvement costs are identified in the attachments to PTA-10-04 and PMA-10-02. The background information on rights-of-way and access are contained in the technical appendices of the Southwest Tualatin Concept Plan.

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

Natural and cultural resources were evaluated in the Southwest Tualatin Concept Plan (pages 15-16, 2010 Update; October 11, 2010). Natural resources were found to be highly modified by historical and current land uses, and protection of waters and wetlands will constrain many land uses because regulated areas are scattered across the SWRSIA. The initial impression is that threatened and endangered species protections do not appear to impact development. A small resource area at the southeastern corner of the area, where a portion of an old railroad station exists, is designated a Historic and Cultural Resource according to the Washington County's Rural/Natural Resource Plan. According to Washington County, the greatest resource value in the planning area is for mineral and aggregate sources; and a large portion of the area is currently being mined for aggregate by Tigard Sand and Gravel. No significant natural resources were identified in the area.

PTA-10-04 proposes comprehensive plan and development regulations that promote a healthy environment and natural landscape that improves livability. The proposed new Manufacturing Business Park (MBP) Planning District is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, and a cohesive planned-development design. The companion PMA-10-02 establishes the specific planning designations. Through setbacks and landscaping requirements this area will be compatible with neighboring residential areas. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts.

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

Not applicable as no development of natural resources is proposed.

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

There is a public need for a comprehensive plan and development regulations to be established for the SWRSIA as proposed in PTA-10-04. Without comprehensive plan and development regulations in place the area could not develop under the provisions of the Tualatin Development Code (TDC) to ensure compatibility with adjoining lands, implement transportation improvements, prescribe required infrastructure to serve the area and address environmental protection requirements. Further, there is a public need for Planning Districts to be applied to the SWRSIA as proposed in PMA-10-02. Statewide Planning Goal 2 requires all parcels in each city and county to be designated with a planning district. The proposed amendment will apply the Manufacturing Business Park (MBP) Planning District to the SWRSIA. Without the proposed PTA-10-04 and its companion PMA-10-02 it would

be unknown what the permitted uses, transportation, sewer, water, storm drainage, environmental regulations, and architectural requirements would be for the area. If the City does not establish the comprehensive plan, and apply planning district designations and development regulations for the SWRSIA, property owners could apply to the City and request the type of designation or regulations they preferred without a comprehensive view of compatibility with surrounding properties within the City. The public need for healthful, safe, aesthetic surroundings and conditions will best be served by granting the amendments at this time.

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

A change has occurred in the SWCP area. Most of it (except for a 50-acre area that already was in Tualatin's Urban Planning Area) was added to the UGB by Metro in December 2002 and June 2004. Concept planning work and subsequent TDC amendments, as proposed in PTA-10-04 and PMA-10-02, are necessary to apply urban planning designations to establish the type of development that may occur in the future.

**k. A mistake in the plan map or text.**

No mistake in the plan map or text is alleged.

Criterion "D" is met.

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

Criterion "E" does not apply because the SWRSIA is not in the Tigard-Tualatin School District service area (it is in the Sherwood School District service area), and no residential uses are proposed in the planning area.

**F. Oregon Statewide Planning Goals**

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981 as complying with all the applicable Statewide Planning Goals. The Statewide Planning Goals were considered in preparation of the Southwest Tualatin Concept Plan and must be reviewed as part of the proposed PTA-10-04 and PMA-10-02; applicable goals are discussed below:

**Goal 1 – Citizen Involvement**

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

Citizen Involvement was a major component in development of the Southwest Tualatin Concept Plan. The concept planning process was guided by input from a 31-member Technical Advisory Committee (TAC) that met 12 times during the planning process from 2004 to 2010. The TAC included representatives from local, regional, state, and federal agencies, and Tigard Sand and Gravel, the majority property owner within the planning area; other property owners also were invited to and attended the TAC meetings. The broader community

was involved in the planning process through mailings to interested parties, regular postings on the project's webpage, and four public open houses (March 9, 2005; June 14, 2005; January 5, 2010; July 22, 2010). In addition, a Neighborhood Developer meeting was held on July 26, 2005, to discuss Conceptual Development Alternative 3, and on August 4, 2005, a letter with project information was mailed to over 1,700 property owners. Conceptual Development Alternative IV was created in response to public comments received during and after the July 22, 2010 Open House. Most recently, two Tailgates were held in the vicinity of the SWCP area (January 8, 2011, in Lakeview Bluff Subdivision; January 12, 2011, on SW 115<sup>th</sup> Avenue) and two Open Houses were held at the City Police Station (January 19 and 27, 2011) to solicit further comment, this time on the proposed PTA 10-04 and PMA-10-02. Throughout the process, periodic updates were posted in the City newsletter and webpage. Finally, the Tualatin Planning Advisory Committee (TPAC) received frequent briefings and the City Council received memorandums and work session briefings on the project.

The proposed amendments conform to Goal 1.

#### **Goal 2 – Land Use Planning**

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

PTA-10-04 contains comprehensive plan provisions and development regulations for future urban development of the SWRSIA. The companion PMA-10-02 establishes the specific planning district designations in the area.

The proposed amendments conform to Goal 2.

#### **Goal 3 – Agricultural Lands**

**To preserve and maintain agricultural lands.**

Goal 3 does not apply to the proposed PTA-10-04 and the accompanying PMA-10-02 as the land in the SWRSIA was identified for industrial uses by Metro through their urban growth boundary (UGB) expansion process (Metro Ord. No.02-969B, 02-990A, and 04-1040B).

#### **Goal 4 – Forest Lands**

**To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

Goal 4 does not apply to the proposed PTA-10-04 and the accompanying PMA-10-02 as the land in the SWRSIA was identified for industrial uses by Metro through their urban growth boundary (UGB) expansion process (Metro Ord. No.02-969B, 02-990A, and 04-1040B)..

#### **Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

Evaluation on Goal 5 resources occurred in the SWRSIA as part of the concept planning process. Natural resources were found to be highly modified by historical and current land uses, and protection of waters and wetlands will constrain many land uses because regulated areas are scattered across the area. The initial impression, as described in the Southwest Tualatin Concept Plan (pages 15-16, 2010 Update; October 11, 2010) is that threatened and endangered species protections do not appear to impact development. A small resource area at the southeastern corner of the area, where a portion of an old railroad station exists, is designated a Historic and Cultural Resource according to the Washington County's Rural/Natural Resource Plan. According to Washington County, the greatest resource value in the planning area is for mineral and aggregate sources; and a large portion of the area is currently being mined for aggregate by Tigard Sand and Gravel. No significant natural resources were identified in the area.

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3, thus also complying with statewide planning Goal 5. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 (and Goal 5) as well.

Further, PTA-10-04 proposes comprehensive plan and development regulations that promote a healthy environment with natural landscape and open spaces. The proposed new Manufacturing Business Park (MBP) Planning District is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, and a cohesive planned-development design. The companion PMA-10-02 establishes the specific planning designations. Through setbacks and landscaping requirements this area will be compatible with neighboring residential areas. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts.

The proposed amendments conform to Goal 5.

**Goal 6 – Air, Water and Land Resource Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

Air, water and land resource quality have been considered in development of the SWCP and appropriate measures taken to ensure that state and federal regulations will be met.

The proposed amendments conform to Goal 6.

**Goal 7 – Areas Subject to Natural Disasters and Hazards**  
**To protect people and property from natural hazards.**

According to the analysis conducted for the Southwest Tualatin Concept Plan (as summarized on pages 15-16 of the 2010 Update; October 11, 2010) and additional information obtained from a study conducted for the I-5 to 99W Connector project titled *I-5 to 99W Connector Project Alternative Analysis Report – June 2008*, portions of the SWRSIA are characterized by steep slopes greater than 40 percent gradient and some slopes that are 15 to 40 percent gradient. These slopes are most likely due to aggregate mining in the area. Along Coffee Lake Creek, there are small areas with a high liquefaction hazard, and there is an indication of possible moderate erosion hazard on the westerly portion of the planning area. It is assumed that future development that occurs in the SWRSIA will be required to conform with the comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the Manufacturing Business Park (MBP) Planning District, which includes compliance with environmental regulations contained in Chapter 63 and elsewhere in the Tualatin Development Code (TDC) to protect people and property from natural hazards.

The proposed amendments conform to Goal 7.

**Goal 8 – Recreation Needs**  
**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

Based on the industrial nature of future development in the SWRSIA, no specific recreational needs were identified. However, recreational opportunity will be provided by pedestrian trails throughout the area as proposed in PTA-10-04 and the accompanying PMA-10-02. In addition, the transportation system within the SWRSIA, which will have sidewalks and bike lanes, will link directly with the City's existing roadway system and provide links to recreational resources elsewhere in the City.

The proposed amendments conform to Goal 8.

**Goal 9 – Economy of the State**  
**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

At the recommendation of Jennifer Donnelly, Metro Regional Representative, Community Services Division, Oregon Department of Land Conservation and Development (DLCD), staff reviewed Oregon Administrative Rules (OAR), Division 9, Economic Development, the purpose of which is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)) and ORS 197.712(2)(a) to (d). Following is a discussion of pertinent parts of OAR 660-009-0000 through 0030 as they apply to the Southwest Tualatin Concept Plan (SWCP) area. The purpose of this discussion is to provide more detailed analysis and findings that address how the



comprehensive plan, development regulations, and planning districts established by PTA-10-04 and PMA-10-02 for the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) portion of the Southwest Tualatin Concept Plan area conform to Goal 9 requirements.

It should be noted that, to date, the City of Tualatin has not prepared a city-wide economic opportunities analysis (EOA). An EOA was to be prepared as part of the City's periodic review process, which was scheduled to begin in 2009, but has been delayed repeatedly due to lack of state funding assistance. It is unknown at this time when the City's periodic review process and the concurrent EOA will occur.

In the absence of an EOA upon which to base a discussion of compliance of the Southwest Tualatin Concept Plan with the requirements of Goal 9, the City has relied on analyses and findings prepared by Metro associated with Ordinances No. 02-990A, 02-969B, and 04-1040B, since these looked at the economic needs of the entire Metro area with respect to Goal 9 and land that should be added to the urban growth boundary (UGB), as well as specifically addressed lands in the Southwest Tualatin Concept Plan area and how adding these lands to the UGB responded to regional economic needs and opportunities in 2002 and 2004, when the lands were added.

In addition, where pertinent, the City has included discussion of Tualatin Development Code (TDC) Chapter 4 Community Growth, portions of which were last revised in 2006 and which is proposed to be amended by PTA-10-04 to include discussion of the Southwest Tualatin Concept Plan. The purpose of this chapter is "to portray the reasons for Tualatin's rapid economic growth; to generally define the need and proportion of specific types of land use; to define public service and natural environmental constraints to development; to describe specific growth assumptions and objectives; and to define a specific growth boundary for the City."

Finally, the discussion is supplemented by excerpts from a technical memorandum prepared by Aquilla Hurd-Ravich, Senior Planner, City of Tualatin, dated August 11, 2010, titled *Southwest Tualatin Concept Plan (Alternative IV) Fiscal Impact Analysis 2010 Update – Draft*. The memorandum prepared by Ms. Hurd-Ravich updates information contained in a July 13, 2005 technical memorandum titled *Annexation Cost Impact Analysis* prepared by Otak and Todd Chase to determine the cost and revenues generated by development in the Southwest Tualatin Concept Plan area when property annexes to the City.

#### **660-009-0010**

##### **Application**

**(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:**

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or**
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or**
- (c) Adopt a combination of the above, consistent with the requirements of this division.**

PTA-10-04 and the companion PMA-10-02 implement the Southwest Tualatin Concept Plan for 431 acres of land within the planning area referred to as the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA). This area includes approximately 50 acres of land located in the northeast part of the planning area that is currently designated Light Manufacturing (ML) on Community Plan Map 9-1. This area is proposed to be re-designated Manufacturing Business Park (MBP) consistent with the rest of the SWRSIA. The area contains a substantial amount of mature trees that provide a buffer between industrial uses in the SWRSIA and residential uses to the east. During the concept planning process residents expressed a desire to preserve this tree buffer. As a result, the Southwest Tualatin Concept Plan proposes a tree buffer and trail in this 50-acre area, which is adjacent to land located in the City's Natural Resource Protection Overlay (NRPO). PTA-10-04 and the companion PMA-10-02 propose changing the existing ML Planning District designation to MBP consistent with the rest of the SWRSIA to create a cohesive area suitable to campus industrial development while preserving the treed buffers between the MBP and residential uses to the east.

