



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, March 12, 2012

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at **5:45 p.m.** *[Note different start time]*
REGULAR MEETING begins at 7:00 p.m.

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

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

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

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

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

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

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



**OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR MARCH
12, 2012**

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Youth Advisory Council Update for March, 2012
2. Tualatin Library "Food for Fines Week" Announcement
3. Proclamation Declaring April 8 - 14, 2012 as "National Community Development Week" in the City of Tualatin

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session of February 13, 2012 and the Work Session and Meeting of February 27, 2012
2. Resolution No. **5089-12** Accepting Public Improvements Constructed in Association with McLane Food Service Inc.
3. Approval of 2012 Liquor License Renewals Late Submittals
4. Authorization for Staff to Approve Amendment No. 4 to a Contract with Washington County for a Community Development Block Grant to Expand and Remodel the Juanita Pohl Center
5. Resolution No. **5090-12** Granting Heritage Tree Status to a Tree on City Property

E. SPECIAL REPORTS

1. Council Consideration of a Proclamation Declaring April 1-7, 2012 as Arbor Week in the City of Tualatin

2. 2011 Annual Report of the Tualatin Planning Advisory Committee (TPAC)

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

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

1. A Conditional Use Permit for a Tigard-Tualatin School District 23J "On-line Academy Learning/Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200)(CUP-12-01)

H. **GENERAL BUSINESS**

I. **ITEMS REMOVED FROM CONSENT AGENDA**

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

J. **COMMUNICATIONS FROM COUNCILORS**

K. **EXECUTIVE SESSION**

L. **ADJOURNMENT**



City of Tualatin

City Council SPEAKER REQUEST FORM

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

NAME Linda Mohr H DATE 3/12/12

STREET ADDRESS 18791 SW. Martazzi

STATE OR ZIP 97002 E-MAIL linda@tualatin-chamber.com

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

Subject Tualatin Crawfish Festival

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

_____ IN FAVOR _____ OPPOSED _____ NEUTRAL

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

City Council Meeting

B. 1.

Meeting Date: 03/12/2012

ANNOUNCEMENTS

Youth Advisory Council Update for March, 2012

SUMMARY

n/a

Attachments

A - PowerPoint - YAC Update

Council Update March 12, 2012

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S

(Finding Relations in Every New Diverse Student)



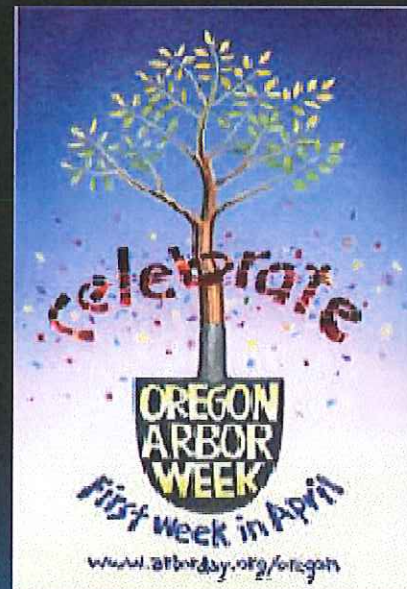
- April 20, 2012
- Revising curriculum and lessons
- Bridgeport, Byrom and Tualatin Elementary Schools
- Washington County Commission on Children and Families

Tualatin YAC – Youth Participating in Governance

Arbor Week



- First week in April
- YAC members Gillian Downey and Mary Ruiz on the Arbor Week Ad-Hoc committee



Tualatin YAC – Youth Participating in Governance

Tualatin Youth Summit



- Soliciting input from City departments, Advisory Committees, and CIO's
- Plan on distributing survey to TuHS students in late spring
- Opportunity for discussion/feedback from students during lunches

Tualatin YAC – Youth Participating in Governance

Movies on the Commons



- Free, family-friendly movies
- Saturdays in July & August
- YAC helps choose films, sells concessions

Tualatin YAC – Youth Participating in Governance

City Council Meeting

B. 2.

Meeting 03/12/2012
Date:

ANNOUNCEMENTS

Tualatin Library "Food for Fines Week" Announcement

Attachments

PowerPoint Library Food for Fines Week



TUALATIN SCHOOL HOUSE PANTRY
"... because we care"



Phone: (503) 783-0721
pantry@schoolhousepantry.org

Food for Fines March 11-17

Canned fruit juice
Meat (especially chicken)
Peanut Butter
Toilet paper
Granulated sugar
Cereal
Powdered laundry detergent



Tualatin Public Library
Community Services Dept.
18878 SW Martinazzi Ave.
503-691-3074
www.tualatinlibrary.org



City Council Meeting

B. 3.

Meeting 03/12/2012
Date:

ANNOUNCEMENTS

Proclamation Declaring April 8 - 14, 2012 as "National Community Development Week" in the City of Tualatin

Attachments

Community Development Week Proclamation

Proclamation

Proclamation Declaring the Week of April 8 - 14, 2012 as "National Community Development Week" in the City of Tualatin

WHEREAS the Community Development Block Grant (CDBG) program was enacted into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and

WHEREAS the CDBG program has as its primary objective "the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and

WHEREAS the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and

WHEREAS throughout its 38-year history, the CDBG program has been a partnership among the federal, state and local governments, business, and the nonprofit sector which carry out activities that improve the lives and neighborhoods of low and moderate income families; and

WHEREAS the City of Tualatin, with CDBG funds in the amount of \$1,446,586.00 since 1979 has provided housing rehabilitation; neighborhood revitalization; addition or expansion of community facilities and shelters; and physical redevelopment; and

WHEREAS funding for CDBG has been reduced in recent years; and

WHEREAS this reduction in funding has had a profound impact on the City of Tualatin by eliminating improvement to our roads and infrastructure, and community buildings.

NOW, THEREFORE, BE IT PROCLAIMED BY THE City Council of the City of Tualatin, Oregon that it hereby calls on Congress to provide increased formula funding for CDBG in FY 2013 and FY 2014.

BE IT FURTHER PROCLAIMED that the City of Tualatin designate the week of April 8 through April 14, 2012 as "Community Development Block Grant Week" in Tualatin in support of this valued program that has made a tremendous contribution to the viability of the housing stock, neighborhood and infrastructure in Tualatin and Washington County.

BE IT FURTHER PROCLAIMED that the City Council urges all the citizens of our City to join in together in expressing support for the Community Development Block Grant Program.

INTRODUCED AND ADOPTED this 12th day of March, 2012.

CITY OF TUALATIN, OREGON

BY Monique L. Beikman
Mayor Pro Tem

ATTEST:

BY Thombs
City Recorder



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 3-12-2012

Recording Secretary MSM

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 03/12/2012

SUBJECT: Approval of the Minutes for the Work Session of February 13, 2012 and the Work Session and Meeting of February 27, 2012

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session of February 13, 2012, and the Work Session and Meeting of February 27, 2012.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: A - Work Session Minutes of February 13, 2012
B - Work Session Minutes of February 27, 2012
C - Meeting Minutes of February 27, 2012



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR FEBRUARY 13, 2012

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. CALL TO ORDER

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

2. Property Tax Compression Briefing

Finance Director Hudson presented a PowerPoint on the subject of property tax compression, which described what compression is, how it is caused and the effect it has in Tualatin. Property tax compression has been a discussion topic in the region and state due to the decline of real market values; this decline creates potential for reduced assessed value (AV) growth.

Finance Director Hudson continued, giving a brief description of Measures 5 and 50, passed by Oregon voters in 1990, and 1997 respectively. These measures set limits on property tax rates, the amount of property taxes paid by a taxpayer, and limited the growth of assessed value. Property tax compression can occur due to the impacts of these limits, resulting in a reduction in the amount of property tax revenue that can be collected. Hudson reviewed how both measures affected property tax/assessed value and displayed a graph showing market value vs. assessed value. The two types of compression - rate and value, were reviewed and Finance Director Hudson gave an example of compression showing the differences between Property A and Property B. He explained the property tax burden on each and how it is calculated by the County. There has been some compression on the City's General Fund but not much, with \$4.59 total revenue loss this past year.

Discussion followed on the how compression affected the region and Tualatin. It was asked and answered that there isn't necessarily differences between Washington and Clackamas Counties, only what each county taxes. Discussion followed. It was asked and explained how a shortfall would affect Tualatin. Staff will continue to monitor the situation.

3. ***Economic Development Program Discussion***

Community Development Director Alice Rouyer and staff presented a overview of the economic development program in Tualatin. An Economic Development Action Plan has been in place since 1984. Several updates have been made to the Plan over the years, which have been tied to Tualatin's Urban Renewal Program. Given the current urban renewal situation, different economic conditions, and staffing changes within the organization, an opportunity exists to review the economic development plan for Tualatin.

A PowerPoint was given reviewing past accomplishments and where Tualatin is today. Tualatin has experienced significant growth over the years. Staff reviewed the opportunities that have been identified based on the data collected. Tualatin wants to be well-positioned as the economy continues to recover. The City needs to be prepared to do outreach and to look at local opportunities in the region that Tualatin can take advantage of. It was suggested that this presentation be made available not only to the Chamber, but to the Citizen Involvement Organizations (CIO's) including residential CIO's and the Commercial CIO. It is a good educational piece and can help citizens to be more aware of how the City operates. City Manager Lombos said she appreciated the feedback, and staff will continue developing the workplan.

Discussion followed. Overall economic development in Tualatin was discussed and concern was expressed regarding staffing levels and how it may translate to the continued success of the program.

4. **TriMet Budget & Service Reductions**

Management Analyst Ben Bryant presented information on the budget and service reductions that TriMet has proposed with their \$17 Million projected shortfall. There are some impacts to Tualatin, such as fare increases, and service reductions. TriMet is looking to eliminate the lowest ridership routes. The existing transit service and the proposed changes in decreased frequency of transit service to the Bus Lines that serve Tualatin were reviewed.

Discussion followed on the proposed service reductions. Staff will look at transit dependent populations areas in Tualatin and how it may affect Tualatin over time. Mention was made of the unhappiness with TriMet administrators faulting the union contracts is what is affecting the shortfall. It was also mentioned to make sure Tualatin's ridership is not affected any more than other jurisdictions.

Policy considerations to translate to TriMet were reviewed by Council. It was asked to get the numbers from TriMet on operational costs and how WES Commuter Rail figures into short term reductions, etc. Developing a fare freeze was mentioned and it was asked if TriMet has thought to look at an income-disadvantaged program, besides student and seniors. Council asked that a letter be drafted by staff to include the policy considerations outlined as presented by Council. It was also suggested that a survey should be made available to those that wouldn't be able to attend TriMet's upcoming Open Houses.

5. **Climate Smart Communities Briefing**

Metro Councilors Carl Hosticka and Carlotta Collette and Metro Principal Transportation Planner Kim Ellis gave a briefing on the Climate Smart Communities Scenarios project. A packet of information was distributed to Council. Climate Smart Communities Scenarios Project is a multi-year, collaborative effort between Metro and its regional partners. The project is focused on working together to find the right combination of land use and transportation actions that will keep communities vibrant and prosperous. The project also helps the region meet state targets to reduce greenhouse gas emissions from light duty vehicles.