Proposed code amendment language specific to this change reads as follows:

**Chapter 9. Plan Map**

**Section 9.041 Area 11 Koch Industrial Area.**

**(2) In April 2011, the industrial land located south of SW Blake Street was removed from the Area 11 Koch Industrial Area and added to the Area 15 Southwest Manufacturing Business Park Area in accordance with the Southwest Concept Plan accepted in October 2010.**

**(5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.**

As explained above, the City of Tualatin has not prepared an economic opportunities analysis (EOA). In the absence of an EOA upon which to base a discussion of compliance of the Southwest Tualatin Concept Plan with the requirements of Goal 9, the City has relied on analyses and findings prepared by Metro associated with Ordinances No. 02-990A, 02-969B, and 04-1040B. In addition, where pertinent, the City has included discussion of Tualatin Development Code (TDC) Chapter 4 Community Growth, which was last revised in 2006 and which is proposed to be amended by PTA-10-04; and supplemented the discussion with

excerpts from fiscal impact and annexation cost impact analyses prepared for the Southwest Tualatin Concept Plan area.

**660-009-0015**

**Economic Opportunities Analysis**

**Cities and counties must review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses containing the information described in sections (1) to (4) of this rule. This analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land.**

See response to subsection (5), above.

**660-009-0020**

**Industrial and Other Employment Development Policies**

**(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:**

**(a) Community Economic Development Objectives.** The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Policy objectives may identify the level of short-term supply of land the planning area needs. Cities and counties are strongly encouraged to select a competitive short-term supply of land as a policy objective.

**(b) Commitment to Provide a Competitive Short-Term Supply.** Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.

**(c) Commitment to Provide Adequate Sites and Facilities.** The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area.

Pertinent policies related to economic development contained in TDC Chapter 4 Community Growth and responses contained elsewhere in this Analysis and Findings discussion include the following:

**Chapter 4. Community Growth**

**Section 4.050. General Growth Objectives**

**(18) Fully develop the industrial area located in Washington County west of the City only when adequate transportation facilities are available and the area has been annexed to the City and served with water and sewer services.**

PTA-10-04, along with the companion PMA 10-02, continues the objective to fully develop industrial land in Washington County west of the City while identifying an adequate transportation system and public facilities to serve the area.

**(20) Territories to be annexed shall be in the Metro Urban Growth Boundary.**

All of the SWRSIA, which is the area affected by PTA-10-04 and the companion PMA-10-02, is within the Metro urban growth boundary (UGB). In addition, all of the SWRSIA has been added to Tualatin's Urban Planning Area. After adoption of PTA-10-04 and the companion PMA-10-02, the area will be available for annexation into the City.

Goal B of the Southwest Tualatin Concept Plan is: "Ensure the SWCP meets Metro Ordinances 02-990A and 04-1040B." Ordinance 02-969B also must be addressed, since it likewise added land to the UGB in the Southwest Tualatin Concept Plan area.

According to Exhibit C to Ordinance No. 02-990A, Findings of Fact, Conclusions of Law, the Metro Council concluded that the UGB as it existed prior to adoption of Ordinance No. 02-969A did not have the capacity to accommodate employment growth to the year 2022. A need for parcels 50 to 100 acres in size for industrial use, and for parcels 100 acres or larger in size also was identified. At the same time, the Metro Council amended the Regional Framework Plan (Ordinance No. 02-969B) to improve protection of the existing industrial land base by creating a new 2040 Growth Concept design type called "Regionally Significant Industrial Land" (RSIA) and developing new limitations on commercial office and commercial retail uses in RSIA's.

Exhibit C goes on to discuss the lands included in portions of Study Areas 47 and 48, which belonged to a single owner, thus making consolidation of existing parcels into as many as four parcels larger than 50 acres practicable. "The included portions containing exception land and land designated for agriculture. As shown on maps and more fully described in materials submitted by the City of Tualatin, however, most of the portions designated for agriculture have been part of the Tigard Sand & Gravel aggregate extraction operation for many years. The topsoil has been removed from most of the site during these years of aggregate extraction. Of the nearly 20,000 acres of resource land studied as part of Task 2 of periodic review, this tract, given removal of topsoil, has the lowest capability for agriculture or forestry. The included portions of these two study areas are the highest priority land after exception land that can accommodate the need for large parcels for industrial land. Hence, the site offers the region its best opportunity on the poorest designated farmland studied to yield large parcels for industrial use."

In discussing the economy of the region, Exhibit C states: "Inclusion of the Tigard Sand and Gravel site will help the region accommodate the forecast employment to the year 2022 and the need for large parcels for industrial use." Inclusion is consistent with the economic development elements of the Washington County and City of Tualatin comprehensive plans. Conditions 6, 7 and 8 of Exhibit B will help ensure that the economic objectives of inclusion of the site will be achieved."

Conditions 6, 7 and 8 of Exhibit B are addressed elsewhere in these Analysis and Findings. The conditions and responses are repeated here for ease of review:

**6. Neither the county nor the City of Tualatin shall allow the division of a lot or parcel in the site to create a smaller lot or parcel except as part of the plan required in Condition 7 to reconfigure all of the lots and parcels that comprise the site.**

The new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA:

**64.040(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.**

- (a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.**
- (b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.**
- (c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.**
- (d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...**
- (6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.**

**7. Washington County or, upon annexation of the area to the City of Tualatin, the city shall, as part of Title 11 planning for the site in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan that results in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcel 50 acres or larger. The remainder of the site shall be configured pursuant to section 3.07.420 of Title 4 of the UGMFP, providing for protection of the portion of the site subject to Title 3 of the Metro Code.**

Attachment C shows the SWCP Preferred Concept Plan Map 2 with net acreages for identified lot-parcel reconfigurations within the SWRSIA, including the Tigard Sand and Gravel area. The largest parcel "F" includes approximately 96 net acres, and the next largest "G" 79 acres, both of which are within the Tigard Sand and Gravel area. Another reconfigured lot/parcel greater than 50 acres in size, "J" at 61 net acres, is located in the Tonquin Industrial Group area of the SWRSIA.

Upon annexation, the Manufacturing Business Park (MBP) Planning District designation that is applied to the land being annexed will meet all the requirements set forth by Metro. This means that other land in the SWRSIA, outside of the TIG properties, could annex to the City to meet both the 100-acre and 50-acre requirements before the Tonquin Industrial Group (TIG) land annexes into the City; and the City does not have to rely on the TIG land to meet any of the Title IV or RSIA-imposed conditions. The conditions are met in the code language contained in the MBP Planning District designation that is applied to the land when it is annexed and enforcement of those standards subsequent to annexation.

**8. Neither the county nor the city shall allow new commercial retail uses on the site. The county or the city may allow commercial office uses accessory to and in the same building with industrial uses.**

As indicated earlier in this section, when Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the Tigard Sand and Gravel area referred to as Area of Special Concern 2, it subjected the area for Title 11 planning and FD-20 development application purposes to the following criterion:

- New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.

In addition, no new commercial retail uses have been allowed in the Tigard Sand and Gravel area of the SWRSIA since Ordinance No. 02-990A was passed by Metro. A16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay, bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the planning area, is proposed under the MBP Planning District designation that would be implemented with PTA-10-04 and PMA-10-02 (TDC Map 9-5). Uses in this overlay area would be limited to:

- (1) General offices.
- (2) Branch banks and ATM banking kiosks.
- (3) Medical and healing arts offices.
- (4) Child day care center.
- (5) Food store.
- (6) Restaurant, without drive-up or drive through facilities.
- (7) Dry Cleaners.
- (8) Printing, copying and office services.

The maximum floor area for a single use in the MBP Commercial Services Overlay will be 3,000 square feet and the maximum building size for a building with multiple tenants will be



20,000 sq. ft., consistent with Title 11 provisions for commercial service uses in Industrial Areas.

By specifically limiting the type of industrial uses permitted in the SWCP area within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and traded-sector industries with family wage jobs in the Portland metro region. In addition, the RSIA land within the planning area will help satisfy the regional need for large-lot industrial sites (those 100 acres or larger in size).

According to Exhibit G to Ordinance No. 04-1040B, Findings of Fact, Conclusions of Law, the findings for Ordinance No. 02-969B set forth Metro's analysis of the need for land for new jobs through the year 2022. Following adoption of the December 2002 ordinances, Metro analyzed the capacity of the expanded UGB. This analysis determined that the UGB had a deficit of industrial land and a surplus of commercial land, and the Metro Council concluded that the UGB, as expanded by ordinances in December 2002, did not have sufficient capacity to accommodate the remaining unmet need for industrial land. This deficit was one reason for LCDC's July 7, 2003 remand order directing Metro to complete the accommodation of this need for industrial land.

Metro then refined the need for industrial land and defined the need as land composed generally of less than 10% slope that lies either within two miles of a freeway interchange or within one mile of an existing industrial area. A need for parcels 50 acres or larger in size for the warehouse and distribution and tech/flex sectors also was identified.

In Exhibit G, under Economic Development, the Metro Council concluded:

"Combined with the efficiency measures described in Section D of these Findings (Alternatives: Increase Capacity of the UGB), above, and actions taken in December, 2002, these additions to the UGB accommodate approximately 99 percent of the need for industrial land [identified in the 2002-2022 Urban Growth Report: An Employment Land Need Analysis (9,366 net acres)]. Given the unavoidable imprecision of the many assumptions that underlie the determination of need for industrial land – the population forecast; the employment capture rate; the industrial refill rate; employment density (particularly given changes in building types used by industry over time); the rate of encroachment by non-industrial use; and the vintage industrial relocation rate – the Council concludes that its actions in the December, 2002, ordinances and in this Ordinance No. 04-1040B provide a 20-year supply of industrial land for the region and comply with part 2 (periodic review Subtask 17) of LCDC's Partial Approval and Remand Order 03-WKTASK-001524, July 7, 2003."

Consistent with Metro's intent when it added land in the SWCP area to the UGB, the proposed PTA-10-04 and accompanying PMA-10-02 would apply the new Manufacturing Business Park (MBP) Planning District to the planning area. The purpose of the MBP, as stated in TDC

Chapter 64, reflects the need for parcels 50 acres or larger in size for the manufacturing and tech/flex sectors identified by Metro in the findings of Ordinance 04-1040B, as shown below:

**Section 64.010 Purpose.**

**The purpose of this district is to provide an environment for industrial development consistent with the Southwest Concept Plan (SWCP) (Accepted by the City in October, 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary (UGB) expansion decisions of December 2002 and June 2004.**

**The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards. Permitted uses are required to be conducted within a building and uses with unmitigated hazardous or nuisance effects are restricted. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The remainder of the area is likely to include light to medium industrial uses with some limited, local-serving commercial services.**

**The district is intended to provide for an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.**

**(2) Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.**

The proposed PTA-10-04 and PMA-10-02 adopt the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. This area represents a new land supply to the City, in that it has only been concept planned in the last 5 years and was just added to the City's urban planning area within the past year. In addition, the SWCP is a long-range plan, with a horizon year of 2030 at which time only 68% of the planning area is expected to be developed. Therefore, it is premature to adopt policies related to the short-term supply of land or detailed strategies for preparing the land supply for development. It should be noted, however, that the City recently conducted a review of future needs for land during the urban and rural reserve process. We will continue to review land supply every five years when Metro studies the 20 year supply in the Urban Growth Boundary (UGB).

**(3) Plans may include policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.**

The proposed PTA-10-04 and PMA-10-02 adopt comprehensive plan and development regulations to guide development of the SWRSIA portion of the SWCP area, which includes 431 acres of industrially-designated land.

**(4) Plan policies may emphasize the expansion of and increased productivity from existing industries and firms as a means to facilitate local economic development.**

The Manufacturing Business Park (MBP) Planning District, as proposed in PTA-10-04 and the companion PMA-10-02, does not emphasize expansion of and increased productivity from existing industries and firms in the SWCP area. Rather, it encourages redevelopment of land, the majority of which is currently occupied by an aggregate mining operation, with a mix of light industrial and high-tech uses in a corporate campus setting. The MBP is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.

**(5) Cities and counties are strongly encouraged to adopt plan policies that include brownfield redevelopment strategies for retaining land in industrial use and for qualifying them as part of the local short-term supply of land.**

The majority of the SWRSIA currently is in industrial use as an aggregate mining operation. Redeveloping the land as MBP would be consistent with this criteria.

**(6) Cities and counties are strongly encouraged to adopt plan policies pertaining to prime industrial land pursuant to OAR 660-009-0025(8).**

The majority of the SWRSIA is designated Regionally Significant Industrial Area (RSIA) by Metro. The new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA:

**64.040(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.**

**(a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.**

**(b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.**

- (c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.**
- (d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...**
- (6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.**
- (7) Cities and counties are strongly encouraged to adopt plan policies that include additional approaches to implement this division including, but not limited to:**
  - (a) Tax incentives and disincentives;**
  - (b) Land use controls and ordinances;**
  - (c) Preferential tax assessments;**
  - (d) Capital improvement programming;**
  - (e) Property acquisition techniques;**
  - (f) Public/private partnerships; and**
  - (g) Intergovernmental agreements.**

The proposed PTA-10-04 and companion PMA-10-02 adopt the comprehensive plan and development regulations to guide development in the SWRSIA portion of the SWCP area. In addition, the other identified approaches were addressed and discussed as part of the concept planning process, particularly with respect to funding options for design and construction of new or improved transportation and public utility infrastructure, as well as environmental and other permitting and legal fees.

#### **660-009-0025**

##### **Designation of Lands for Industrial and Other Employment Uses**

**Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.**

**(1) Identification of Needed Sites.** The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

The Metro analysis associated with ORD. No. 02-990A, 02-969B, and 04-1040B looked at the economic needs of the entire Metro area with respect to land that should be added to the urban growth boundary (UGB). The conclusion of the analyses was to add land for industrial

purposes, including Regionally Significant Industrial Area (RSIA) within the SWRSIA.

At the local level, the Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. The timing of development will be market driven.

By specifically limiting the type of industrial uses permitted in the SWCP area within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and traded-sector industries with family wage jobs in the Portland metro region. In addition, the RSIA land within the planning area will help satisfy the regional need for large-lot industrial sites (those 100 acres or larger in size). Map 2 of the SWCP, as shown in Attachment C shows the approximate size of each intended parcel within the planning area.

**(2) Total Land Supply. Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.**

As discussed earlier in this section, the proposed PTA-10-04 and PMA-10-02 adopt the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. This area represents a new land supply to the City, in that it has only been concept planned in the last 5 years and was just added to the City's urban planning area within the past year. Further, the SWCP is a long-range plan, with a horizon year of 2030 at which time only 68% of the planning area is expected to be developed. Finally, as explained at the beginning of this discussion, the City of Tualatin has not prepared an economic opportunities analysis (EOA). In the absence of an EOA upon which to base a discussion of compliance of the SWCP with the requirements of Goal 9, the City has relied on analyses and findings prepared by Metro associated with Ordinances No. 02-990A, 02-969B, and 04-1040B; discussion of Tualatin Development Code (TDC) Chapter 4 Community Growth; and excerpts from fiscal impact and annexation cost impact analyses prepared for the Southwest Tualatin Concept Plan area. Therefore, it is premature to determine the total and short-term land supply needs as required by this and subsequent sections of the rule.

**(3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).**

- (a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.**
- (b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.**
- (c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.**

See response to item (2) above.

- (4) If cities and counties are required to prepare a public facility plan or transportation system plan by OAR chapter 660, division 011 or division 012, the city or county must complete subsections (a) to (c) of this section at the time of periodic review. Requirements of this rule apply only to city and county decisions made at the time of periodic review. Subsequent implementation of or amendments to the comprehensive plan or the public facility plan that change the supply of serviceable land are not subject to the requirements of this section.**

As noted earlier in this discussion, the City of Tualatin has not prepared a city-wide economic opportunities analysis (EOA). An EOA was to be prepared as part of the City's periodic review process, which was scheduled to begin in 2009, but has been delayed repeatedly due to lack of state funding assistance. It is unknown at this time when the City's periodic review process and the concurrent EOA will occur. However, consistent with the requirements of Metro Title 11 Concept Planning, an infrastructure analysis, a fiscal impact analysis, and a transportation analysis was performed as part of the concept planning process for the SWCP.

- (6) Compatibility. Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designation, and limiting non-essential uses within districts.**

Metro as part of ORD No. 02-969B, 02-990A and 04-1040B evaluated and determined that additional land was necessary in the Portland region for industrial development and included the SWRSIA in the UGB (except for a 50-acre area that had already been added to the UGB prior to 2002 and was already within Tualatin's Planning Area). PTA-10-04, along with its companion PMA-10-02, establishes the comprehensive plan and applies planning district designations and development regulations that allow the transition from rural to urban land uses by applying the Manufacturing Business Park (MBP) Planning District to the SWRSIA. The new Manufacturing Business Park Planning District (MBP) that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings,



ample employee parking and other amenities appropriate to an employee-oriented activity. The district also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts adjacent to residential planning districts. These provisions will accommodate urban population and employment inside the UGB, while providing compatibility and consistency with abutting planning district designations.

**(7) Availability.** Cities and counties may consider land availability when designating the short-term supply of land. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market. Methods for determining lack of availability include, but are not limited to:

- (a) Bona fide offers for purchase or purchase options in excess of real market value have been rejected in the last 24 months;**
- (b) A site is listed for sale at more than 150 percent of real market values;**
- (c) An owner has not made timely response to inquiries from local or state economic development officials; or**
- (d) Sites in an industrial or other employment land category lack diversity of ownership within a planning area when a single owner or entity controls more than 51 percent of those sites.**

Land within the SWCP area is not expected to be available for sale in the near-term future. Tigard Sand & Gravel, which occupies the majority of the SWRSIA of the SWCP area is currently a working aggregate mining operation, which expects to continue operation for at least the next 5 years. The SWCP is a long-range plan, with a horizon year of 2030 at which time only 68% of the planning area is expected to be developed.

**(8) Uses with Special Siting Characteristics.** Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

- (a) Identify sites suitable for the proposed use;**
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and**
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.**

As discussed earlier in this section, the majority of the SWRSIA is designated Regionally Significant Industrial Area (RSIA) by Metro. The new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA:

**64.040(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.**

**(a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.**

**(b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.**

**(c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.**

**(d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...**

**(6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.**

#### **660-009-0030**

##### **Multi-Jurisdiction Coordination**

**(1) Cities and counties are strongly encouraged to coordinate when implementing OAR 660-009-0015 to 660-009-0025.**

**(2) Jurisdictions that coordinate under this rule may:**

**(a) Conduct a single coordinated economic opportunities analysis; and**

**(b) Designate lands among the coordinating jurisdictions in a mutually agreed proportion.**

Development of the SWCP was in cooperation with Metro, ODOT, Tri-Met, Washington County, and other surrounding organizations and jurisdictions to resolve regional and statewide transportation and planning issues that impact Tualatin. Of particular import with respect to the SWRSIA are connections between I-5 and Highway 99W for freight traffic and industrial users. The list of participating agencies that served on the Technical advisory Committee (TAC) is included in Attachment G. Similar coordination will occur during the City's periodic review and EOA process.

The proposed amendments conform to Goal 9.

### **Goal 11 - Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

The SWRSIA includes approximately 431 gross acres of land. The SWCP identifies how sewer, water and storm drainage could be provided to the area, and provides the details for these infrastructure elements and respective costs. With respect to sewer and storm drainage facilities, properties within the SWRSIA will need to be annexed into the Clean Water Services (CWS) service area prior to receiving service. For public services the area will be served by the City of Tualatin Police Department when annexed. Until annexation the area will be served by Washington County Sheriff's Department. Fire Service is currently provided by Tualatin Valley Fire & Rescue and, upon annexation, TVF&R will continue to serve the area.

The proposed amendments conform to Goal 11.

### **Goal 12 – Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA that is adequate to handle truck and automobile trips as the area develops in the future in such a way to encourage industrial development while preserving existing residential neighborhoods to the east, minimizing industrial traffic and congestion in the Town Center area, and successfully implementing the City's economic development goals.

The effects of the proposed transportation system with respect to local, regional, state and federal policies was addressed as part of the planning process for the Southwest Tualatin Concept Plan. Included in this analysis was an evaluation of Transportation Planning Rule (TPR) requirements pertaining to plan and land use regulation amendments as contained in Oregon Administrative Rules section 660-012-0060. Per this rule, proposed changes to land use plans must determine whether the proposed change would create a "significant effect" on the planned transportation system. The Kittelson & Associates, Inc., Technical Memorandum *2010 Concept Plan Alternative Without a Blake Street Connection* (July 27, 2010) makes the following TPR findings:

- The adopted Tualatin and Washington County TSPs and the adopted [2035] Regional Transportation Plan assumed that urbanization would occur in the SWCP area prior to those three plans' respective horizon years.
- The three plans' traffic analyses were based on data from Metro's regional transportation model that included the trip-generation effects of urbanization in the Concept Plan area.
- The level of development now anticipated within the Concept Plan area by the three plans' horizon years is less than the level of development assumed in the Metro model versions for the same horizon years.

The memo concludes that since all three plans (1) have been adopted, (2) assumed the planning area would be rezoned in the future to allow urban levels of development, and (3) assumed a more intense level of urbanization by their respective horizon years than is reasonably likely to occur, amending the Tualatin Development Code (TDC) to incorporate community planning district designations for the SWRSIA will not create a TPR significant effect, on the basis of the Land Use Board of Appeal's (LUBA's) rulings in *Mason v. City of Corvallis* and *Just v. City of Lebanon*.

Further, the Oregon Department of Transportation, in a December 9, 2010 email from Marah B. Danielson, Senior Planner, ODOT Region 1 Planning (Attachment I), made the following comment:

"I was able to obtain information from Metro that they have accepted the City's buildout rate that was used for the plan area. Therefore, since the trips generated by the site do not exceed the trips allocated to this area in the 2035 RTP [Regional Transportation Plan] ODOT has determined that there will not be a 'significant effect' on State highway facilities and we do not need additional information when the City of Tualatin moves forward with adopting the comprehensive plan designations and zoning for the SW Tualatin Concept Plan."

The proposed amendments conform to Goal 12.

**Goal 13: Energy Conservation**  
**To conserve energy.**

PTA-10-04, and the companion PMA-10-02, establishes a comprehensive plan and applies planning district designations and development regulations that promote energy efficiency by proposing a new Manufacturing Business Park (MBP) Planning District that is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, and other amenities appropriate to an employee-oriented activity. All streets within the SWRSIA would have bike lanes and sidewalks, and there are several pedestrian trails proposed as well, which will contribute to energy efficiency. Inclusion of local serving commercial services in the Manufacturing Business Park Commercial Services Overlay area north of SW Blake Street west of SW 120<sup>th</sup> Avenue is designed to reduce the number of local trips by employees to the downtown area of the City, as well as to take advantage of transit service in the event such service is provided on SW Tualatin-Sherwood Road or elsewhere in the planning area in the future. Coordinated design and development allows for maximized use of transportation systems and public facilities in the area, thereby further increasing energy efficiency.

The proposed amendments conform to Goal 13.

**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

Metro as part of ORD No. 02-969B, 02-990A and 04-1040B evaluated and determined that additional land was necessary in the Portland region for industrial development and included the SWRSIA in the UGB (except for a 50-acre area that had already been added to the UGB prior to 2002 and was already within Tualatin's Planning Area). PTA-10-04, along with its companion PMA-10-02, establishes the comprehensive plan and applies planning district designations and development regulations that allow the transition from rural to urban land uses by applying the Manufacturing Business Park (MBP) Planning District to the SWRSIA. These provisions will accommodate urban population and employment inside the UGB, while providing compatibility and consistency with abutting planning district designations.