Metro Transportation Planner Kim Ellis reviewed the findings from Phase I of Climate Smart Communities Scenarios Project and how it is moving forward in the communities. The timeline and descriptions were reviewed from the packet of information distributed. Highlights of the key findings were also reviewed. Metro Planner Ellis said many are not new strategies, some have already been adopted, however more will need to be done.

Metro Councilor Collette spoke on the decreasing of carbon dioxide levels. Comparing from 2005 to the present there has been a 20% reduction on top of the already 70% reduction. Metro Councilor Collette said it is close to meeting the reduction goals, and after reviewing some communities goals and aspirations, all will help the region get to the goal of reducing greenhouse gases. It may not end up meeting the goals but will make communities better in doing so.

Council asked what would happen with communities that do not participate and how it would be addressed. Council expressed concern about conveying the message and understanding it to the general public, and if Tualatin is already addressing the goals with its aspirations, would they then have to change. Concern was also expressed that Metro may come back later with a different program and requests; not every scenario will work for every community.

Council asked about the scenarios timeline, and Planner Kim Ellis said Metro will be working on this over spring and summer, and taking it to Metro's Joint Policy Advisory Committee on Transportation (JPACT) and Metro Policy Advisory Committee (MPAC) in December.

Metro Councilor Hosticka requested that a list of the questions that were asked be provided for Metro to be able to address. Councilor Davis said for the record that having a discussion with the community will be important.

6. Council Meeting Agenda Review, Communications & Roundtable

CONSENT AGENDA REVIEW

Council reviewed the Consent Agenda with no changes or comments.

7. **ADJOURNMENT**

Mayor Ogden adjourned the work session at 7:01 p.m.

Sherilyn Lombos, City Manager

Maureen Smith Maureen Smith, Recording Secretary



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR
FEBRUARY 27, 2012**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; 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; Senior Planner William Harper; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:00 p.m. Council immediately went into executive session pursuant to ORS 192.660(2)(d) to discuss labor relations.

2. *Executive Session*

An executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the Work Session.

3. Briefing on Proposed Amendments that would Remove Core Area Parking District "Impact Fee" Provisions in the Tualatin Development Code and the Tualatin Municipal Code

Senior Planner Will Harper presented information and brief history on the Core Area Parking District (CAPD) and the upcoming Plan Text Amendment PTA-11-12 that would remove existing Code provisions that allow for payment of a parking impact fee within the District. This will be paired with an amendment to the Municipal Code that references the CAPD Board to remove "impact fee" provisions. Staff is seeking feedback from the Council prior to proceeding with the plan text amendment.

Senior Planner Harper went on to explain the "fee in lieu" (impact fee) provisions allow development in the CAPD to reduce required on-site parking by paying an "impact fee" for each required parking stall not constructed by the development. The funds collected are then available to help pay for construction of CAPD parking improvements. The current Impact Fee account balance is approximately \$45,000 from payments by developers in lieu of providing required on-site parking spaces. The account funds are from three projects in the CAPD (Aspen Place, Martinazzi Commons, and Robinson Crossing I & II). Without urban renewal any longer or CAPD funds to supplement it, the program is not sustainable.

Discussion followed on the reasoning behind eliminating the impact fee. Concern was expressed about capacity and whether it is exacerbating it by discontinuing the fee. Council President Beikman, who serves on the Board, said the members reviewed this issue and recommending eliminating the fee. With no land available to expand in the downtown core area, it promises something that can't be delivered.

Brief discussion followed and the concensus of all Council present was to proceed with the Plan Text Amendment as presented.

4. Washington County Major Streets Transportation Improvement Program (MSTIP) Priorities

Staff noted Council held a discussion in January on the draft list of projects for funding in the latest cycle of the Washington County Major Streets Transportation Improvement Program (MSTIP). Management Analyst Ben Bryant was present with updated information on potential safety improvements to Grahams Ferry Road, at the request of the City Council. The Washington County Coordinating Committee (WCCC) is asking for input on the draft project list for the MSTIP. Cities, including Tualatin, have added projects to the original list, putting the County \$75 million over budget.

Discussion followed on review of Tualatin's requested projects that would be funded by MSTIP. A map was displayed of potential projects and their locations. Staff noted Wilsonville's mayor, with unanimous approval of their Council, sent a letter to Washington County requesting modification to Project 12, by redirecting the \$6 million towards improving the existing road network; specifically Boones Ferry Road, Day and Grahams Ferry Roads, and Tonquin Road, respectively.

Discussion followed on the projects list, specifically Wilsonville's request to redirect funding, and the 124th Avenue project, etc. Discussion then went to Grahams Ferry Road and what could be done to address the safety issues now, and the rebuild of Graham's Ferry in the future, with possible connection with the Basalt Creek planning. Although Council expressed disappointment in the County's proposal for Graham's Ferry Road improvements, it was agreed that it needs to be on a future MSTIP list. Council discussed for now, on the importance of getting a guardrail and sidewalk connections in the piece of road located in the City boundaries.

Management Analyst Bryant concluded by noting Washington County has planned an Open House for March 22, 2012, starting at 5:00 p.m. at Beaverton High School and will get more information out as soon as it becomes available.

5. Tualatin River Water Trail Update

Community Services Director Paul Hennon and Parks and Recreation Manager Carl Switzer presented a PowerPoint update on the Tualatin River Water Trail. As part of a regional vision for a Tualatin River trail, Metro is leading a feasibility study on the selection of a new location for a light water craft (canoe, kayak, etc) launch site. An entry point on the river will offer new recreational opportunities, increase public access to the Tualatin River and promote public awareness of water quality issues and wildlife habitat protection.

Staff gave a brief background on the water trail, noting two preferred sites have been identified, explaining the reasons for the preferred site suggestions. The information was taken to the public for review, but have not received the results as yet. Parks and Recreation said the suggested sites are not located in Tualatin, but is part of the overall water trail system.

Brief discussion followed on where the current entry points in Tualatin are located.

6. Centennial Celebration Update

Parks and Recreation Manager Carl Switzer gave an update on the preparations of Tualatin's Centennial Celebration in 2013. Work has been done by the ad hoc committee that includes Councilors Bubenik and Grimes, on a realistic year-long celebration program that will not require any additional resources. A PowerPoint was presented outlining the suggested preliminary schedule of events. Also identified was a list of other possible Centennial Celebration items and their associated costs. Parks Manager Switzer said the list is for information only, and there is no expectation of funding these items.

Discussion followed on the list of items and cost estimates, and it was suggested that fundraising could be done to fulfill some of the Centennial Celebration program. The proposed light pole banners were mentioned as a way to celebrate the event and could be displayed for the entire year. Other ideas and possible events were discussed, which included adding a Saturday evening barn-dance type of event during Crawfish Festival enlisting the Winona Grange, and the possibility of having fireworks. Concern was expressed that any fundraising efforts not take away other City sponsorships, and the Arts Advisory Committee has concern about the potential for commercialism. It was mentioned and suggested involving the Citizen Involvement Organizations (CIOs) in the planning and preparation of the celebration. Potential funding of the event was discussed and it was suggested having a discussion through the upcoming fiscal year budget process.

7. ***Council Meeting Agenda Review, Communications & Roundtable***

CONSENT AGENDA REVIEW

Council reviewed the Consent Agenda with no questions or comments. Council placed Item H-1 on the Consent Agenda.

COMMUNICATIONS

Mayor Ogden mentioned being approached at the recent US Conference of Mayors, about the issue regarding an immigration discrimination suit that has been filed by Santa Clara, CA, looking for cities to support an amicus brief which is being rewritten. Councilor Davis said she will be taking this information to the Washington County Human Rights Council, which she serves on their board. Brief discussion followed. Councilor Davis will be attending the next Washington County Consolidated Communications Agency (WCCCA) meeting, and said if there are any issues to let her know.

Councilor Truax said he attended a Citizen Involvement Organization (CIO) meeting where naming the Helenius Greenway was discussed, and the communication process and the dissemination of information looks to be working as it supposed to do.

8. ADJOURNMENT

The Work Session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
FEBRUARY 27, 2012

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was led by Council President Beikman.

B. ANNOUNCEMENTS

None.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

Item H-1 was added to the Consent Agenda at Work Session.

MOTION by Councilor Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the Consent Agenda as amended and read.

Vote: 7 - 0 MOTION CARRIED

1. Approval of the Minutes for the Meeting of February 13, 2012
2. Approval of Liquor License Renewals for 2012
3. H-1 Resolution No. **5088-12** Naming and Designating the Blake Street Right-of-Way Helenius Greenway

E. SPECIAL REPORTS

1. Update on the Transportation System Plan and Linking Tualatin

Associate Planner Cindy Hahn presented an update on the Transportation System Plan (TSP) and Linking Tualatin projects. A PowerPoint was given reviewing activities and events that have taken place in the past weeks. The Open House on February 16 had approximately 30 people in attendance, with a lot of feedback and comments received. An upcoming calendar of scheduled events was reviewed, and the six TSP Working Groups are continuing in the coming weeks. A short video was shown on the Tualatin Chamber's shuttle service offered to the community.

Mayor Ogden said he appreciated the effort and work that has been done on the projects and thanked those that have attended, and will be attending and participating in the upcoming events.

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

I. ITEMS REMOVED FROM CONSENT AGENDA

J. COMMUNICATIONS FROM COUNCILORS

None.

K. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the Work Session.

L. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 7:17 p.m.

Vote: 7 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ginny Kirby, Office Coordinator
Mike Darby, Engineering Technician

DATE: 03/12/2012

SUBJECT: Resolution Accepting Public Improvements Constructed in Association with
McLane Food Service Inc.

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed.

RECOMMENDATION:

It is recommended that Council adopt the attached resolution approving and accepting the constructed improvements.

EXECUTIVE SUMMARY:

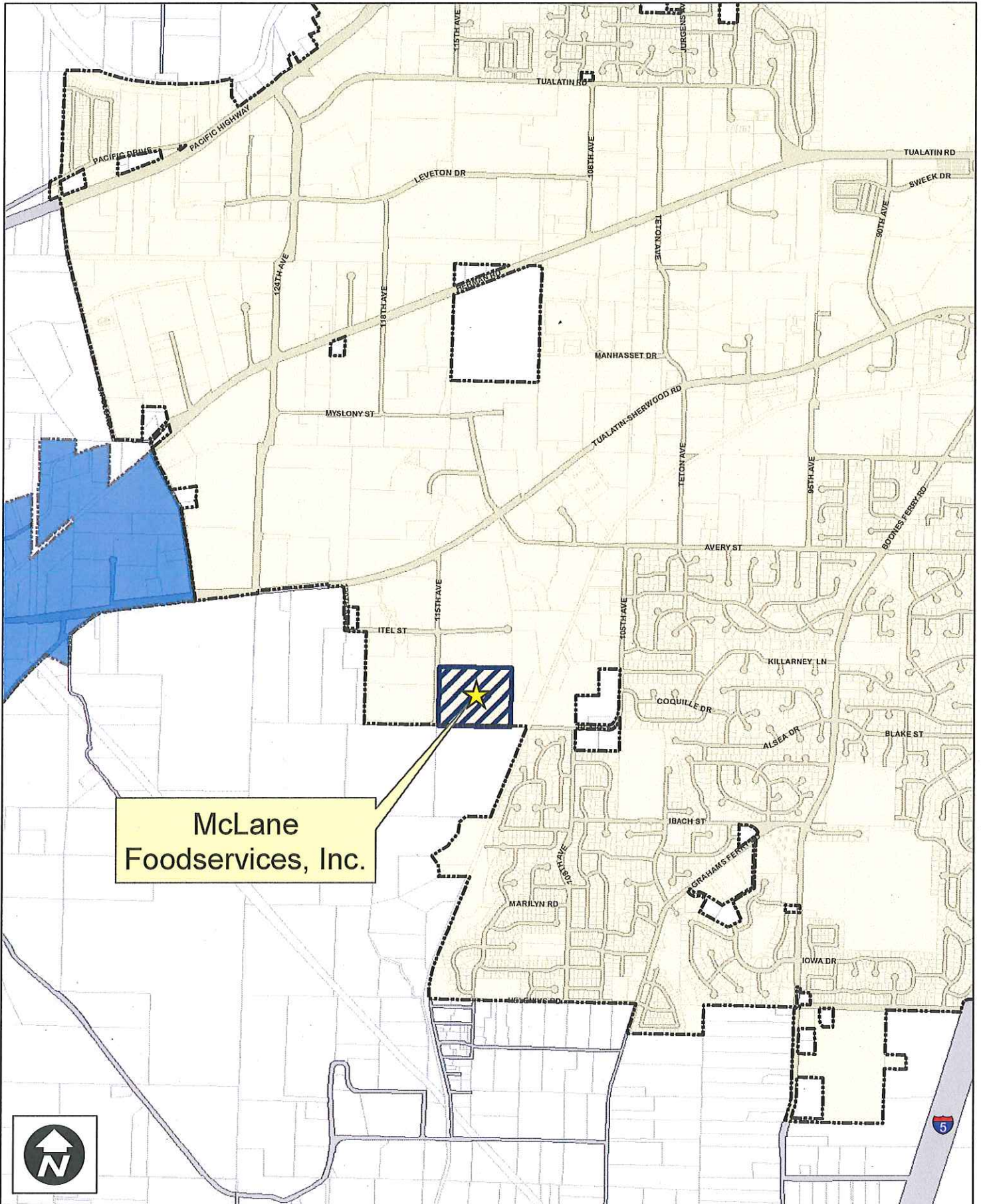
All public improvements were constructed as part of McLane Food Service Inc.

The improvements were done as required by AR-10-02, issued on July 2, 2010. Said improvements consisted of installation of a new driveway on SW 115th Avenue, sidewalk, and water service.

FINANCIAL IMPLICATIONS:

There are no impacts on utility funds; costs to be paid by ratepayers.

Attachments: A - Vicinity Map
B - Resolution



RESOLUTION NO. 5089-12

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED IN ASSOCIATION WITH MCLANE FOODS INC.

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Construction Management Technology, hereinafter referred to as DEVELOPER; Public Works Construction Permit No. 10-29 to install a new driveway on SW 115th Avenue, sidewalk, and water service in association with McLane Food Service Inc (SW 115th Avenue), said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and AR 10-02, issued on July 2, 2010, and

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

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

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

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

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

INTRODUCED AND ADOPTED this 12th day of March, 2012.

CITY OF TUALATIN, OREGON

BY Monique L. Beckman
Mayor Pro Tem

ATTEST:

BY [Signature]
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Maureen Smith, Executive Assistant
DATE: 03/12/2012
SUBJECT: Approval of 2012 Liquor License Renewals Late Submittals

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2012. The businesses listed below submitted their 2012 renewal application too late to be included in the renewals approved at the February 27, 2012 Council meeting. A few businesses are left submitting their renewal. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2012:

7-11 Food Store	Fuddruckers
Bambuza Vietnam Grill	Game Time
Boones Ferry Chevron	Hayden's Lakefront Grill
Buffalo Wild Wings	Nacho Mama's
Celia's Mexican Restaurant	Pizza Hut
Chipotle Mexican Grill	Tualatin Island Grill
Claim Jumpers	Sushiville
ClubSport	Wu's Open Kitchen
El sol de Mexico	Wongs Chinese Restaurant
Fiorano's Italian Restaurant	Whole Foods Market

EXECUTIVE SUMMARY:

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

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

FINANCIAL IMPLICATIONS:

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

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Paul Hennon, Community Services Director

DATE: 03/12/2012

SUBJECT: Authorization for Staff to Approve Amendment No. 4 to a Contract with Washington County for a Community Development Block Grant to Expand and Remodel the Juanita Pohl Center

ISSUE BEFORE THE COUNCIL:

Council will consider authorizing staff to approve Amendment No. 4 to a contract with Washington County for a Community Development Block Grant to expand and remodel the Juanita Pohl Center. Amendment No. 4 would authorize acceptance of \$20,200 in Contingency Funding to complete improvements to the Juanita Pohl Center Addition and Renovation Project that is currently nearing completion of construction.

RECOMMENDATION:

Staff respectfully recommends that Council authorize the Community Services Director to execute Amendment No. 4 to the Community Development Block Grant to expand and renovate the Juanita Pohl Center to accept Contingency Funding in the amount of \$20,200 after review by the City Attorney.

EXECUTIVE SUMMARY:

On March 8, 2012, the Washington County Policy Advisory Board (PAB) approved a request for Contingency Funding in the amount of \$20,200 to enable the following three elements of work to be included within the current construction contract: 1) Replacement of a single manual door with double-wide power-assisted doors to improve accessibility and energy efficiency at the front door vestibule, 2) Add a handrail in front of the north and northeast windows for use with health and fitness activities, and 3) Upgrade the northeast windows to match the new north windows and improve energy efficiency.

The proposed improvements are consistent with the priorities of the Juanita Pohl Center Steering Committee for use of Community Development Block Grant funds.

The construction project is almost complete and it is necessary to have the Council authorize staff to execute Amendment No. 4 when it has been prepared by Washington County during the week of March 12 to add the improvements cited above without delaying the construction schedule.

It is anticipated that work will be completed on the project by the beginning of May, 2012.

FINANCIAL IMPLICATIONS:

The City of Tualatin has received Community Development Block Grants in FY 2010-2011 and FY 2011-2012 to complete the Juanita Pohl Center Addition and Remodel Project in the combined amount of \$447,330. This Contingency Funding would increase the total grant funds to \$467,530. The total cost of the three additional improvements is approximately \$25,600 and will be funded through the Contingency Funding (\$20,200), \$3,900 in unspent funds previously awarded, and a Local Match of \$1,500 available through an Energy Trust of Oregon Commercial and Industrial Program cash incentive award that is in the process of being obtained for energy efficient lighting upgrades made as part of this project.

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Carl Switzer, Parks & Recreation Manager
Paul Hennon, Community Services Director

DATE: 03/12/2012

SUBJECT: Resolution Granting Heritage Tree Status to a Tree on City Property

ISSUE BEFORE THE COUNCIL:

Council will consider granting Heritage Tree status to a tree at the Tualatin Commons.

RECOMMENDATION:

Staff respectfully recommends that Council grant Heritage Tree status to this tree.

EXECUTIVE SUMMARY:

On June 22, 1987, Council established a Heritage Tree Program (Ordinance No. 723-87) to recognize, foster appreciation of, and protect Heritage Trees, to inspire awareness of the contribution of trees to the community, and to encourage the planting of trees. A Heritage Tree is defined as a tree or stand of trees that, due to its age, size, species, quality or historic association, is of landmark importance and its retention as such will not unreasonably interfere with the use of the property upon which it is located.

One nomination was received this year, a Nordmann Fir to be planted at the Tualatin Commons. The Tualatin Commons is City owned property located at 8325 SW Nyberg Street, Tualatin Oregon, 97062. The property tree is located south of Tax Lot 01700 of Tax Map 2S 124BC in public right-of-way (see attached map). Tualatin Municipal Code Chapter 1-23 states that "No tree that is located in the areas designated in the Tualatin Development Code for road, water, sanitary sewer or storm sewer improvements, or construction shall be nominated." While it is technically in right-of way it is located well within the built environment of the Tualatin Commons and replaces an existing mature tree in a brick lined tree-well.

Staff recommends to Council that they grant Heritage Tree status to the following tree:

Name: Tualatin Commons Commemorative Tree
Species: Nordmann Fir
Location: Tualatin Commons, 8325 SW Nyberg Street
Owner: City of Tualatin

This tree will be planted April 4, 2012 as a part of the 2012 Arbor Week Celebration. This tree has two historic associations that make it suitable for Heritage Tree status.

1) This year the City of Tualatin is celebrating being named a Tree City USA for the 25th time with activities, plantings, and programs throughout the year. This tree will be planted to commemorate this special anniversary.

2) The Tualatin Commons holds a special place in the community's heart and in many ways acts as Tualatin's living room. This tree will be planted in a very visible location which will allow generations of Tualatin residents to watch it grow and benefit from the many benefits it provides.

By granting this tree Heritage Tree status, the City is providing its voluntary agreement as property owner to the tree's designation as a Heritage Tree. By granting this tree Heritage Tree status, the City shall further agree to record the tree's designation as a Heritage Tree, its site and its description on the land title.

OUTCOMES OF DECISION:

If granted Heritage Tree status this tree will be added to the City's Heritage Tree inventory and a plaque will be placed in front of it, identifying it as such.

FINANCIAL IMPLICATIONS:

Trees at the Tualatin Commons are already being maintained by the Parks Maintenance Division and as such there will be no new additional maintenance costs.

Attachments: 2012 Heritage Tree Resolution
 Heritage Tree Designation and Preservation Agreement
 Locator Map

RESOLUTION NO. 5090-12

RESOLUTION GRANTING HERITAGE TREE STATUS TO A TREE ON CITY PROPERTY

WHEREAS the City Council adopted an Ordinance (No. 723-87) establishing a program to recognize and protect Heritage Trees; and

WHEREAS nominations have been solicited, received and reviewed; and

WHEREAS Ordinance No. 723-87 specified that ten (10) trees could receive Heritage Tree Status in the first year of the program and in each subsequent year a maximum number of five (5) trees may be designated as Heritage Trees, and with this new tree added the total number of trees or stands with the Heritage Tree designation would be 36; and

WHEREAS staff recommends that the tree identified in the staff report receive Heritage Tree designation at this time; and

Whereas Ordinance No. 723-87 stipulates that the property owner agree to forfeit for the Heritage Tree any exemption which might otherwise have been granted under Section 4(1), (2), or (3) of the Tree Protection Ordinance, and further agree to record the tree's designation as a Heritage Tree, its site and its description on the County records; and

WHEREAS certain administrative acts are required to implement all the provisions of the ordinance establishing the Heritage Tree Program.

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

Section 1. The Nordmann Fir located in a planting bed at the plaza of the Tualatin Commons, located at 8325 SW Nyberg Street, is hereby designated as a Heritage Tree of the City of Tualatin.

Section 2. The Mayor and City Recorder are authorized and directed to sign the Heritage Tree Designation and Preservation Agreement.

Section 3. Upon receipt of agreement referred to in Section 2, the City Recorder shall cause to be recorded the tree's designation as a Heritage Tree, its site and its description on the County Records.