Without the comprehensive plan and development regulations established by PTA-10-04 and the companion PMA-10-02 in place, the SWRSIA could not develop under the provisions of the Tualatin Development Code (TDC) to ensure compatibility with adjoining lands, implement transportation improvements, prescribe required infrastructure to serve the Concept Plan area and address environmental protection requirements. Further, Statewide Planning Goal 2 requires all parcels in each city and county to be designated with a planning district, as is proposed in PMA-10-02 for the SWRSIA. Without the proposed PTA-10-04 and its companion PMA-10-02 it would be unknown what the permitted uses, transportation, sewer, water, storm drainage, environmental regulations, and architectural requirements would be for the area. If the City does not establish the comprehensive plan, and apply planning district designations and development regulations for the SWRSIA, property owners could apply to the City and request the type of designation or regulations they preferred without a comprehensive view of compatibility with surrounding properties within the City. Efficient use of land and development of healthful, safe, aesthetic surroundings and conditions will best be ensured with the proposed amendments.

The proposed amendments conform to Goal 14.

Criterion "F" is met.

#### **G. Metro's Urban Growth Management Functional Plan (MUGMFP).**

The Metro Urban Growth Management Functional Plan (MUGMFP) was approved November 21, 1996, by the Metro Council, and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. The Functional Plan must be addressed when Community Plan Text and Map Amendments are proposed through the quasi-judicial or legislative processes. Specifically, *Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan* must be addressed, including the applicable Titles. Following is a discussion of those Titles of the MUGMFP that apply to the proposed PTA-10-04 and the companion PMA-10-02.

## **Title 1 – Requirements for Housing and Employment Accommodation**

**This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.**

PTA-10-04 and the companion PMA-10-02 will apply the new Manufacturing Business Park (MBP) Planning District to the SWRSIA, with a small area north of SW Blake Street designated with the Manufacturing Business Park Commercial Services Overlay to allow limited local serving commercial uses. The Design Type (as approved in Tualatin's compliance with the Functional Plan) for this area would be IA, Industrial Area (TDC Figure 9-4), which anticipates industrial development. Therefore, additional employment opportunities will be provided if PTA-10-04 and PMA-10-02 are approved. Housing opportunities are not applicable as the proposed planning district designations are for industrial and limited commercial uses. The proposed amendments provide an opportunity to increase employment densities to accommodate growth without changing housing opportunities in the City.

The proposed amendments are consistent with Title 1.

## **Title 2 – Regional Parking Policy**

**This title establishes regionwide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified.**

Title 2 of the MUGMFP was repealed by Metro ORD. No. 10-1241B (adopted by Metro Council on June 10, 2010), and was moved in its entirety to Metro Code Chapter 3.08 Regional Transportation Functional Plan (RTFP) as Title 4 Regional Parking Management. This section discusses Title 4 Regional Parking Management as it applies to the Southwest Tualatin Concept Plan (SWCP) area. Supporting tables and figures in the attachments to this Analysis and Findings for PTA-10-04 and PMA-10-02 that are relevant to this discussion include: Amended Figure 73-3 Parking Maximum Map in Attachment D; and Attachment H, which contains excerpts from the table of Off-Street Parking Provisions [TDC 73.370(2)].

## **Metro Code Chapter 3.08, Regional Transportation Functional Plan**

### **Title 4 – Regional Parking Management**

#### **3.08.410 Parking Management**

**A. Cities and county parking regulations shall establish parking ratios, consistent with the following:**

- 1. No minimum ratios higher than those shown on Table 3.08-3.**
- 2. No maximum ratios higher than those shown on Table 3.08-3 and illustrated in the Parking Maximum Map. If 20-minute peak hour transit service has become available**



**to an area within a one-quarter mile walking distance for bus transit or one-half mile walking distance from a high capacity transit station, that area shall be added to Zone A. If 20-minute peak hour transit service is no longer available to an area within a one-quarter mile walking distance for bus transit or one-half mile walking distance from a high capacity transit station, that area shall be removed from Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within one-third mile walk) from adjacent residential areas.**

Future development that occurs in the Southwest Tualatin Concept Plan area and specifically in the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) portion of the planning area will be required to conform to the comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the Manufacturing Business Park (MBP) Planning District. This will include compliance with Tualatin Development Code (TDC) Chapter 73 Community Design Standards, which establishes off-street parking and loading provisions in Section 73.370 that would regulate minimum and maximum parking ratios in the planning area. As shown on Figure 73-3 Parking Maximum Map in Attachment D, the SWRSIA would be in Zone B, since it would not meet Zone A criteria as defined by Title 4 of Metro Code Chapter 3.08. Maximum motor vehicle parking requirements in the SWRSIA would be as shown in the table contained in Section 73.370 of the TDC (excerpts of which are included in Attachment H of this Supplement 2 for reference), consistent with Table 3.08-3 Regional Parking Ratios of the Regional Transportation Functional Plan (RTFP).

**B. Cities and counties may establish a process for variances from minimum and maximum parking ratios that includes criteria for a variance.**

Future development in the SWRSIA portion of the Southwest Tualatin Concept Plan area will be required to comply with the comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the MBP Planning District. This will include compliance with TDC Chapter 33 Variances. A variance may be requested to TDC Chapter 73, which includes the off-street parking and loading provisions discussed under (A) above. Conditions for granting a variance are contained in TDC Section 33.020.

**F. Cities and counties shall require that parking lots more than three acres in size provide street-like features, including curbs, sidewalks and street trees or planting strips. Major driveways in new residential and mixed-use areas shall meet the connectivity standards for full street connections in section 3.08.110, and should line up with surrounding streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants that existed prior to May 1, 1995, or the requirements of Titles 3 and 13 of the UGMFP.**

As stated above, future development in the SWRSIA portion of the Southwest Tualatin Concept Plan area will be required to comply with comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the MBP Planning District. This will

include compliance with TDC Chapter 73 Community Design Standards, which establishes site planning standards in Section 73.160, and off-street parking lot landscaping standards in Sections 73.340 and 73.360, and TDC Chapter 75 Access Management, which regulates driveway access and connectivity with the transportation system. Compliance with the TDC regulations will ensure that the requirements of this subsection of Title 4 of Metro Code Chapter 3.08 are met.

**H. To encourage the use of bicycles and ensure adequate bicycle parking for different land uses, cities and counties shall establish short-term (stays of less than four hours) and long-term (stays of more than four hours and all-day/monthly) bicycles parking minimums for:**

**2. New retail, office and institutional developments;**

Future development in the SWRSIA portion of the Southwest Tualatin Concept Plan area will be required to comply with comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the MBP Planning District. Bicycle parking requirements in the SWRSIA would be as shown in the table contained in Section 73.370 of the TDC (excerpts of which are included in Attachment H of this Supplement 2 for reference). TDC Sections 73.370(n)-(v) establish access and design standards for bicycle parking.

The proposed amendments are consistent with Title 4 Regional Parking Management of Metro Code Chapter 3.08 Regional Transportation Functional Plan (RTFP),

**Title 3 – Water Quality, Flood Management, and Fish and Wildlife Conservation**

**The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. Title 3 specifically implements the Oregon Statewide Land Use Goals 6 and 7 by protecting streams, rivers, wetlands and floodplains by avoiding, limiting or mitigating the impact on these areas from development.**

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

With respect to the Southwest Tualatin Concept Plan, according to the analysis conducted for the Southwest Tualatin Concept Plan (as summarized on pages 15-16 of the 2010 Update; October 11, 2010) and additional information obtained from a study conducted for the I-5 to 99W Connector project titled *I-5 to 99W Connector Project Alternative Analysis Report – June 2008*, portions of the study area are characterized by steep slopes greater than 40 percent gradient and some slopes that are 15 to 40 percent gradient. These slopes are most likely due to aggregate mining in the planning area. Along Coffee Lake Creek, there are small areas with a high liquefaction hazard, and there is an indication of possible moderate erosion hazard on the westerly portion of the SWRSIA. In addition, air, water and land resource quality have been considered and appropriate measures taken to ensure that state and federal regulations will be met. Further, it is assumed that future development that occurs in the SWRSIA will be required to conform with the comprehensive plan and development regulations established by PTA-10-04 and PMA-10-02 for the Manufacturing Business Park (MBP) Planning District, which includes compliance with environmental regulations contained in Chapter 63 and elsewhere in the Tualatin Development Code (TDC) to protect people and property from natural hazards.

The proposed amendments are consistent with Title 3.

#### **Title 4 – Industrial and Other Employment Areas**

##### **3.07.410 Purpose and Intent**

**The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and service and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.**

The Metro analysis associated with ORD. No. 02-969B, 02-990A, and 04-1040B looked at the economic needs of the entire Metro area with respect to land that should be added to the urban growth boundary (UGB). The conclusion of the analyses was to add land for industrial purposes, including Regionally Significant Industrial Area (RSIA) within the SWRSIA.

At the local level, the Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay area bounded by SW Blake Street on the south and SW Iteel Street on the north in the north part of the planning area. Permitted uses within the MBP Planning District will be limited to the following:

- (1) Research and development offices and laboratories for chemical, engineering, and physical sciences; medical and pharmaceutical products; alternative energy production from sources such as solar and wind; industrial products and consumer products.

- (2) Manufacture, assembly and production uses except the uses and activities listed as prohibited in 64.040:
- (3) Food and beverage product processing and packaging.
- (4) Metal fabrication (light to medium) (of unfinished or semi-finished metals).
- (5) Molding of products from plastic and ceramic materials.
- (6) Printing and publishing.
- (7) Warehousing related to the above uses.
- (8) Offices when part of a manufacturing use as listed in (1) through (7) above.
- (9) Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.
- (10) Private parking lot improved and landscaped in accordance with TDC Chapter 73.
- (11) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (12) Sewer and Water Pump Station, Pressure Reading Station. Water Reservoir.
- (13) Public works shop and storage yard.
- (14) Electrical substation.
- (15) Natural gas pumping station.
- (16) Wireless communication facility attached.
- (17) Transportation Facilities and Improvements.
- (18) Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use.
- (19) Other uses of similar character, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070.

Conditional uses in the MBP Planning District will be limited to:

- (1) Wireless communication facility.
- (2) Training center and facilities for primarily industrial activities.
- (3) Film and video production.
- (4) Caretaker residence.
- (5) Call center or customer service center.
- (6) Data processing or data storage center.

Local serving commercial uses permitted in the MBP Commercial Services Overlay will be limited to:

- (1) General offices.
- (2) Branch banks and ATM banking kiosks.
- (3) Medical and healing arts offices.
- (4) Child day care center.
- (5) Food store.
- (6) Restaurant, without drive-up or drive through facilities.
- (7) Dry Cleaners.
- (8) Printing, copying and office services.

The maximum floor area for a single use in the Commercial Services Overlay will be 3,000 square feet and the maximum building size for a building with multiple tenants will be 20,000 sq. ft.

By specifically limiting the type of industrial uses permitted in the SWCP area within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and traded-sector industries with family wage jobs in the Portland metro region. In addition, the RSIA land within the planning area will help satisfy the regional need for large-lot industrial sites (those 100 acres or larger in size).

### **3.07.420 Protection of Regionally Significant Industrial Areas**

**A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.**

The Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay area bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. By specifically limiting the type of industrial uses permitted in the planning area within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and as well as protect the overall amount of RSIAs in the Portland metro area.

**B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices – to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:**

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

Local serving commercial uses as proposed in PTA-10-04 and the companion PMA-10-02 will be limited to the area designated Manufacturing Business Park Commercial Services Overlay area bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. The maximum floor area for a single use in the MBP Commercial Services Overlay will be 3,000 square feet and the maximum building size for a building with multiple tenants will be 20,000 sq. ft. Uses are designed to serve primarily the needs of workers in the planning area. Training centers and facilities for primarily industrial activities will be allowed as a conditional use in the Manufacturing Business Park (MBP) Planning District.