Section 4. The Parks and Recreation Manager is directed to place a plaque identifying the tree as a Heritage Tree in a visible location near the designated Heritage Tree.

Section 5. The Parks and Recreation Manager is directed to place this tree on the official listing and map of Heritage Trees and to maintain said listing and map in accordance with the provisions of Ordinance No. 723-87. |

INTRODUCED AND ADOPTED this 12th day of March, 2012.

CITY OF TUALATIN, OREGON

BY Monique L. Beikman
Mayor Pro Tem

ATTEST:

BY [Signature]
City Recorder

APPROVED AS TO LEGAL FORM

Brenda K. Braden
CITY ATTORNEY

HERITAGE TREE PRESERVATION AGREEMENT

Upon acceptance of the Tualatin City Council, We, **the City of Tualatin**, as owners of the following described property agree that certain trees thereon and more fully described herein shall be placed on the City of Tualatin's list of Heritage Trees and thereafter preserved and protected. I recognize and agree that placement on this list is due to the age, size, species, quality, historic association, and/or landmark importance of such tree or trees and its retention will not interfere with the use of the property upon which it is located.

The Nordmann Fir is located at the Tualatin Commons, a City owned property located at 8325 SW Nyberg Street, Tualatin Oregon, 97062. The tree is located south of Tax Lot 01700 of Tax Map 2S 124BC in public right-of-way. It is located approximately 60 feet south of the Tualatin Commons fountain and approximately 25 feet west of the lake.

As the owner of the property and the trees, we recognize and agree that this Heritage Tree designation does not affect my title and, therefore, I will indemnify and hold the City harmless from any claim which challenges this designation. I also understand and agree that tree maintenance, care and/or pruning continues to be the responsibility of the City of Tualatin as the property owner and it will be maintained, to the best of the City's ability, to preserve the tree from disease and death.

Finally, I agree to forfeit any exemption we may have from the provisions of the City of Tualatin Development Code, Section 34.200, which might otherwise permit us to cut down this tree. This forfeiture of exemption does not prohibit the property owner from applying for a permit to cut or otherwise remove said tree under the Tree Protection Ordinance.

The covenants and conditions in this agreement shall bind the City of Tualatin including heirs, successors and assigns and this document may be filed in the County Recorder's Office.



By: _____

Date: _____

Title: _____

State of Oregon)
) ss.
County of Washington)

Signed or attested before me on this ____ day of _____, 2012

by _____

Notary Public for Oregon
My Commission expires: _____

Approved and accepted by the Tualatin City Council this 12th day of March, 2012.

CITY OF TUALATIN, Oregon
BY: _____
 Mayor
ATTEST:
BY: _____
 City Recorder

After recording, return to:
City of Tualatin
Community Services Department
18880 SW Martinazzi Avenue (Mailing)
8515 SW Tualatin Road (Physical)
Tualatin, OR 97062

Tualatin Commons

8325 SW Nyberg Street



Location of tree well and proposed location for Heritage Tree

City Council Meeting

E. 1.

Meeting Date: 03/12/2012

Submitted By: Paul Hennon, Community
Services

SPECIAL REPORTS

Council Consideration of a Proclamation Declaring April 1-7, 2012 as Arbor Week in the City of Tualatin

SUMMARY

Council will consider a proclamation declaring April 1-7, 2012 Arbor Week in the City of Tualatin and receive a presentation on activities planned for the celebration of Arbor Week.

The Council will also be presented the Tree City USA certification by the National Arbor Day Foundation for the 25th consecutive year for following best-practices in urban forestry management.

Attachments

Proclamation

Proclamation

Proclamation Declaring April 1 - 7, 2012 Arbor Week in the City of Tualatin

WHEREAS Arbor Day is a holiday observed throughout the nation and the world in which individuals and groups are encouraged to plant, care for, and celebrate the many values of trees, and Arbor Day is observed in the State of Oregon during the first full week of April, which this year will be April 1 - 7, 2012; and

WHEREAS healthy trees reduce the erosion of topsoil by wind and water, moderate the temperature, calm traffic, clean the air, produce oxygen, provide habitat for wildlife, and are a renewable resource giving us paper and countless other wood products; and

WHEREAS trees beautify our community, increase property values, and enhance the economic vitality of business areas in Tualatin, and thousands of trees and shrubs are planted by volunteers on Tualatin's parklands every year; and

WHEREAS 2012 marks the 25th consecutive time the City of Tualatin has been certified as a Tree City USA by the National Arbor Day Foundation for following best-practices in urban forestry management and Tualatin has received the Tree City USA Growth Award 12 times for outstanding achievement in strengthening its tree care program.

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

Section 1. All citizens are urged to support efforts to protect and plant trees to gladden the hearts and promote the well being of present and future generations.

Section 2. The citizens of the City of Tualatin support the Oregon Department of Forestry and the National Arbor Day Foundation in their recognition of the value of trees and forests by proclaiming April 1 - 7, 2012, as Arbor Week in Tualatin.

INTRODUCED AND ADOPTED this 12th day of March, 2012.

CITY OF TUALATIN, OREGON

BY *Monique L. Berkman*
Mayor

ATTEST:

BY *J. Pombos*
City Recorder

City Council Meeting

E. 2.

Meeting Date: 03/12/2012

Submitted By: Aquilla Hurd-Ravich, Community
Development

SPECIAL REPORTS

2011 Annual Report of the Tualatin Planning Advisory Committee (TPAC)

SUMMARY

Ordinance No. 342-76 established the Tualatin Planning Advisory Committee (TPAC). The ordinance was adopted on July 26, 1976 and incorporated into the Tualatin Municipal Code as Chapter 11-1. The ordinance prescribes TPAC's role in reviewing plans and ordinances and makes TPAC the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. In 2012, the Tualatin Planning Advisory Committee changed to the Tualatin Planning Commission. The annual report covers activities conducted by TPAC in 2011, see Attachment A.

The report covers two requirements of Chapter 11-1 in the Tualatin Municipal Code. First, the report evaluates the effectiveness of the Citizen Involvement Program and makes recommendations regarding revisions in the Citizen Involvement Program. Second, Chapter 11-1 of the Tualatin Municipal Code requires that not later than April 1 of each year, commencing with the year 1977, the Committee shall file with the City Council its annual report of the activities of the Committee.

In 2011 TPAC suggested several changes to the Council to promote a more effective Advisory committee:

- Reduce the number of positions from nine to seven;
- Change the definition of a quorum to a majority of those appointed by Council;
- Remove the number of terms that a Committee member can be reappointed by Council;
and
- Change the Advisory Committee to a Planning Commission with decision making authority over a limited number of quasi-judicial land use applications.

These changes were intended to help the advisory committee make recommendations on comprehensive plan amendments more efficiently. The change to a Planning Commission specifically was intended to streamline the decision making process for quasi-judicial decisions and empower the Planning Commission members who are citizen volunteers.

A recommended revision to the citizen involvement program is to coordinate with the Citizen Involvement Organizations (CIO) through regular communication with the CIO Land Use Officers.

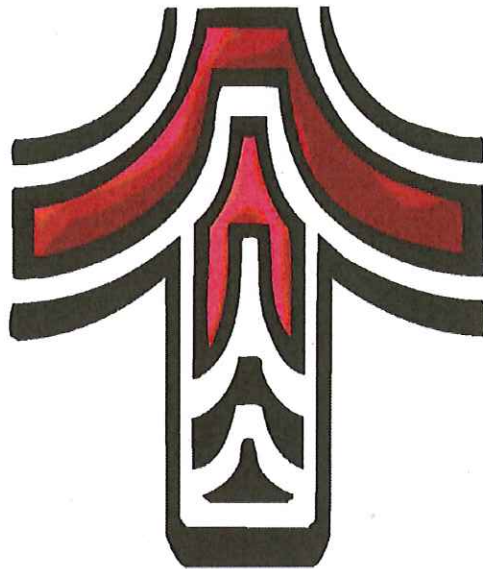
TPAC met eleven times during 2011 and made recommendations on ten Plan Text Amendments and one Plan Map Amendment. They also discussed a wide range of land use planning issues including:

- The Transportation System Plan;
- Linking Tualatin;
- Current and long range activities in Clackamas County;
- Planning activity in Basalt Creek; and
- Citizen Involvement Organizations
- (for a full list of topics discussed please see *Other TPAC Activities* in the 2011 Annual Report)

The Planning Commission met to review the 2011 Annual Report on March 6, 2012 and recommended that Council accept the report. There are no criteria applied to acceptance of the annual report.

Attachments

A - 2011 TPAC Annual Report



City of Tualatin

2011 ANNUAL REPORT

TUALATIN PLANNING ADVISORY COMMITTEE

MARCH 6, 2012

Committee Members:

Paul Sivley, Chair
Mike Riley, Vice Chair
Alan Aplin
Bill Beers
Jeff DeHaan
Nic Herriges
Steve Klingerman

2011 ANNUAL REPORT OF THE TUALATIN PLANNING ADVISORY COMMITTEE

BACKGROUND

Ordinance No. 342-76 established the Tualatin Planning Advisory Committee (TPAC), was adopted July 26, 1976 and incorporated into the Tualatin Municipal Code as Chapter 11-1. The ordinance prescribes TPAC's role in reviewing plans and ordinances and makes TPAC the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. In 2012, the Tualatin Planning Advisory Committee changed to the Tualatin Planning Commission. This annual report covers activities conducted by TPAC in 2011.

This report will address two specific TPAC mandates in Tualatin Municipal Code Chapter 11-1.

11-1-060(4): Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities:

- (a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.
- (b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Committee deems appropriate.

11-1-080: Not later than April 1 of each year, the Committee shall file its annual report of the activities of the Committee with the City Council. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.

EFFECTIVENESS OF THE CITIZEN INVOLVEMENT PROGRAM

In 2011, the members of TPAC recommended changes to the committee to improve its effectiveness as an advisory body. These changes included reducing the number of positions on the committee from nine to seven, changing the definition of a quorum to be the majority of the members appointed by Council, and removing limits to the number of terms a committee member can be reappointed. Of the nine positions, one or two were consistently vacant for at least one year, which made reaching a quorum on important recommendations difficult. There were four instances in the year 2010 when a quorum was not present to make a recommendation to Council. A lack of quorum was partly due to the vacant positions. Council adopted the changes with the intention to make TPAC a more efficient body in providing public feedback to the City Council.

The members of TPAC also recommended that the Planning Advisory Committee become a Planning Commission. The City Council and TPAC met jointly several times in 2011 to discuss the role of a Planning Commission in Tualatin's land use decisions, the logistics of a Planning Commission and what land use decisions could be under the purview of a newly created Commission. Staff presented research about the operation of planning commissions in other cities and which quasi-judicial land use decisions the City Council currently has under their purview.

Jointly, TPAC and the City Council decided that it was an appropriate time in Tualatin's development as a City to create a Planning Commission with approval authority over a limited number of quasi-judicial decisions. Including:

- Industrial Master Plans
- Reinstatement of Use
- Sign Variance
- Variance
- Transitional Use Permit

The purpose of this change was to help streamline land use decisions as well as empower the Planning Commission members as citizen volunteers who are appointed by Council.

The Planning Commission will retain the duties of the Advisory Committee, which makes recommendations on Comprehensive Plan Amendments including map and text changes. They also participate in broad City planning efforts and provide feedback to staff and the City Council. In 2011, TPAC reviewed 10 Comprehensive Plan Text Amendments. These reviews not only allow the citizen advisory committee the opportunity to comment but any interested members of the public can provide input. In 2011, TPAC was involved in the beginning phases of the Transportation System Plan update and gave critical input to the development of the public involvement plan. TPAC's participation in transportation activities will continue throughout 2012.

At each meeting, there is an allotted time for the public to make comments about any topic not related to an agenda item. This opportunity has given members of the public the opportunity to ask TPAC to consider other community concerns. For example, comments made by the public addressed the activities of the newly formed Citizen Involvement Organizations, public participation best practices and consideration of a need for a park and ride on Highway 99.

RECOMMENDED REVISIONS TO THE CITIZEN INVOLVEMENT PROGRAM

In the upcoming year, 2012, TPAC should coordinate with the Citizen Involvement Organizations (CIOs). The CIOs are an excellent communication tool to reach out to a greater number of Tualatin citizens. The Community Development staff can support this effort by including CIO Land Use Officers in the distribution of Planning Commission agendas and notices. This action is not required to comply with State Land Use

Planning Goal 1 but it will provide a greater opportunity for more citizens to participate in land use planning in the City.

ACTIVITIES OF THE COMMITTEE

During the 2011 Calendar Year TPAC met eleven (11) times and reviewed ten (10) Plan Text Amendments:

PTA-09-03- Historic Preservation– Consideration of reforms to the historic preservation program. TPAC made a recommendation to put tax monies from 22 historic properties identified in the City of Tualatin into a special fund for historical preservation, and consider imposing a demolition fee to mitigate for the loss of historic properties, which would also go into that fund on February 1, 2011.

PTA-10-04- Southwest Concept Plan- Consideration of proposed text amendments to chapters in the Tualatin Development Code and a recommendation to incorporate proposed changes that implemented the Southwest Concept Plan. TPAC recommended approval on February 1, 2011.

PTA-11-02- Electronic Reader Board Signs- Consideration of proposed text amendments to the Sign Regulations to allow an electronic message display for a high school campus in the Residential Low Density Planning District. TPAC made a recommendation of approval on April 5, 2011.

PTA-11-03- Extension of Certain Architectural Review Decisions- Consideration of proposed text amendments to change the end date for a blanket extension to Architectural Review decisions issued between January 2007 and September 30, 2009. TPAC made a recommendation of approval on April 5, 2011.

PTA-11-04- Storm Water Quality Regulations- Consideration of text amendments to the Tualatin Development Code to:

- Allow storm water from private, non-residential development to be treated in a public storm water quality facility;
- Allow commercial and industrial developers to construct a regional public storm water facility to accept, treat, and discharge storm water runoff from building and paved surfaces on multiple-lot private development; and
- Provide requirements for submittal of a Storm Water Facility Agreement for a regional public storm water facility that will be operated and maintained by the City and supported by fees from benefitting property owners.

TPAC made a recommendation of approval on May 3, 2011

PTA-11-05- Changes to approval and extension periods for Architectural Review, Partition, and Subdivision Approval and Conditional Use Permits- Consideration of text amendments to the Tualatin Development Code to:

- Increase Architectural Review and Conditional Use Permit approval periods from one (1) to two (2) years.
- Allow Architectural Review, Partition, and Subdivision a single one-year extension
- Allow for staff or the Architectural Review Board (ARB) to review an Architectural Review (AR) extension request depending on what party approved the AR; and
- Specify additional extension criteria.

TPAC recommended approval on August 2, 2011.

PTA-11-06- Changes to Tualatin Planning Advisory Committee- Consideration of text amendments to the Tualatin Development Code to reduce the number of TPAC positions from nine (9) to seven (7) and remove term limits. The Municipal Code changed at the same time to establish a quorum as a majority of the members appointed by Council. TPAC recommended approval on June 7, 2011.

PTA-11-08- Changes to Sign Regulations- Consideration of text amendments to the Sign Regulations in the Tualatin Development Code to allow additional sign options in the Central Design District, Major Commercial Centers and Multi-story Buildings in the Central Commercial and General Commercial Planning Districts. Additionally, TPAC considered text amendments to provide standards and definitions for the proposed additional sign options. TPAC recommended approval on July 5, 2011 and again on October 4, 2011 to a revised Plan Text Amendment.

PTA-11-09- Land Use Notices to Citizen Involvement Organizations- Consideration of text amendments to the Tualatin Development Code that added recognized Citizen Involvement Organizations (CIOs) to a list of parties receiving Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation, and Notice of Neighbor Developer Meeting. TPAC recommended approval on December 6, 2011.

PTA-11-11- Changing the Tualatin Planning Advisory Committee to a Planning Commission- Consideration of text amendments to the Comprehensive Plan and Tualatin Development Code to change the Planning Advisory Committee to a Planning Commission and grant decision making authority over specified land use applications that are appealable to the City Council. A separate action revised the Tualatin Municipal Code to reflect these changes. TPAC recommended approval on December 6, 2011.

During the 2011 Calendar Year, TPAC reviewed one (1) Plan Map Amendment.

PMA-10-02- Southwest Concept Plan- Consideration of proposed changes to the Community Plan Map 9-1 and a recommendation to incorporate proposed changes to implement the Southwest Concept Plan. TPAC recommended approval on February 1, 2011

Approximately 24 members of the public participated in TPAC meetings throughout the year. The Plan Text Amendment to allow Electronic Reader board signs at Tualatin High School received the most participation from members of the public.

OTHER TPAC ACTIVITIES

Other activities included two joint meetings with the City Council to discuss the potential role of a Planning Commission in Tualatin's land use decisions. The first meeting was a special work session on July 27, 2011 and the second was a joint work session on October 10, 2011.

Outside agencies presented two special reports to TPAC. One on October 4, 2011 from Clackamas County Planning staff who presented information about a Conditional Use Permit request for a composting and surface mining facility at the intersection of Borland and Stafford Roads. The second special report was on November 1, 2011 by the City of Tigard Planning staff regarding Tigard's High Capacity Transit land use study.

Staff brought forward several topics for TPAC discussion including:

- The application for a Conditional Use Permit to allow surface mining and composting in Clackamas County
- "Linking Tualatin", the City's high capacity transit land use study.
- Transportation System Plan project and the Transportation Task Force.
- Stafford Hamlet community forums held about future development in the Borland Area neighborhood.
- CPO 5 and TPAC's participation
- Basalt Creek
- Blake Street Bikeway updates
- Current planning projects like the Stafford Hills Racquet Club
- Urban and Rural Reserves update
- Electronic versus paper distribution of packets
- Tonquin Trail update
- Tualatin Tomorrow update
- Core Area Parking District
- Transportation System Plan public involvement strategy
- Citizen Involvement Organization presentation

2011 Annual Report of the Tualatin Planning Advisory Committee

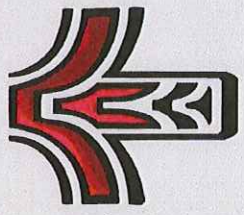
March 12, 2012





Background

- Annual Report address two requirements of the Municipal Code:
 - Evaluate TPAC's role in Citizen Involvement
 - List activities during the preceding year



TPAC's role in Citizen Involvement

- Changes to improve effectiveness as an advisory body:
 - 9 to 7 positions
 - Redefine *quorum*
 - Remove limit on the number of times a member can be reappointed



TPAC's Role in Citizen Involvement

- Tualatin Planning Advisory
Committee changed to Tualatin
Planning Commission

- Purpose of change:
 - Streamline land use decisions
 - Empower citizen volunteers on the
Commission



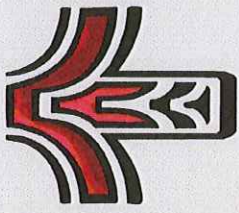
Planning Commissioners



Jeff DeHaan, Bill Beers, Alan Aplin, *Vice Chair*, Nic HERRIGES, Mike RILEY, *Chair* (not in picture: Steve KLINGERMAN, Paul SIVLEY, member in 2011)

March 12, 2012

City of Tualatin



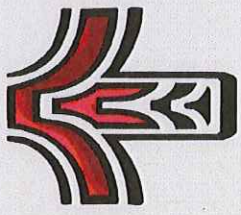
Recommendations

- In 2012, better coordination with Citizen Involvement Organizations
 - Intended to reach more Tualatin Citizens about land use decisions
 - Staff will support this effort when distributing agendas and notices.



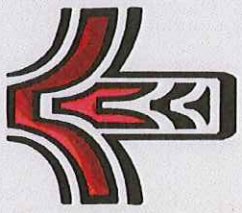
2011 Activities

- TPAC met 11 times
- Reviewed 10 Plan Text Amendments
- Reviewed 1 Plan Map Amendment



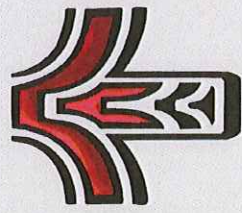
Activity Highlights

- Southwest Concept Plan
- Electronic Reader Board at Tualatin High School
- New Sign Regulations for Downtown and Major Commercial Centers
- Creation of a Planning Commission