**C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan or require added road capacity to prevent falling below the standards.**

The Regional Freight Network map contained in the 2035 Regional Freight Plan, which is part of the 2035 RTP, identifies Highway 99W as a main roadway route, and SW Tualatin Sherwood Road and SW 124<sup>th</sup> Avenue as road connectors. By specifically limiting the type of non-industrial uses permitted in the SWRSIA within the MBP Commercial Services Overlay to those designed to serve primarily the needs of workers in the SWRSIA, and not locating the Overlay area directly on SW Tualatin-Sherwood Road, the proposed PTA-10-04 and companion PMA-10-02 will help ensure that the uses do not reduce off-peak performance on these main roadway routes and connectors or require added road capacity to prevent falling below standards.

**D. Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA.**

The Manufacturing Business Park (MBP) Planning District, as proposed in PTA-10-04 and the companion PMA-10-02, does not allow schools, places of assembly or parks intended to serve people other than those working or residing in the SWRSIA as permitted or



conditional uses. Places of assembly are proposed to be expressly prohibited within the MBP Planning District.

**E. No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.**

As discussed under subsection B, above, the proposed PTA-10-04 and accompanying PMA-10-02 would not authorize uses other than those described in subsection B. Further, no uses that were not authorized prior to July 1, 2004, would be allowed.

**F. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:**

- 1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.**
- 2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.**
- 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph 2 of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.**
- 4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:**
  - a. To provide public facilities and services;**
  - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;**
  - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or**
  - d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.**

The new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA consistent with subsection F:

**64.040(1)** Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.

(a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.

(b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.

(c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.

(d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...

(6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.

**G.** Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

Chapter 35, Nonconforming Uses, Structures and Signs, will apply to land within the SWRSIA following approval of PTA-10-04 and PMA-10-02 and annexation of any property within the planning area into the City.

### **3.07.430 Protection of Industrial Areas**

**A.** Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in

**multiple buildings that are part of the same development project, with the following exceptions:**

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

The Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay area bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. By specifically limiting the type of industrial uses permitted within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and as well as protect the overall amount of industrial land in the Portland metro area.

As discussed above, local serving commercial uses as proposed in PTA-10-04 and the companion PMA-10-02 will be limited to the area designated Manufacturing Business Park Commercial Services Overlay area between SW Blake Street and SW Itel Street in the north part of the SWRSIA. The maximum floor area for a single use in the MBP Commercial Services Overlay will be 3,000 square feet and the maximum building size for a building with multiple tenants will be 20,000 sq. ft. Uses are designed to serve primarily the needs of workers in the planning area. Training centers and facilities for primarily industrial activities will be allowed as a conditional use in the Manufacturing Business Park (MBP) Planning District.

### **3.07.450 Employment and Industrial Areas Map**

**A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.**

**B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer (COO) shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.**

In order to establish a comprehensive plan and development regulations for the SWRSIA, PTA-10-04 proposes amendments to several chapters of the TDC and adds a new Chapter 64 Manufacturing Business Park Planning District (MBP). The companion PMA-10-02 designates the planning area with the City's Planning District designations. The Manufacturing Business Park (MBP) Planning District designation as proposed in PTA-10-04 and the companion PMA-10-02 will allow for approximately 352 net buildable acres of future development, including approximately 336 net acres for industrial uses and a 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay area between SW Blake Street on the south and SW Itel Street on the north in the north part of the SWRSIA. By specifically limiting the type of industrial uses permitted within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and Industrial Area designations made by Metro when the SWRSIA was added to the urban growth boundary (UGB) in December 2002 and June 2004. PTA-10-04 includes an amended Map 9-4: Design Type Boundaries, which shows the boundaries established through the concept planning process including the expanded boundary of the Industrial Area (IA) Design Type to include the SWRSIA (see Attachment D).

The proposed amendments are consistent with Title 4.

#### **Title 5 – Neighbor Cities and Rural Reserves**

**This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city. The intent is to protect the land along these corridors from continuous strip development to maintain their rural character and agricultural economy. Metro's neighboring cities are Canby, Sandy and North Plains.**

The SWRSIA does not have a Green Corridor designation; therefore, Title 5 does not apply to PTA-10-04 and the companion PMA-10-02.

#### **Title 6 – Central City, Regional Centers, Town Centers and Station Communities**

**The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers.**

The SWRSIA is not proposed as a Central City, Regional Center, Town Center or Station Community; therefore, Title 6 does not apply to PTA-10-04 and the accompanying PMA 10-02.

#### **Title 7 – Affordable Housing**

**This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.**

Title 7 does not apply to the proposed PTA-10-04 and the companion PMA-10-02 because no residential use is proposed in the SWRSIA, as required by Metro when the land was brought into the urban growth boundary (UGB).

## **Title 11 – Planning for New Urban Areas**

### **3.07.1105 Purpose and Intent**

**The purpose of Title 11 is to require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept.**

The purpose of the concept planning process is to provide long-range planning for the SWRSIA to ensure that lands within it are urbanized efficiently. Land within the SWRSIA was added to the urban growth boundary (UGB) by Metro in 2002 and 2004. Most of the land was designated Regionally Significant Industrial Area (RSIA) with the remainder designated Industrial. All of the SWRSIA is within Tualatin's Urban Planning Area. . After adoption of PTA-10-04 and the companion PMA-10-02, areas that are within Tualatin's Urban Planning Area will be available for annexation into the City.

### **3.07.1110 Interim Protection of Areas Brought into the Urban Growth Boundary**

**Until the effective date of amendments to comprehensive plans and implementing land use regulations that comply with Section 3.07.1120, the city or county responsible for planning territory added to the UGB shall not approve:**

- A. A land use regulation or zoning map amendment specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the UGB amendment;**
- B. A land use regulation or zoning map amendment specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the UGB amendment;**
- C. A land division or partition that would result in the creation of a new lot or parcel less than 20 acres in size, except to create lots or parcels for public facilities and services as defined in Metro Code Section 3.01.010 or a new public school;**
- D. In an area identified by the Metro Council in the ordinance adding the area to the UGB as a Regionally Significant Industrial Area:**
  - 1. A commercial use that is not accessory to industrial uses in the area; and**
  - 2. A school, church or other institutional or community service use intended to serve people who do not work or reside in the area.**

On October 23, 2007, Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1988. As stated in Ordinance No. 686: "The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."

With specific reference to the Tigard Sand and Gravel area, which the ordinance refers to as Area of Special Concern 2, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- New Commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
- Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.

With specific reference to the Tonquin Industrial Group area, which the ordinance refers to as Area of Special Concern 3, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- Future lot-parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.
- New commercial retail uses are prohibited.

With specific reference to the 80 gross acres located in the southwest part of the SWRSIA, west of the Tonquin Industrial Group area, and in the northwest part of the SWRSIA immediately south of SW Tualatin-Sherwood Road brought into the UGB by Metro Ordinance 04-1040B, which the Ordinance No. 686 refers to as Area of Special Concern 4, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.
- The Title 11 planning required by Metro shall:
  - Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - Incorporate the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.
  - Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.

### **3.07.1120 Planning for Areas Added to the UGB**

**All territory added to the UGB as either a major amendment or a legislative amendment**



**pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO [Regional Urban Growth Goals and Objectives], including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:**

**A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the area to the UGB.**

PTA-10-04 and the companion PMA-10-02 will apply the new Manufacturing Business Park (MBP) Planning District to the SWRSIA, with a small area north of SW Blake Street designated with the Manufacturing Business Park Commercial Services Overlay to allow limited local serving commercial uses. The Design Type (as approved in Tualatin's compliance with the Functional Plan) for the planning area would be IA, Industrial Area (TDC Figure 9-4), which anticipates industrial development. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and Industrial Area designations made by Metro when the area was added to the urban growth boundary (UGB) in December 2002 and June 2004.

**B. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.**

The SWRSIA is within Tualatin's Urban Planning Area. After adoption of PTA-10-04 and the companion PMA-10-02, areas will be available for annexation into the City. With respect to sewer and storm drainage facilities, properties within the SWRSIA will need to be annexed into the Clean Water Services (CWS) service area prior to receiving service. For public services the area will be served by the City of Tualatin Police Department when annexed. Until annexation the area will be served by Washington County Sheriff's Department. Fire Service is currently provided by Tualatin Valley Fire & Rescue and, upon annexation, TVF&R will continue to serve the area.

**C. Provisions for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.**

**D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.**

**E. Demonstration of how residential developments will include, without public**

**subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.**

These requirements do not apply to the proposed PTA-10-04 and the companion PMA-10-02 because no residential use is proposed in the SWRSIA, as required by Metro when the land was brought into the UGB.

**F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.**

As discussed under Item A, above, PTA-10-04 and the companion PMA-10-02 will apply the new Manufacturing Business Park (MBP) Planning District to the SWRSIA, with a small area north of SW Blake Street designated with the Manufacturing Business Park Commercial Services Overlay to allow limited local serving commercial uses. The Design Type (as approved in Tualatin's compliance with the Functional Plan) for the planning area would be IA, Industrial Area (TDC Figure 9-4), which anticipates industrial development in this primarily Regionally Significant Industrial Area (RSIA) consistent with Metro's intent when the area was added to the UGB in December 2002 and June 2004.

**G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources, either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.**

As discussed earlier in this Analysis and Findings under Statewide Planning Goal 12, Transportation, PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA. This system is adequate to handle truck and automobile trips as the area develops in the future in such a way to encourage industrial development while preserving existing residential neighborhoods to the east, minimizing industrial traffic and congestion in the Town Center area, and successfully implementing the City's economic development goals.

The effects of the proposed transportation system with respect to local, regional, state and federal policies was addressed as part of the planning process for the Southwest Tualatin

Concept Plan. Included in this analysis was an evaluation of Transportation Planning Rule (TPR) requirements pertaining to plan and land use regulation amendments as contained in Oregon Administrative Rules section 660-012-0060. The Kittelson & Associates, Inc., Technical Memorandum *2010 Concept Plan Alternative Without a Blake Street Connection* (July 27, 2010) concludes that amending the Tualatin Development Code (TDC) to incorporate planning district designations for the SWRSIA will not create a TPR significant effect. Further, the Oregon Department of Transportation, in a December 9, 2010 email from Marah B. Danielson, Senior Planner, ODOT Region 1 Planning (Attachment I), made the following comment:

“...since the trips generated by the site do not exceed the trips allocated to this area in the 2035 RTP [Regional Transportation Plan] ODOT has determined that there will not be a ‘significant effect’ on State highway facilities and we do not need additional information when the City of Tualatin moves forward with adopting the comprehensive plan designations and zoning for the SW Tualatin Concept Plan.”

**H. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.**

Natural and cultural resources were evaluated in the Southwest Tualatin Concept Plan planning process (pages 15-16, 2010 Update, summarize this evaluation; October 11, 2010; Appendix K of the Concept Plan contains the Existing Conditions Technical Memorandum). Natural resources were found to be highly modified by historical and current land uses, and protection of waters and wetlands will constrain many land uses because regulated areas are scattered across the area. The initial impression is that threatened and endangered species protections do not appear to impact development. A small resource area at the southeastern corner of the planning area, where a portion of an old railroad station exists, is designated a Historic and Cultural Resource according to the Washington County's Rural/Natural Resource Plan. According to Washington County, the greatest resource value in the planning area is for mineral and aggregate sources; and a large portion of the area is currently being mined for aggregate by Tigard Sand and Gravel. No significant natural resources were identified in the area.

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3, thus also complying with statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces). Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

**I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.**

The SWRSIA includes approximately 431 gross acres of land. The SWCP identifies how sewer, water and storm drainage could be provided to the area, and provides the details for these infrastructure elements and respective costs. With respect to sewer and storm drainage facilities, properties within the SWRSIA will need to be annexed into the Clean Water Services (CWS) service area prior to receiving service. For public services the area will be served by the City of Tualatin Police Department when annexed. Until annexation the area will be served by Washington County Sheriff's Department. Fire Service is currently provided by Tualatin Valley Fire & Rescue and, upon annexation, TVF&R will continue to serve the area. The Fiscal Impact Analysis prepared as part of the Southwest Tualatin Concept Plan determined the cost and revenues that would be generated by development in the planning area when property annexes to the City. The study analyzed revenue from property tax, franchise fees, and other potential revenue sources and compared that estimate to the costs the City could incur.