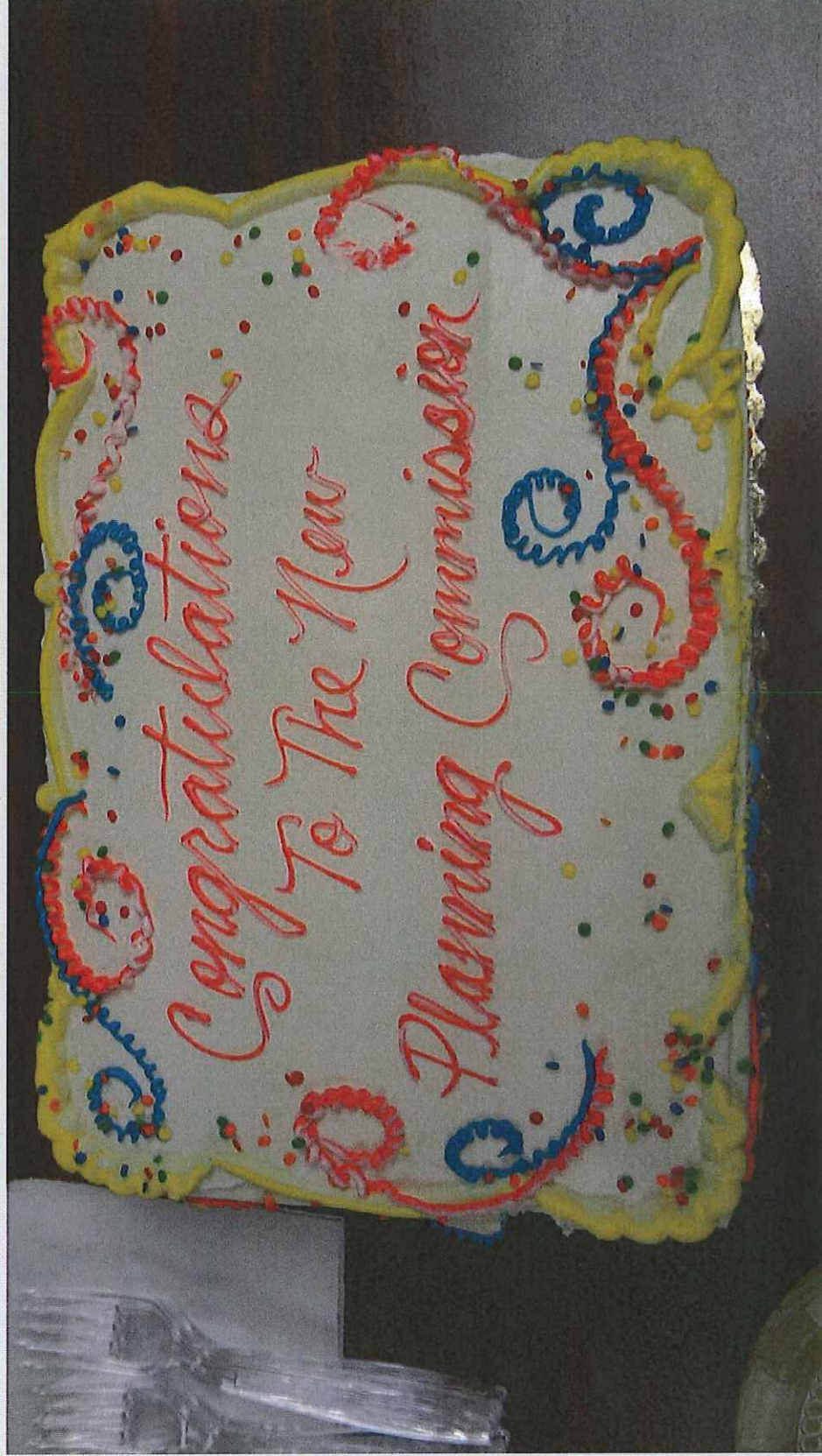


Other discussions

- Two special reports:
 - Tigard High Capacity Transit study
 - Clackamas County CUP at Stafford and Borland
- Transportation updates
 - TSP
 - Linking Tualatin
- Basalt Creek updates
- Current Planning activity updates



Questions?



March 12, 2012

City of Tualatin

10



STAFF REPORT CITY OF TUALATIN

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: 03/12/2012

SUBJECT: A Conditional Use Permit for a Tigard-Tualatin School District 23J "On-line Academy Learning/Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200)(CUP-12-01)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request by Tigard-Tualatin School District for a Conditional Use Permit to allow an "On-Line Learning/Technology Center" school and "Online Academy" school for students in grades 6-12 in a leased space of the Oak Tree Business Center located in the Light Manufacturing Planning District at 19234 SW Mohave Court (Tax Map 2S124DA, Tax Lot 2200).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 12-01 with four recommended conditions of approval.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- "Schools for Kindergarten through 12" are a conditional use within the ML Planning District, Tualatin Development Code (TDC) 60.040(1)(o).
- The approximately 3.35 acre subject property is known as the Oak Tree Business Center with four buildings on Tax Map 2S123DA Tax Lot 2200, adjacent to SW Mohave Court on the west and SW Old Tualatin Sherwood Road on the north. The proposed location is in Building A at 19234 SW Mohave Court. The property is in the ML (Light Manufacturing) Planning District and in Block 28 of the Central Urban Renewal District. A Vicinity Map is included as Attachment A.

Nearby properties include Miller Paint to the west (across SW Mohave Ct.): the former GoodYear Tire Center to the north, Columbia Self-storage to the south; and the Pacific & Western/WES rail line to the east. Other tenants in the Oak Tree Business Center include a veterinary clinic, dance/martial arts studio, and a pet day care in Building A, and small wholesale/distribution and auto service businesses in other buildings.

- The applicant is Nancy Hubbard of Hubbard & Associates representing the Tigard-Tualatin School District (TTSD). The Application and Materials are Attachment B. The property owner of the Oak Tree Business Center subject property is Pietka Properties LLC. The TTSD is the lessee of an 5,600 sq. ft. portion of the existing Building A for the proposed Online Academy.
- The request is to allow an Online Academy described as an "online learning/technology center school" for TTSD students in grades 6-12 in a leased space of the Oak Tree Business Center. The Online Academy is "...for students in TTSD who have chosen home schooling and online classes as their primary learning experience." (Attachment B, page 1). The proposed Online Academy for TTSD students of grades 6-12 is a "Schools for Kindergarten through 12" and allowed as a conditional use.
- The applicant conducted a neighborhood/developer meeting on January 19, 2012, 6-7 pm, to explain the proposal to neighboring property owners and to receive comments. Besides the applicant and TTSD staff members and one member of the Community Development Department staff, no one else attended the meeting (Attachment B).
- Tigard-Tualatin School District is a public school district providing educational services in the Tigard and Tualatin area. TTSD has three elementary schools, one middle school, and one high school in Tualatin approved as conditional uses in their various locations. In the Conditional Use Permit application (Attachment B), TTSD describes the proposal to open

"...the Online Academy ("Academy") in the early part of 2012 in a 5,596 s.f. space available in the Oak Tree Business Center. The Academy will have operating hours of 10am to 10pm, Monday through Friday. The educational program is targeted towards students 14-18 years of age who are within the TTSD, but have chosen home schooling and online classes as their primary learning experience. The Online Academy will provide an additional resource for those students. Attendance is not mandatory, but at the students option if they need additional assistance, such as use of computers, tutoring, mentoring and small student group collaboration. This space will not operate as a traditional classroom" (Attachment B, Page 1).

"With the broad range of hours the Online Academy will be open, the applicant expects a consistent presence of students throughout the day. The initial enrollment in this program is expected to be 10-20 students. If this program is successful, the District believes that enrollment within a 12-24 month period could double or triple the initial participation. However, whatever the enrollment becomes, the facility would expect that the peak occupancy at any one time would be no more than 20 students and 4 staff."

The applicant indicates that the time and frequency of student visits will vary, with some students doing most of their work from home with only occasional visits to the Academy location, and some students visiting on a daily basis. Student visits are expected to be

from one to two hours. Two teachers and two support staff members will be present on-site during operating hours. Most students are expected to arrive at the Academy using public or family transportation, with few students driving themselves to the facility. The applicant indicates that the Oak Tree Business Center parking is adequate for the expected staff and student parking.

- The Oak Tree Business Center site is currently improved with four multi-tenant buildings, parking and landscaping. Access is from SW Old-Tualatin Sherwood Road to the north and SW Mohave Court to the west. The 5,600 s.f. lease space in Building A (former Kelly-Moore Paint distributor location) is interior to the site, has large south and east facing storefront windows, and adjacent to on-site parking. The TTSD is in the process of designing a tenant improvement for the lease space to create workspace and class room for staff and students with supporting meeting and utility rooms and storage (Attachment B, Floor Plan). No exterior improvements are proposed.
- In Attachment D, the Engineering Division reviewed the Applicant's submitted traffic information (Kittelson letter dated February 20, 2012) that showed the 'worst case' comparison between the Online Academy and the typical light industrial park uses allowed in the Oak Tree Business Center. As proposed and evaluated, the school will have a less than 1.0% increase in Average Daily Trips and a seven (7) trip increase in PM Peak trips (1.5%) (a maximum not expected for 5 years) on nearby SW Tualatin-Sherwood Road and its current or expected traffic volumes (Attachment B). The table in Attachments C and D show the Trip Generation Summary.
- The City Council has approved other Conditional Use Permits for a school use in a ML Planning District. CUP-03-02 approved the Tualatin Elementary School on SW 95th Avenue and SW Avery Street; CUP-07-02 approved the Children's Hour Academy on SW 65th Avenue; CUP-08-03 approved the NWESD on SW 90th Court, and CUP-10-02 approved the MITCH Charter School on SW 90th Court.
- The applicable policies and regulations that apply to the proposed conditional use in the ML 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 60 "Light Manufacturing Planning District (ML)," Section 60.040 "Conditional Uses." The attached analysis and findings (Attachment C) consider the applicable policies and regulations.
- Before granting the proposed Conditional Use Permit, the City Council must find that the use is allowed as a conditional use in the ML Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP. Staff recommends four conditions of approval as follows:
 1. All TTSD Online Academy student activities shall be conducted indoors within the building spaces available to TTSD.
 2. Expanding the on-site facilities to other buildings in the Oak Tree Center or increasing the size of the physical school facilities to accommodate more than the expected 20 students at one time (stated in the application), shall require a revision to the conditional use approval being reviewed in this application.



**Conditional Use Application Summary Information for
Tigard-Tualatin School District: Lease of space for Online Academy**

Applicant:	Rob S. Saxton Superintendent Tigard-Tualatin School District 23J Larry Hibbard Administration Center 6960 SW Sandburg Street Tigard, Oregon 97223 Phone: (503) 431-4007 Fax: (503) 431-4078 E-mail: rsaxton@ttsd.k12.or.us
Land Use Planning/Project Management:	Nancy Hubbard Hubbard and Associates P.O. Box 702 Tualatin, OR 97062 503-819-7505 E-mail: hubbard.associates@frontier.com
Architecture:	Bill Conboy Dull Olson Weekes Architecture 907 SW Stark Street Portland, Oregon 97205 Phone: (503) 226-6950 Email: bill.conboy@dowa-ibigroup.com
Mechanical, Electrical and Plumbing Engineering:	Scott Miller MFIA, Inc. (503) 234-0548 Scott.miller@mfia-eng.com
Property Address:	19324 SW Mohave Court, Tualatin, OR 97062
Property Owner;	Pietka Properties, LLC/Keirse-McMillan I P.O. Box 1696 Beaverton, OR 97075
Legal Description:	2S123DA 02200 (Parcel #R1327530) Subject of the CUP application is approx 5500 sf of spaced to be leased by Applicant
Current Zoning:	Light Manufacturing (ML)/General Commercial (CG)
Applications Submitted for:	Conditional Use Approval (Pre-App was held on December 21, 2011)

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Tualatin Development Code – Section 32.030

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- Interior Floor plan
- Site plan (aerial map provided since subject property is interior space only)

B. Neighborhood Meeting Documentation

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D. Mailing Labels /list of names/addresses with parcel numbers

E. Traffic Letter (Kittelson & Associates, Inc.)

Section 1: General Introduction

Project Description

Tigard-Tualatin School District ("TTSD" or the "District") is seeking Conditional use approval from the City of Tualatin to operate a new educational program within 5596 square feet of leased space in the Oak Tree Business Center, located at 19324 SW Mohave Court, Tualatin, OR 97062. The business center is south of Tualatin-Sherwood Road, west of Boones Ferry. The location is geographically separated from the residential developments on the east and south by surrounding businesses and the railroad tracks. The site is located on a cul-de-sac accessible from Tualatin-Sherwood Highway (from a signaled intersection).