**J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.**

This requirement does not apply to the proposed PTA-10-04 and the companion PMA-10-02 because no residential use is proposed in the SWRSIA and, therefore, no public school facilities will be affected by development within the planning area.

**K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:**

- 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm**

- sewer and water to demonstrate that the area can be served;
2. **Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;**
  3. **Location of Habitat Conservation Areas;**
  4. **General locations for mixed use areas, commercial and industrial lands;**
  5. **General locations for single and multi-family housing;**
  6. **General locations for public open space, plazas and neighborhood centers; and**
  7. **General locations or alternative locations for any needed school, park or fire hall sites.**

All of the above elements are depicted, where applicable, on Figures 2 through 5 of the Southwest Tualatin Concept Plan. Specifically, Figure 2 depicts existing conditions, including easements, wetlands and streams; Figure 3 shows the Preferred Concept Plan map with roads, sidewalks and trails, easements and green space, industrial and mixed-use areas, and a potential transit hub; Figure 4 depicts water and wastewater infrastructure; and Figure 5 shows natural resources.

**L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.**

This requirement does not apply to the proposed PTA-10-04 and the companion PMA-10-02 because no residential use is proposed in the SWRSIA, as required by Metro when the land was brought into the UGB.

**M. The plan amendments shall be coordinated among the city, county, school district and other service districts.**

Development of the Southwest Tualatin Concept Plan was in cooperation with Metro, ODOT, Tri-Met, Washington County, and other surrounding organizations and jurisdictions to resolve regional and statewide transportation issues that impact Tualatin. Of particular import with respect to the SWRSIA are connections between I-5 and Highway 99W for freight traffic and industrial users. The list of participating agencies that served on the Technical Advisory Committee (TAC) is included in Attachment G.

The proposed amendments are consistent with Title 11.

**Title 12 – Protection of Residential Neighborhoods**

**The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.**

PTA-10-04 proposes comprehensive plan and development regulations that protect existing residential neighborhoods. The proposed new Manufacturing Business Park Planning District (MBP) is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, a cohesive planned-development design

and uses limited to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. The companion PMA-10-02 establishes the specific planning designations. PTA-10-04 and PMA-10-02 provide the details for infrastructure elements such as transportation, sewer, water, and storm drainage. For public services the area will be served by the City of Tualatin Police Department when annexed. Until annexation the area will be served by Washington County Sheriff's Department. Fire Service is currently provided by Tualatin Valley Fire & Rescue and, upon annexation, TVF&R will continue to serve the area.

With respect to noise and environmental impacts, future industrial development will be required to comply with the requirements of TDC Chapter 63 Manufacturing Planning Districts – Environmental Regulations, which apply to all industrial planning districts adjacent to residential planning districts and protect adjacent residential areas from the adverse effects of industrial development. In addition, the new TDC Chapter 64 – Manufacturing Business Park Planning District (MBP) includes requirements for sound barrier construction to reduce noise impacts on adjacent residential areas.

The proposed amendments are consistent with Title 12.

### **Title 13 – Nature in Neighborhoods**

**The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.**

Natural resources were evaluated in the Southwest Tualatin Concept Plan (pages 15-16, 2010 Update; October 11, 2010) and were found to be highly modified by historical and current land uses. Protection of waters and wetlands will constrain many land uses because regulated areas are scattered across the planning area. The initial impression is that threatened and endangered species protections do not appear to impact development. According to Washington County, the greatest resource value in the area is for mineral and aggregate sources, and a major part of the SWRSIA currently is used for aggregate mining. No significant natural resources were identified in the area.

PTA-10-04 proposes comprehensive plan and development regulations that promote a healthy environment and natural landscape that improves livability. The proposed new Manufacturing Business Park (MBP) Planning District is intended to provide an aesthetically attractive working environment with campus-like grounds, attractive buildings, large lot configurations, and a cohesive planned-development design. The companion PMA-10-02 establishes the specific planning designations. In addition, future industrial development in the MBP Planning District will be required to comply with the environmental regulations of TDC Chapter 63, which apply to all industrial planning districts and which will help to protect and conserve natural resources in the SWRSIA.

The proposed amendments are consistent with Title 13.



## **Metro Ordinances No. 02-969B, 02-990A, and 04-1040B Conditions on Addition of Land to UGB**

When land within the Southwest Tualatin Concept Plan (SWCP) area was added to the Urban Growth Boundary (UGB), certain conditions were imposed on the land as contained in Metro Ordinances No. 02-969B, 02-990A and 04-1040B. This section addresses the Conditions on Addition of Land to the Urban Growth Boundary (UGB) contained in these ordinances and Attachment B shows the UGB expansion areas and specifically which lands were brought into the UGB with each ordinance.

### **Exhibit M to Metro Ordinance No. 02-969B Conditions on Addition of Land to UGB**

Metro Ordinance No. 02-969B brought approximately 50 gross acres of land into the UGB. These lands are referred to as the "Tonquin Industrial Group" properties and are generally located immediately north of SW Tonquin Road and west of the Portland & Western Railroad tracks in the southeast part of the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) portion of the Southwest Tualatin Concept Plan (SWCP) area. All of the Tonquin Industrial Group area was designation Regionally Significant Industrial Area (RSIA) by Metro when it was brought into the UGB.

#### **I. General Conditions Applicable to All Lands Added to the UGB**

**A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years. Specific conditions below identify the city or county responsible for each study area.**

Initial planning work for the Southwest Tualatin Concept Plan (SWCP) area, including the Tonquin Industrial Group area, occurred between October 2004 and August 2005, and the SWCP was initially accepted by City Council on September 12, 2005. Work was then put on hold until *Tualatin Tomorrow*, the community visioning process, was complete. Work resumed and was then put on hold until clarity emerged from the I-5 to 99W Connector process. Work activities recommenced in December 2009 when the SWCP Technical Advisory Committee (TAC) agreed that land use assumptions from 2005 were still appropriate. At that time, the estimated completion date was June 2010. The planning process has proceeded steadily since then with two extensions granted by Metro to allow for additional time to conduct traffic analysis in coordination with Sherwood, the Oregon Department of Transportation (ODOT) and Metro, and to respond to comments received from the public involvement process. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area.

The companion PMA-10-02 establishes the planning districts that will apply to the planning area. The planning process is expected to be complete by March 2011.

**B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit N of this ordinance to the planning required by Title 11 for the study area.**

When the Tonquin Industrial Group area was added to the UGB, it was given the Industrial Area (IA) design type, as well as designated Regionally Significant Industrial Area (RSIA) by Metro. Consistent with this condition, PTA-10-04 and the companion PMA-10-02 will apply the IA Design Type (TDC Map 9-4) and the new Manufacturing Business Park (MBP) Planning District to the area. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily RSIA, the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and IA designations made by Metro when the area was added to the UGB.

Condition "B" is met.

**C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area.**

On October 23, 2007, Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1988. As stated in Ordinance No. 686: "The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."

With specific reference to the Tonquin Industrial Group area, which the ordinance refers to as Area of Special Concern 3, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- Future lot-parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.
- New commercial retail uses are prohibited.

Condition "C" is met.

**D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries**

**for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.**

All lands being considered in PTA-10-04 and the companion PMA-10-02 are already within the UGB, having been brought in between 2002 and 2004 by Metro. One area included in concept planning for the Southwest Tualatin Concept Plan (SWCP) called the Knife River Area, located in the southwest part of the SWCP area, is identified as potential Urban Reserve in Washington County, however this land is not part of the current SWRSIA and is not being considered in PTA-10-04 and PMA-10-02.

Condition "D" is met.

**E. Each city or county with land use planning responsibility for a study area included in the UGB shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.**

The Tonquin Industrial Group area within the SWRSIA is within the UGB and completely surrounded by lands also located within the UGB, therefore, Condition "E" no longer applies.

**F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit N). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.**

As discussed above under Condition "B", when the Tonquin Industrial Group area was added to the UGB, it was given the Industrial Area (IA) design type, as well as designated RSIA by Metro. Consistent with this condition, PTA-10-04 and the companion PMA-10-02 will apply the IA Design Type (TDC Map 9-4) and the new Manufacturing Business Park (MBP) Planning District to the area. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily RSIA, the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and IA designations made by Metro when the area was added to the UGB.

Condition "F" is met.

**G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and**

**Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning.**

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

Condition "G" is met.

**H. Each city and county with land use planning responsibility for a study area included in the UGB shall provide, in the conceptual transportation plan required by Title 11, subsection 3.07.1120F, for bicycle and pedestrian access to and within school sites from surrounding area designated to allow residential use.**

This requirement does not apply to the proposed PTA-10-04 and the companion PMA-10-02 because no residential use is proposed in the SWRSIA and, therefore, no public school facilities will be affected by development within the planning area.

## **II. Specific Conditions for Particular Areas**

### **E. Study Areas 47 and 49 (partial)**

**1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall completed Title 11 planning for the portions of Study Areas 47 and 49 shown on Exhibit N within four years following the effective date of Ordinance No. 02-969B.**

Initial planning work for the Southwest Tualatin Concept Plan (SWCP) area, including the Tonquin Industrial Group area, occurred between October 2004 and August 2005, and the SWCP was initially accepted by City Council on September 12, 2005. Work was then put on hold until *Tualatin Tomorrow*, the community visioning process, was complete. Work resumed and was then put on hold until clarity emerged from the I-5 to 99W Connector process. Work activities recommenced in December 2009 when the SWCP Technical Advisory Committee (TAC) agreed that land use assumptions from 2005 were still appropriate. At that time, the estimated completion date was June 2010. The planning

process has proceeded steadily since then with two extensions granted by Metro to allow for additional time to conduct traffic analysis in coordination with Sherwood, the Oregon Department of Transportation (ODOT) and Metro, and to respond to comments received from the public involvement process. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. The companion PMA-10-02 establishes the planning districts that will apply to the planning area. The planning process is expected to be complete by March 2011.

Condition "1" is met.

**2. Washington County or, upon annexation of the area to the City of Tualatin, the city, as part of the planning required for the site by section 3.07.1120E of the Metro Code, shall in conjunction with property owners and affected local governments, develop a lot-parcel reconfiguration plan for the areas that results in the largest practicable parcel.**

Attachment C shows the SWCP Preferred Concept Plan Map 2 with net acreages for identified lot-parcel reconfigurations within the SWRSIA. The two reconfigured lots in the Tonquin Industrial Group area include "I" and "J", which include approximately 27 net acres and 61 net acres, respectively.

Condition "2" is met.

**3. Neither the county nor the city shall allow new commercial retail uses on the portions of Study Areas 47 and 49 shown on Exhibit N.**

As indicated earlier in this section, when Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the Tonquin Industrial Group area referred to as Area of Special Concern 3, it subjected the area for Title 11 planning and FD-20 development application purposes to the following criterion:

- New commercial retail uses are prohibited.

In addition, no new commercial retail uses have been allowed in the Tonquin Industrial Area portion of the SWRSIA (portion of Study Areas 47 and 49 as shown on Exhibit N) and none are proposed under the MBP Planning District designation that would be implemented with PTA-10-04 and PMA-10-02.

Condition "3" is met.

**Metro Ordinance No. 02-990A  
Conditions on Addition of Tigard Sand & Gravel Site to UGB**

Metro Ordinance No. 02-990A brought approximately 252 gross acres of land into the UGB. These lands are referred to as the "Tigard Sand and Gravel" properties and comprise the majority and central portion of the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) part of the Southwest Tualatin Concept Plan (SWCP) area. All of the Tigard Sand and Gravel area was designation Regionally Significant Industrial Area (RSIA) when it was brought into the UGB by Metro.