Legal Description:

2S123DA02200 (Parcel #R1327530)

The Tigard-Tualatin School District is interested in opening an Online Academy ("Academy") in the early part of 2012 in a 5596 s.f. space available in the Oak Tree Business Center. The Academy will have operating hours of 10am to 10pm, Monday through Friday. The educational program is targeted towards students 14-18 years of age who are within the TTSD, but have chosen home schooling and online classes as their primary learning experience. The Online Academy will provide an additional resource for those students. Attendance is not mandatory, but at the students option if they need additional assistance, such as use of computers, tutoring, mentoring and small student group collaboration. This space will not operate as a traditional classroom.

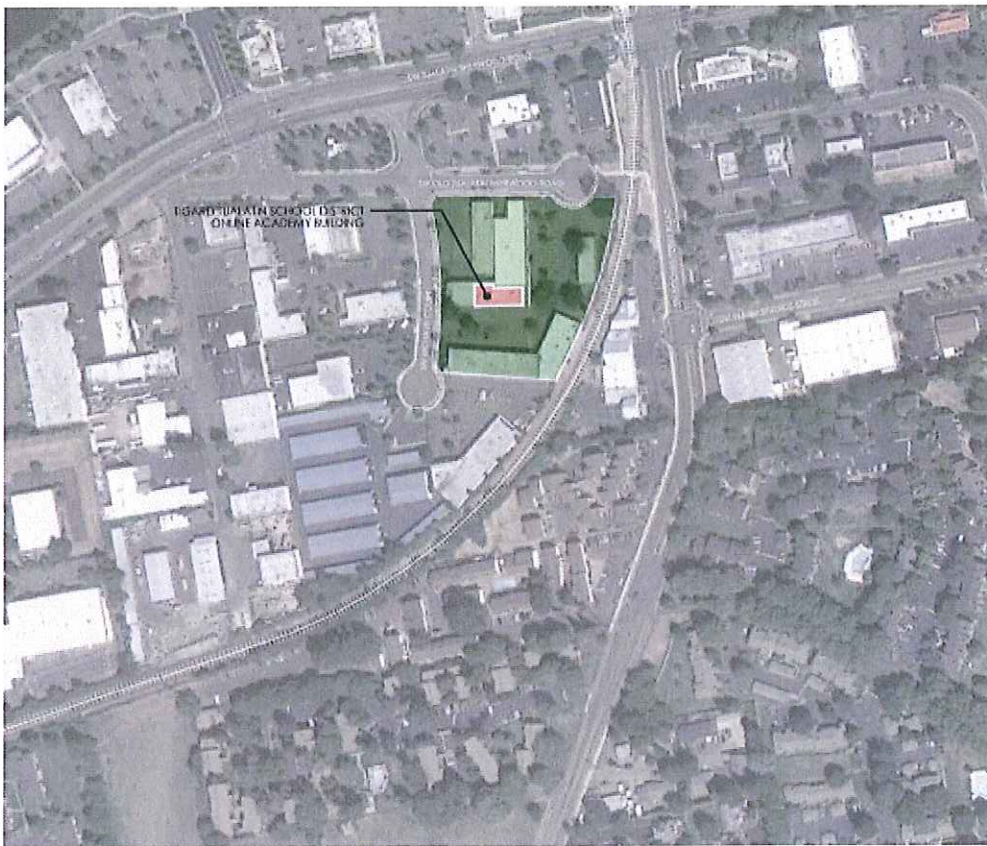
With the broad range of hours the Online Academy will be open, the applicant expects a consistent presence of students throughout the day. The initial enrollment in this program is expected to be 10-20 students. If this program is successful, the District believes that enrollment within a 12-24 month period could double or triple the initial participation. However, whatever the enrollment becomes, the facility would expect that the peak occupancy at any one time would be no more than 20 students and 4 staff.

The time of day and frequency of visits for the students will vary. Some students will do most of their work from home with an occasional visit to the facility, while others may visit the facility on a daily basis. The expected timeframe per student visit is expected to be between one to two hours.

The Online Academy will open with two Tigard-Tualatin School District teachers present on site to develop lessons and be available to students for academic support. There will also be two TTSD classified staff that will serve as registrars and provide additional staff coverage for the hours of operation.

Participating students interviewed said they would either use public transportation or get a ride from their parents when they needed to visit the Academy. The district would expect that a few students might drive themselves to the Academy, and there is adequate parking available within the existing business center parking lot.

Figure 1. Vicinity Map



BOARDWALK SCHOOL DISTRICT
ONLINE ACADEMY
SITE
JANUARY 2017

Figure 2. Rendered photo of proposed leased space



Section 2: Criteria for review of conditional uses

This section of the application contains responses that illustrate how this conditional use request conforms to the applicable standards and regulations of the City of Tualatin's Development Code. Only code text that contains applicable approval criteria or otherwise requires a response related to the requested conditional use actions has been included. Code text is shown in *italic type*.

Section 32.030 (1) The use is listed as a conditional use in the underlying planning district

Response: Per TDC 60.040, schools for kindergarten through grade 12 are conditional uses within the Light Manufacturing Planning District. The use proposed by the applicant is a significantly less intense use of space than that of a traditional school use.

Section 32.030(2) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Response: The applicant's proposed use relates only to the space they will be leasing within an existing business park. The site and location are ideal for the Academy because of its proximity to public transportation (Tri-met and WES service) and the availability of safe, well lit sidewalks leading to public transportation and food service and other businesses. Another attractive feature of this location is that it is geographically isolated from residential developments on the east and south by other existing business developments and the railroad tracks. The size of the space available for TTSD lease is also ideal for the proposed use allowing several different spacious areas for a variety of study areas for student learning. The proposed use of the space will not increase the number of plumbing fixtures or electrical service to the site. There will be no changes made to the exterior of the building or the existing site improvements, other than exterior signage to replace the former tenant signage (Kelly Moore Paints). The topography, existence of improvements and natural features are not altered or affected by the proposed lease of space by the applicant.

Section 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.

Response: This application is requesting approval to use existing space within an existing business park. The location was selected by the applicant because of the existing public transportation system and the public pedestrian related infrastructure providing well-lit, safe sidewalks to public transportation as well as to neighboring businesses. The use and location also meet some of the long range planning goals to link employers and commuters to public transportation as well as to create an active, diverse blend of public, business and retail uses in currently under utilized business centers. The proximity of this site to the Tualatin Town Center planning district will also be beneficial to the applicant's proposed use of the space.

Section 32.030(4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

Response: The use of the leased space as an Online Academy providing a new educational opportunity for district middle school and high school age students will enhance the business center

by providing an active use to a currently vacant space at the heart of the business center. The operating hours of the Online Academy will also provide a low impact presence over a 12-hour period of time on weekdays without creating any peak-hour traffic impacts. As mentioned in the above response, the applicant feels that their proposed use in this business center is a step toward meeting the future goals for the area currently being explored by the long range planning committees. A large number of tenants in this space were also approved under conditional use permits, indicating a shift towards a blend of business types that results in a more active desirable business/retail environment.

Section 32.030(5) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

Response: The use of this leased space for an Online Academy will not alter or limit the use of any of the existing businesses or other business listed as permitted uses in the Light Manufacturing planning district who may lease space in this business center or in nearby business centers in the future. The presence of the Online Academy, in fact, may enhance and/or compliment existing businesses by providing a 12-hour per weekday presence in a currently vacant space. Additionally, there are already several other tenants in the Oak Tree Business Center that provide programs and services to a youthful clientele, such as The Bat Company (baseball and softball programs), Youthful Dynamics (activities and adventures) and the June Taylor Dance Studio. Additionally, many of the existing tenants were also approved conditional uses in the business center, indicating a trend and successful blending of business uses.

ATTACHMENT C

CUP-12-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for a Tigard-Tualatin School District (TTSD) Online Academy for Grades 6-12 is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment B). Staff has reviewed the Applicants' material and included pertinent excerpts below.

1. The use is listed as a Conditional Use in the underlying planning district.

The Applicant is applying for a conditional use permit to allow an "On-line Academy Learning Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200). "Schools kindergarten through 12" is allowed as a Conditional Use in the Light Manufacturing (ML) Planning District, as stated in TDC 60.040(1)(o).

The Online Academy is "...for students in TTSD who have chosen home schooling and online classes as their primary learning experience." (Attachment B, page 1). The proposed Online Academy for TTSD students of Grades 6-12 is a "Schools for Kindergarten through 12" and allowed as a conditional use. Criterion 1 is met.

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

- Size:** The proposed TTSD On-Line Academy site is in the 3.35 acre Oak Tree Business Center development. The site is currently developed through architectural review (AR-87-23) with four one-level, multi-tenant concrete tilt-up buildings with parking, landscaping, and access on SW Old-Tualatin Road and SW Mohave Court. The TTSD intends to occupy 5,600 s.f. of the existing Building A in a space formerly occupied by Kelly-Moore Paint. There is adequate room on the site from a pedestrian and private vehicle standpoint for staff and students to access the site and use the proposed facilities in the building. Buses are not proposed. The site size is suitable for the use.
- Shape:** The shape of the subject property is an irregular rectangle and is suitable for the proposed use. Access to the TTSD Online Academy lease space in Building A is via a driveway from SW Mohave Court or alternately from SW Old Tualatin-Sherwood Road on the north side of the Oak Tree Business Center.
- Location:** The site is located on the east side of the SW Mohave Court cul-de sac street, south of SW Old Tualatin-Sherwood Road in the ML Planning District and in Central Urban Renewal Block

28. On the west, the subject site adjoins other light industrial properties, primarily automotive service, paint supply, and business services. On the south (across the Portland & Western RR and WES Line) is the Cypress Gardens and Casa de Robles Apartments. To the east (across the Portland & Western RR and WES Line) is the Plaid Pantry/Oil Can Henry's commercial center. North of the site (across SW Old Tualatin-Sherwood Road) is O'Reilly Auto Parts, Applebee's and the abutting former Goodyear Tire Center building.

Topography: The site is flat.

Improvements: The Oak Tree Business Center site is currently improved with four multi-tenant, one-story buildings, parking and landscaping improvements approved in Architectural Review AR-87-23. The proposed TTSD lease space on the south wing of Building A has the appearance of a commercial building, with large storefront windows on two sides and a formal entrance.

Natural Features: No natural features on the subject site.

The applicant states: "The site and location are ideal for the Academy because of its proximity to public transportation (Tri-met and WES service) and the availability of safe, well lit sidewalks leading to public transportation and food service and other businesses. Another attractive feature of this location is that it is geographically isolated from residential developments on the east and south by other existing business developments and the railroad tracks. The size of the space available for TTSD lease is also ideal for the proposed use allowing several different spacious areas for a variety of study areas for student learning. The proposed use of the space will not increase the number of plumbing fixtures or electrical service to the site. There will be no changes made to the exterior of the building or the existing site improvements, other than exterior signage to replace the former tenant signage (Kelly Moore Paints)." (Attachment B-Application Narrative, page 4).

The current Oak Tree Business Center tenants include a Veterinary Hospital, a Dance/Martial Arts Studio (non-conforming Conditional Use CUP-94-12), a (non-conforming) dog day care business as well as small auto service and wholesaler operations. Some tenant spaces in Oak Tree are currently vacant. None of the existing businesses have traffic volumes, parking or access needs that would appear to conflict with the proposed TTSD use. The minimum parking requirements in TDC Chapter 73.370(2) are 8 spaces (4 staff, 4 student spaces based on 20 students on site). Eight spaces adjacent to the front of the proposed leased space are available for the Online Academy with more parking in the Oak Tree Center also available. It is not expected that additional parking or access improvements will be needed to serve the On-line Academy and existing and future Oak Tree tenants.