**1. Washington County or, upon annexation of the area to the City of Tualatin, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120, for the Tigard Sand and Gravel site ("the site") within four years following the effective date of this ordinance.**

Initial planning work for the Southwest Tualatin Concept Plan (SWCP) area, including the Tigard Sand and Gravel area, occurred between October 2004 and August 2005, and the SWCP was initially accepted by City Council on September 12, 2005. Work was then put on hold until *Tualatin Tomorrow*, the community visioning process, was complete. Work resumed and was then put on hold until clarity emerged from the I-5 to 99W Connector process. Work activities recommenced in December 2009 when the SWCP Technical Advisory Committee (TAC) agreed that land use assumptions from 2005 were still appropriate. At that time, the estimated completion date was June 2010. The planning process has proceeded steadily since then with two extensions granted by Metro to allow for additional time to conduct traffic analysis in coordination with Sherwood, the Oregon Department of Transportation (ODOT) and Metro, and to respond to comments received from the public involvement process. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. The companion PMA-10-02 establishes the planning districts that will apply to the planning area. The planning process is expected to be complete by March 2011.

Condition "1" is met.

**2. Washington County or, upon annexation of the area to the City of Tualatin, the city shall apply interim protection standards to the site as provided in Metro Code Title 11, UGMFP, section 3.07.1110.**

As stated earlier in this report, on October 23, 2007, Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1988. Ordinance No. 686 specified that: "The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."



With specific reference to the Tigard Sand and Gravel area, which the ordinance refers to as Area of Special Concern 2, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
- Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.

Condition "2" is met.

**3. The site, as described in this ordinance, shall be designated Regionally Significant Industrial Area on the 2040 Growth Concept Map and shall be subject to Title 4 of the UGMFP of the Metro Code.**

When the Tigard Sand and Gravel area was added to the UGB, it was given the Industrial Area (IA) design type, as well as designated RSIA by Metro. Consistent with this condition, PTA-10-04 and the companion PMA-10-02 will apply the IA Design Type (TDC Map 9-4) and the new Manufacturing Business Park (MBP) Planning District to the area. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily RSIA, the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and IA designations made by Metro when the area was added to the UGB.

Condition "3" is met.

**4. Washington County or, upon annexation of the area to the City of Tualatin, the city shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to ensure compatibility between industrial uses on the site and agricultural practices on land zoned for farm use to the west and north of the site.**

The Tigard Sand and Gravel area is currently owned and occupied by Tigard Sand and Gravel and used for aggregate extraction. Bonneville Power Administration (BPA) and Portland General Electric (PGE) power lines traverse the central part of the area. The Tigard Sand and Gravel area is bounded by land within the UGB on all sides except its southwest corner, the "Knife River Area", which is a proposed Urban Reserve in Washington County and used for aggregate mining. Current land uses include agricultural and newly developing light industrial to the north; and rural, forestland, and aggregate extraction to the west.

The southwest boundary of the City's Western Industrial District adjoins the SWRSIA on its north and northeast sides in the vicinity of SW Tualatin-Sherwood Road, SW 120<sup>th</sup> Avenue,

and SW Blake Street. The area to the west of the Tigard Sand and Gravel area, on the west side of the future extension of SW 124<sup>th</sup> Avenue, is within the City of Sherwood's Tonquin Employment Area, zoned Employment Industrial, and expected to develop in a similar fashion to Tualatin's SWCP area. Because the area to the west and north of the Tigard Sand and Gravel area either is already developing in industrial use or expected to in the future, and a transition of uses is expected to occur slowly over a long period of time (15-20 years), setbacks, buffers and other compatibility measures between development in the Tigard Sand and Gravel area and areas to the west and north are not expected to be necessary.

Condition "4" is met.

**5. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or, upon annexation of the area to the City of Tualatin, the city shall comply with those provision of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission \*("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within two years following the effective date of this ordinance, the county or the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.**

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

Condition "5" is met.

**6. Neither the county nor the City of Tualatin shall allow the division of a lot or parcel in the site to create a smaller lot or parcel except as part of the plan required in Condition 7 to reconfigure all of the lots and parcels that comprise the site.**

The new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA:

**64.040(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.**

- (a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.**
- (b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.**
- (c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.**
- (d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...**
- (6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.**

Condition "6" is met.

**7. Washington County or, upon annexation of the area to the City of Tualatin, the city shall, as part of Title 11 planning for the site in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan that results in (1) at least one parcel that is 100 acres or larger, and (2) at least one parcel 50 acres or larger. The remainder of the site shall be configured pursuant to section 3.07.420 of Title 4 of the UGMFP, providing for protection of the portion of the site subject to Title 3 of the Metro Code.**

Attachment C shows the SWCP Preferred Concept Plan Map 2 with net acreages for identified lot-parcel reconfigurations within the SWRSIA, including the Tigard Sand and Gravel area. The largest parcel "F" includes approximately 96 net acres, and the next largest "G" 79 acres, both of which are within the Tigard Sand and Gravel area. Another reconfigured lot/parcel greater than 50 acres in size, "J" at 61 net acres, is located in the Tonquin Industrial Group area of the SWRSIA.

Upon annexation, the Manufacturing Business Park (MBP) Planning District designation that is applied to the land being annexed will meet all the requirements set forth by Metro. This means that other land in the SWRSIA, outside of the TIG properties, could annex to the City to meet both the 100-acre and 50-acre requirements before the Tonquin Industrial Group (TIG) land annexes into the City; and the City does not have to rely on the TIG land to meet any of the Title IV or RSIA-imposed conditions. The conditions are met in the code language

contained in the MBP Planning District designation that is applied to the land when it is annexed and enforcement of those standards subsequent to annexation.

Condition "7" is met.

**8. Neither the county nor the city shall allow new commercial retail uses on the site. The county or the city may allow commercial office uses accessory to and in the same building with industrial uses.**

As indicated earlier in this section, when Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the Tigard Sand and Gravel area referred to as Area of Special Concern 2, it subjected the area for Title 11 planning and FD-20 development application purposes to the following criterion:

- New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.

In addition, no new commercial retail uses have been allowed in the Tigard Sand and Gravel area of the SWRSIA since Ordinance No. 02-990A was passed by Metro. A 16-acre area for limited commercial services in the Manufacturing Business Park Commercial Services Overlay, bounded by SW Blake Street on the south and SW Itel Street on the north in the north part of the planning area, is proposed under the MBP Planning District designation that would be implemented with PTA-10-04 and PMA-10-02 (TDC Map 9-5). Uses in this overlay area would be limited to:

- (1) General offices.
- (2) Branch banks and ATM banking kiosks.
- (3) Medical and healing arts offices.
- (4) Child day care center.
- (5) Food store.
- (6) Restaurant, without drive-up or drive through facilities.
- (7) Dry Cleaners.
- (8) Printing, copying and office services.

The maximum floor area for a single use in the MBP Commercial Services Overlay will be 3,000 square feet and the maximum building size for a building with multiple tenants will be 20,000 sq. ft., consistent with Title 11 provisions for commercial service uses in Industrial Areas.

By specifically limiting the type of industrial uses permitted in the SWCP area within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily Regionally Significant Industrial Area (RSIA), the proposed PTA-10-04 and companion PMA-10-02 will help to provide and protect a supply of sites for industrial employment and traded-sector industries with family wage jobs in the Portland metro region. In addition, the RSIA land within the planning area will help satisfy the regional need for large-lot industrial sites (those 100 acres or larger in size).

Condition "8" is met.

**Exhibit F to Ordinance No. 04-1040B  
Conditions on Addition of Land to the UGB**

Metro Ordinance No. 04-1040B brought approximately 80 gross acres of land in the Southwest Tualatin Concept Plan (SWCP) area into the UGB. These lands, referred to henceforth in this section as the "additional 80 gross acres", are located in the southwest part of the SWRSIA, west of the Tonquin Industrial Group area, and in the northwest part of the SWRSIA immediately south of SW Tualatin-Sherwood Road. These areas were designated Industrial Area (IA) when they were brought into the UGB by Metro.

**I. General Conditions Applicable to All Lands Added to the UGB**

**A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years after the effective date of this ordinance. Specific conditions below identify the city or county responsible for each study area.**

Initial planning work for the Southwest Tualatin Concept Plan (SWCP) area, including the additional 80 gross acres, occurred between October 2004 and August 2005, and the SWCP was initially accepted by City Council on September 12, 2005. Work was then put on hold until *Tualatin Tomorrow*, the community visioning process, was complete. Work resumed and was then put on hold until clarity emerged from the I-5 to 99W Connector process. Work activities recommenced in December 2009 when the SWCP Technical Advisory Committee (TAC) agreed that land use assumptions from 2005 were still appropriate. At that time, the estimated completion date was June 2010. The planning process has proceeded steadily since then with two extensions granted by Metro to allow for additional time to conduct traffic analysis in coordination with Sherwood, the Oregon Department of Transportation (ODOT) and Metro, and to respond to comments received from the public involvement process. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. The companion PMA-10-02 establishes the planning districts that will apply to the planning area. The planning process is expected to be complete by March 2011.

Condition "A" is met.

**B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit E of this ordinance to the planning required by Title 11 for the study area.**

When the additional 80 gross acres was added to the UGB, it was given the Industrial Area (IA) design type designation by Metro. Consistent with this condition, PTA-10-04 and the companion PMA-10-02 will apply the IA Design Type (TDC Map 9-4) and the new Manufacturing Business Park (MBP) Planning District to the area. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily RSIA, the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and IA designations made by Metro when the area was added to the UGB.

Condition "B" is met.

**C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area until the effective date of the comprehensive plan provisions and land use regulations adopted to implement Title 11.**

As stated earlier in this report, on October 23, 2007, Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1988. Ordinance No. 686 specified that: "The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."

With specific reference to the acres brought into the UGB by Metro Ordinance 04-1040B, which the Ordinance No. 686 refers to as Area of Special Concern 4, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.
- The Title 11 planning required by Metro shall:
  - Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - Incorporate the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.
  - Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.

Condition "C" is met.



**D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.**

All lands being considered in PTA-10-04 and the companion PMA-10-02 are already within the UGB, having been brought in between 2002 and 2004 by Metro. One area included in concept planning for the Southwest Tualatin Concept Plan (SWCP) called the Knife River Area, located in the southwest part of the SWCP area, is identified as potential Urban Reserve in Washington County, however this land is not part of the current SWRSIA and is not being considered in PTA-10-04 and PMA-10-02. In addition, surrounding areas to the west have been concept planned (the Tonquin Employment Area by the City of Sherwood) or are in the concept planning process (Basalt Creek Area by the Cities of Tualatin and Wilsonville).

Condition "D" is met.

**E. Each city or county with land use planning responsibility for an area included in the UGB by this ordinance shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.**

The additional 80 gross acres within the SWRSIA is within the UGB and completely surrounded by lands also located within the UGB, therefore, Condition "E" no longer applies.

**F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit C). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.**

As discussed above under Condition "B", when the additional 80 gross acres was added to the UGB, it was given the Industrial Area (IA) design type by Metro. Consistent with this condition, PTA-10-04 and the companion PMA-10-02 will apply the IA Design Type (TDC Map 9-4) and the new Manufacturing Business Park (MBP) Planning District to the area. By specifically limiting the type of industrial uses permitted in the SWRSIA within the MBP Planning District, and thus limiting the types and scale of non-industrial uses in this primarily RSIA, the proposed PTA-10-04 and companion PMA-10-02 will implement the RSIA and IA designations made by Metro when the area was added to the UGB.

Condition "F" is met.

**G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider, in the city or county's application of Goal 5 to its Title 11 planning, any inventory of regionally significant Goal 5 resources and any preliminary decisions to allow, limit or prohibit conflicting uses of those resources that is adopted by resolution of the Metro Council.**

On April 9, 2001, the City of Tualatin approved Plan Text Amendment (PTA) 99-12 and adopted Ordinance No. 1070-01, an ordinance relating to water quality, flood plain management, and erosion control, to comply with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3. Ordinance 1070-01 amended several chapters of the Tualatin Development Code (TDC) including: 14. Draining Plan and Surface Water Management; 31. General Provisions; 32. Conditional Uses; 33. Variances; 36. Subdividing, Partitioning, and Property Line Adjustments; 70. Floodplain District; 72. Natural Resource Protection Overlay District; 73. Community Design Standards; and 74. Public Improvement Requirements. The amendments were made to refer to Clean Water Services (formerly Unified Sewerage Agency [USA]) regulations, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

Condition "G" is met.

**H. Each city and county shall apply the Transportation Planning Rule (OAR 660 Div 012) in the planning required by subsections F (transportation plan) and J (urban growth diagram) of Title 11.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA, which includes the 80 additional gross acres. This system is adequate to handle truck and automobile trips as the planning area develops in the future in such a way to encourage industrial development while preserving existing residential neighborhoods to the east, minimizing industrial traffic and congestion in the Town Center area, and successfully implementing the City's economic development goals.

The effects of the proposed transportation system with respect to local, regional, state and federal policies was addressed as part of the planning process for the Southwest Tualatin Concept Plan. Included in this analysis was an evaluation of Transportation Planning Rule (TPR) requirements pertaining to plan and land use regulation amendments as contained in Oregon Administrative Rules section 660-012-0060. The Kittelson & Associates, Inc., Technical Memorandum *2010 Concept Plan Alternative Without a Blake Street Connection* (July 27, 2010) concludes that amending the Tualatin Development Code (TDC) to incorporate

planning district designations for the SWRSIA will not create a TPR significant effect. Further, the Oregon Department of Transportation, in a December 9, 2010 email from Marah B. Danielson, Senior Planner, ODOT Region 1 Planning (Attachment G), made the following comment:

“...since the trips generated by the site do not exceed the trips allocated to this area in the 2035 RTP [Regional Transportation Plan] ODOT has determined that there will not be a ‘significant effect’ on State highway facilities and we do not need additional information when the City of Tualatin moves forward with adopting the comprehensive plan designations and zoning for the SW Tualatin Concept Plan.”

Condition “H” is met.

## **II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS**

### **D. Tualatin Area**

**1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.**

This condition will be addressed through Basalt Creek Title 11 planning.

**2. Title 11 planning shall incorporate the general location of the projected right of way alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the “South Alignment,” as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated “Outer Neighborhood” on the Growth Concept Map; the portion that lies south shall be designated “Industrial.”**

This condition will be addressed through Basalt Creek Title 11 planning.

**3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.**

This condition will be addressed through Basalt Creek Title 11 planning.

### **E. Quarry Area**

**1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.**

Initial planning work for the Southwest Tualatin Concept Plan (SWCP) area occurred between October 2004 and August 2005, and the SWCP was initially accepted by City Council on September 12, 2005. Work was then put on hold until *Tualatin Tomorrow*, the community visioning process, was complete. Work resumed and was then put on hold until clarity emerged from the I-5 to 99W Connector process. Work activities recommenced in December 2009 when the SWCP Technical Advisory Committee (TAC) agreed that land use assumptions from 2005 were still appropriate. At that time, the estimated completion date was June 2010. The planning process has proceeded steadily since then with two extensions granted by Metro to allow for additional time to conduct traffic analysis in coordination with Sherwood, the Oregon Department of Transportation (ODOT) and Metro, and to respond to comments received from the public involvement process. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. The companion PMA-10-02 establishes the planning districts that will apply to the planning area. The planning process is expected to be complete by March 2011.

Condition "1" is met.

**2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.**

Concept planning for the additional 80 gross acres added to the UGB by Ordinance No. 04-1040B has been coordinated with Title 11 planning for the adjoining area that was added to the UGB in 2002 under Ordinances No. 02-969B and 02-990A. The Southwest Tualatin Concept Plan (SWCP) is the product of this planning effort. The proposed PTA-10-04 was prepared by the City of Tualatin Community Development Department, Planning Division, as the final step in the planning process to establish the comprehensive plan and development regulations for the SWRSIA portion of the SWCP area. The companion PMA-10-02 establishes the planning districts that will apply to the planning area.

Condition "2" is met.

**3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.**

As stated earlier in this report, on October 23, 2007, Washington County enacted Ordinance No. 686, which applied the Future Development 20 Acre District (FD-20) to the unincorporated urban lands added to the urban growth boundary by Metro through a major or legislative amendment process after 1988. Ordinance No. 686 specified that: "The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."

With specific reference to the acres brought into the UGB by Metro Ordinance 04-1040B, which the Ordinance No. 686 refers to as Area of Special Concern 4, it is stated that Title 11 planning and FD-20 development applications within the area are subject to the following criteria:

- No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's UGMFP.
- The Title 11 planning required by Metro shall:
  - Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - Incorporate the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.
  - Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.

Further, the new Manufacturing Business Park (MBP) Planning District, as contained in the new Chapter 64 of the Tualatin Development Code (TDC), and proposed in PTA-10-04 and the companion PMA-10-02, includes the following language with respect to division of RSIA-designated land within the SWRSIA:

**64.040(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.**

- (a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.**
- (b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.**
- (c) When the minimum lot area requirements for RSIA designated properties in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.**
- (d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,...**
- (6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.**

Condition "3" is met.

**4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.**

Concept planning for the Southwest Tualatin Concept Plan (SWCP) considered the Tonquin Trail and trails were developed in the SWCP to accommodate the Tonquin Trail, including possible pedestrian trails within the BPA and PGE easements that traverse the planning area, as well as on the west side of the Portland & Western Railroad tracks in the northeast part of the planning area.

As a preferred alignment for the Tonquin Trail is still being determined, no projected right-of-way location has been identified in the SWCP area; however, the identified trails in the SWCP could be part of a future Tonquin Trail alignment. Further, the Tonquin Trail has been added to Table 11-4 of TDC Chapter 11 Transportation, which identifies additional projects required to fully address the City's long-term transportation needs, but for which no current funding sources have been identified. The City will continue to work with Metro, Washington and Clackamas counties, and the cities of Sherwood and Wilsonville to develop the trail master plan and complete the planning process.

Condition "4" is met.

Criterion "G" is met.

**H. 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.**

PTA-10-04 and the companion PMA-10-02 identify the transportation system, including streets, pedestrian and bicycle facilities, and other forms of transportation, for the SWRSIA. The effects of the proposed transportation system with respect to local, regional, state and federal policies was addressed as part of the planning process for the Southwest Tualatin Concept Plan. The Kittelson & Associates, Inc., Technical Memorandum *2010 Concept Plan Alternative Without a Blake Street Connection* (July 27, 2010) makes the following findings with respect to compliance with City of Tualatin standards: "All intersections would meet City of Tualatin standards (LOS D or better for signalized intersections)." Further, the Kittelson Memorandum found the following with respect to Washington County and ODOT standards:

"Intersections along Tualatin-Sherwood Road would also be Washington County intersections and would meet the County's signalized intersection standard of a v/c ratio of 0.99 or less. If the I-5/99W Connector were to become a state highway, its intersections



with SW 124<sup>th</sup> Avenue would also meet ODOT standards for the Portland Metro area (v/c ratio of 0.99 or less)."

The Oregon Department of Transportation, in a December 9, 2010 email from Marah B. Danielson, Senior Planner, ODOT Region 1 Planning (Attachment I), made the following comment:

"I was able to obtain information from Metro that they have accepted the City's buildout rate that was used for the plan area. Therefore, since the trips generated by the site do not exceed the trips allocated to this area in the 2035 RTP [Regional Transportation Plan] ODOT has determined that there will not be a 'significant effect' on State highway facilities and we do not need additional information when the City of Tualatin moves forward with adopting the comprehensive plan designations and zoning for the SW Tualatin Concept Plan."

Criterion "H" is met.

ORDINANCE NO. 1320-11

AN ORDINANCE RELATING TO THE SOUTHWEST TUALATIN CONCEPT PLAN; AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-02)

WHEREAS upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin on April 11, 2011, related to adopting a comprehensive plan for the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) and amending the Community Plan Map 9-1 (PMA-10-02); 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 by mailing a copy of the notice under Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on April 11, 2011, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [7-0],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated April , 11, 2011, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to include the Southwest Regionally Significant Industrial Area as shown on the attached Map 9-1, marked exhibit E.

INTRODUCED AND ADOPTED this 25th Day of April, 2011.

CITY OF TUALATIN, OREGON

BY

  
Mayor

ATTEST:

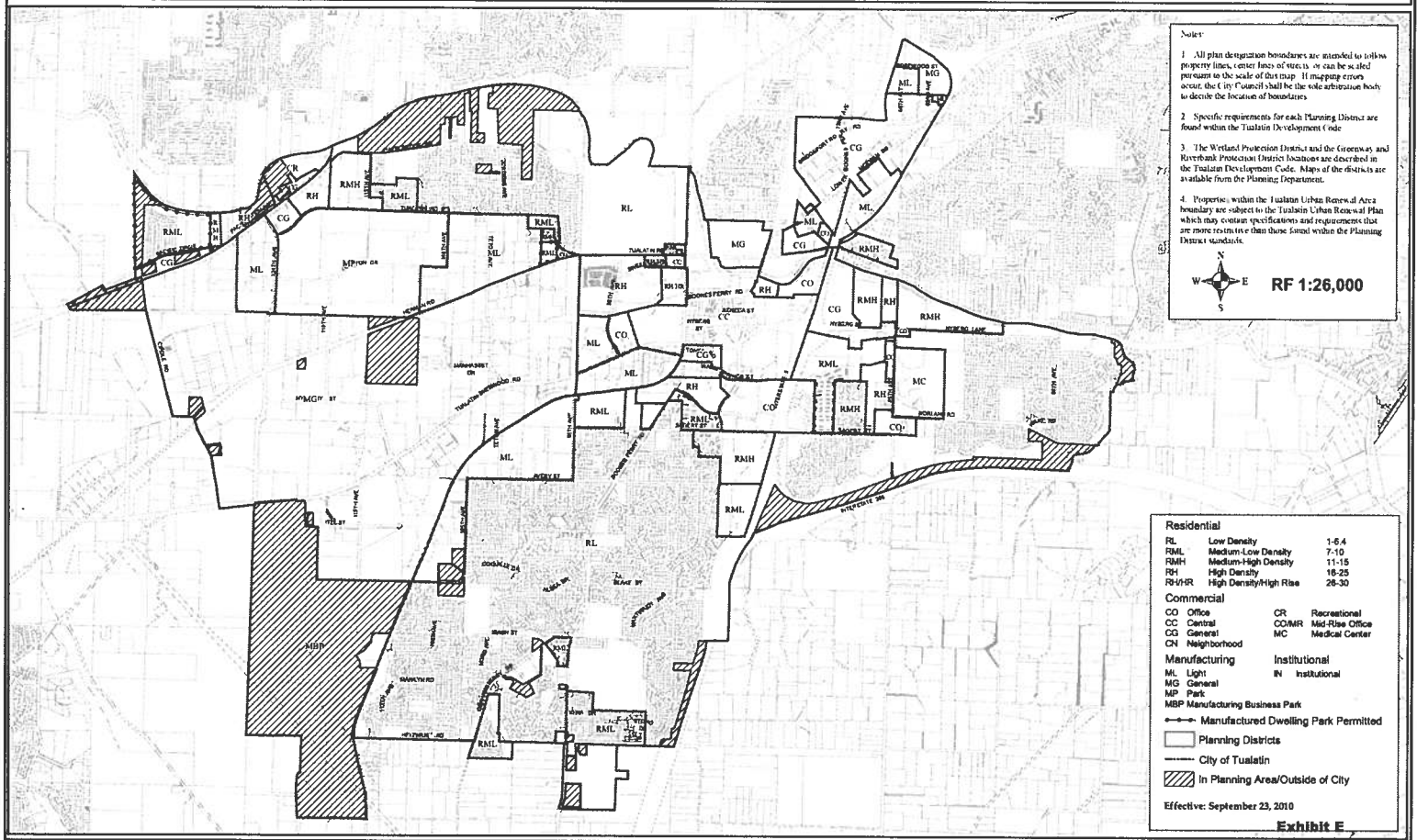
BY

  
City Recorder

# Map 9-1 Community Plan Map

DRAFT PMA-10-02

TUALGIS



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