Given the features and improvements of the subject property listed above, it is concluded the characteristics of the site are suitable for the proposed uses.

Criterion 2 is met.

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

The applicant states:

“This application is requesting approval to use existing space within an existing business park. The location was selected by the applicant because of the existing public transportation system and the public pedestrian related infrastructure providing well-lit, safe sidewalks to public transportation as well as to neighboring businesses. The use and location also meet some of the long range planning goals to link employers and commuters to public transportation as well as to create an active, diverse blend of public, business and retail uses in currently under utilized business centers. The proximity of this site to the Tualatin Town Center planning district will also be beneficial to the applicant’s proposed use of the space.”
 (Attachment B, pg. 4)

Public sewer and water and storm connections currently exist and are adequate to serve the site and proposed use.

The site is adjacent to and takes access from SW Mohave Court, a Local Street and SW Old Tualatin-Sherwood Road which connect to SW Tualatin-Sherwood Road at one un-signalized (SW Mohave Ct.) intersection and one full signalized intersection. SW Tualatin-Sherwood Road is a Washington County facility designated by the City of Tualatin as a Major Arterial (Eb&t) (TDC11.620 Table 11-2). The submitted application included a traffic Letter (Attachment B, Kittelson & Associates, Inc. Tigard-Tualatin Online Academy Conditional Use Application - Trip Generation Comparison, February 20, 2012) that showed the 'worst case' comparison between the Online Academy and the typical light industrial park uses allowed in the Oak Tree Business Center will have a less than 1.0% increase in Average Daily Trips and a seven (7) trip increase in PM Peak trips (1.5%)(a maximum not expected for 5 years) on nearby SW Tualatin-Sherwood Road and its current or expected traffic volumes (Attachment B). (See Table Below)

Project	Site Use	ITE	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Reasonable Worst Case	Industrial Park	130	40	4	1	5	1	4	5
CUP 12-01 (Opening Year)	Online Academy	NA	80	0	0	0	2	2	4
CUP 12-01 (Potential Maximum)	Online Academy	NA	224	0	0	0	6	6	12
Net Trip Change (Opening Year)			40	-4	-1	-5	1	-2	-1
Net Trip Change (Potential Maximum)			184	-4	-1	-5	5	2	7

The Engineering Division (Attachment D-Memorandum) generally agrees with the comparisons and analysis provided in the Kittelson letter. Staff believes that traffic generation from the Conditional Use over the short term will have a relatively insignificant differential in comparison with existing uses in the vicinity and will not limit, impair or preclude surrounding properties from primary uses allowed in this Planning District.

Based on staff review and analysis of the application, the existing public facilities for the site are adequate for the proposed use and the development is timely.

Criterion 3 is met.

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

The subject property (Oak Tree Business Center) is in the ML Planning District and in the Central Urban Renewal District Block 28. Surrounding land uses are:

N:	ML	(Former) Goodyear Tire Center
	CG	Applebee's Restaurant (Across Old Tualatin-Sherwood Road)
		O'Reilly Auto Parts (Across Old Tualatin-Sherwood Road)
E:	CG	Plaid Pantry/Oil Can Henry's Retail Center (Across W&PRR)
S:	RH	Cypress Gardens & Casa de Robles Apartments (Across W&PRR)
W:	ML	Miller Paint, JC Motors, Columbia Self-storage

The properties south of the site are residential, but not directly connected to SW Mohave Court by streets due to the P&WRR tracks that separate the properties. The vicinity to the east, west and north of the proposed Online Academy site includes light industrial development with a mix of automotive service, wholesaling and small commercial. The buildings are primarily concrete tilt up with some masonry detailing, store front window systems at entries facing the street or parking lots with some landscaping.

The applicant states:

"The use of the leased space as an Online Academy providing a new educational opportunity for district middle school and high school age students will enhance the business center by providing an active use to a currently vacant space at the heart of the business center. The operating hours of the Online Academy will also provide a low impact presence over a 12-hour period of time on weekdays without creating any peak-hour traffic impacts. As mentioned in the above response, the applicant feels that their proposed use in this business center is a step toward meeting the

future goals for the area currently being explored by the long range planning committees. A large number of tenants in this space were also approved under conditional use permits, indicating a shift towards a blend of business types that results in a more active desirable business/retail environment.

The presence of the Online Academy, in fact, may enhance and/or compliment existing businesses by providing a 12-hour per weekday presence in a currently vacant space. Additionally, there are already several other tenants in the Oak Tree Business Center that provide programs and services to a youthful clientele, such as The Bat Company (baseball and softball programs), Youthful Dynamics (activities and adventures) and the June Taylor Dance Studio. Additionally, many of the existing tenants were also approved conditional uses in the business center, indicating a trend and successful blending of business uses." (Attachment B-Application Narrative, pg. 5).

The access to the site is primarily from SW Mohave Court, there is adequate parking for staff and the limited number of students on the site at one time (7 spaces adjacent to the lease space for the 4 Online Academy staff members with other parking available throughout the Oak Tree Business Center), the hours of operation are weekdays from 10:00 a.m. to 10:00 p.m.), and students will primarily arrive as pedestrians via transit or parent drop-off.

To ensure the TTSD Online Academy/Learning Center is a compatible use with other tenants of the Oak Tree center and other businesses in the vicinity, staff recommends that conducting school activities within the building minimizes a chance for problems with parking, circulation and outdoor activity related to student activity. Also, the basis for the traffic impacts, circulation and parking needs for the Online Academy relies on the proposed online school program formulation, the size and location of the proposed lease space and the expected number of staff and students. Expanding the on-site facilities to other buildings in the Oak Tree Center or increasing the size of the physical school facilities to accommodate more than the expected 20 students at one time (as stated in the application), may alter the school's compatibility with neighboring uses in the area and should require a revision to the conditional use approval being reviewed in this application.

To meet the suitability requirements of Criterion 4, staff recommends the following conditions of approval:

1. All TTSD Online Academy student activities shall be conducted indoors within the building spaces available to TTSD.
2. Expanding the on-site facilities to other buildings in the Oak Tree Center or increasing the size of the physical school facilities to accommodate more than the expected 20 students at one time (stated in the application), shall require a revision to the conditional use approval being reviewed in this application.

To ensure the proposed TTSD Online Academy remains consistent with the information presented in the application and to the standards of the Tualatin Development Code that apply at the time of the review of the Conditional Use Permit application, staff recommends the following conditions of approval:

3. The applicant shall comply with all applicable policies and regulations of the Tualatin Development Code (TDC).
4. The applicant shall operate the proposed use in a manner consistent with statements made in the application materials submitted on or after January 24, 2012.

This Conditional Use application will allow the TTSD to conduct an "online school" for students of Grades 6-12 in Building A of the Oak Tree Business Center. Based on the applicant's submitted information, review by staff, with the existing site improvements including tenant improvements to the 5,600 sq. ft. building lease area, and with the conditions of approval requiring all activities to be indoors and limiting expansion of the facilities for more on-site students without further review, it is concluded that the proposed TTSD Online Academy school will not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying Planning Districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

Staff identified one Tualatin Community Plan objectives in TDC Chapter 8 (Public, Semi-Public & Miscellaneous Land Uses) that apply to public uses such as a public school in a ML Planning District.

Section 8.040(1)(d) states, "Locate all schools providing primary and secondary education as far as possible from commercial and industrial districts..." The applicant acknowledges the school site is located in a light manufacturing area. The applicant points out the mix of commercial uses in the Mohave Court vicinity, that the proposed Online Academy for secondary school age students is primarily on-line/off-site learning with most student activity occurring off-site and a limited number of students on-site at one time, has a limited number of students expecting to use their own cars to visit the school, is conducted entirely indoors and is in an area where nearby uses are low intensity and do not present hazard or conflicts to the school use. (Attachment B-Application Narrative, pp. 1-5).

Staff agrees that a smaller, specialized school such as the proposed Online Academy can be suitably located in low-intensity light industrial park development such as the Oak Tree Business Center development on SW Mohave Court. As proposed, the TTSD Online Academy school is suitable at this location.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval, the TTSD Conditional Use permit application for an Online Academy school use meets the criteria of TDC 32.030.



-MEMORANDUM

DATE: February 20, 2012

TO: Will Harper
Senior Planner

FROM: Tony Doran
Engineering Associate

SUBJECT: CUP 12-01, TTSD Online Academy– approval for a public middle/high school “Online Academy” in an existing tenant space of the Oak Tree Business Center.
19324 SW Mohave Court Tax Lot: 2S123DA02200

Will,

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation: The site is southeast of SW Mohave Court and SW Old Tualatin-Sherwood Road. SW Mohave Court is improved with 40 feet of pavement and curb-tight sidewalks. SW Old Tualatin-Sherwood Road is improved with 40 feet of pavement, curb-tight sidewalk on the south, and a planter strip & sidewalk on the north.

Reasonable Worst Case Site Trip Generation:

The submitted application included an evaluation of trip generation created by Kittelson & Associates of the existing 5,596 square foot building area. The evaluation compares the existing reasonable worst case of Industrial Park to the proposed use of Online Academy.

Project	Site Use	ITE	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Reasonable Worst Case	Industrial Park	130	40	4	1	5	1	4	5
CUP 12-01 (Opening Year)	Online Academy	NA	80	0	0	0	2	2	4
CUP 12-01 (Potential Maximum)	Online Academy	NA	224	0	0	0	6	6	12
Net Trip Change (Opening Year)			40	-4	-1	-5	1	-2	-1
Net Trip Change (Potential Maximum)			184	-4	-1	-5	5	2	7



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Note:

- There is no ITE trip generation category for an Online Academy; therefore the traffic generation estimated by Kittelson & Associates is based on detailed conversations with Tigard-Tualatin School District officials.
- The lack of AM Peak Hour trip generation is due to the proposed operational hours of 10 AM to 10 PM outside of the AM Peak Hours, typically between 7 AM to 9 AM.
- The trip generation increases from the initial year to a potential maximum based on enrollment capacity and staffing over a five year period.
- Washington County's 2011 traffic count collected for SW Tualatin-Sherwood Road 0.5 miles west of SW Boones Ferry Road indicates a bi-directional ADT of 30,239 trips.
- A 3 percent per year growth in traffic is based on historic Washington County traffic counts.

The proposed trip generation changes are:

- ADT increases 40 trips for opening year and 184 trips for potential maximum enrollment. This represents a fraction of a percent increase (0.13 and 0.61%, respectively) in ADT and by itself does not indicate an increase in LOS at nearby intersections.
- AM Peak total reduces 5 trips from the opening year through potential maximum enrollment. This would not increase the LOS at nearby intersections.
- PM Peak total decreases 1 trip for the opening year and increases in 7 trips for potential maximum enrollment. During the next five years traffic increase in the area is expected to have a growth of 453 PM Peak trips. As 7 trips constitutes an increase of 1.5 percent of the expected growth, this small increase in trip generation for PM Peak is not expected to have a noticeable effect on the LOS of the nearby intersections.

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.

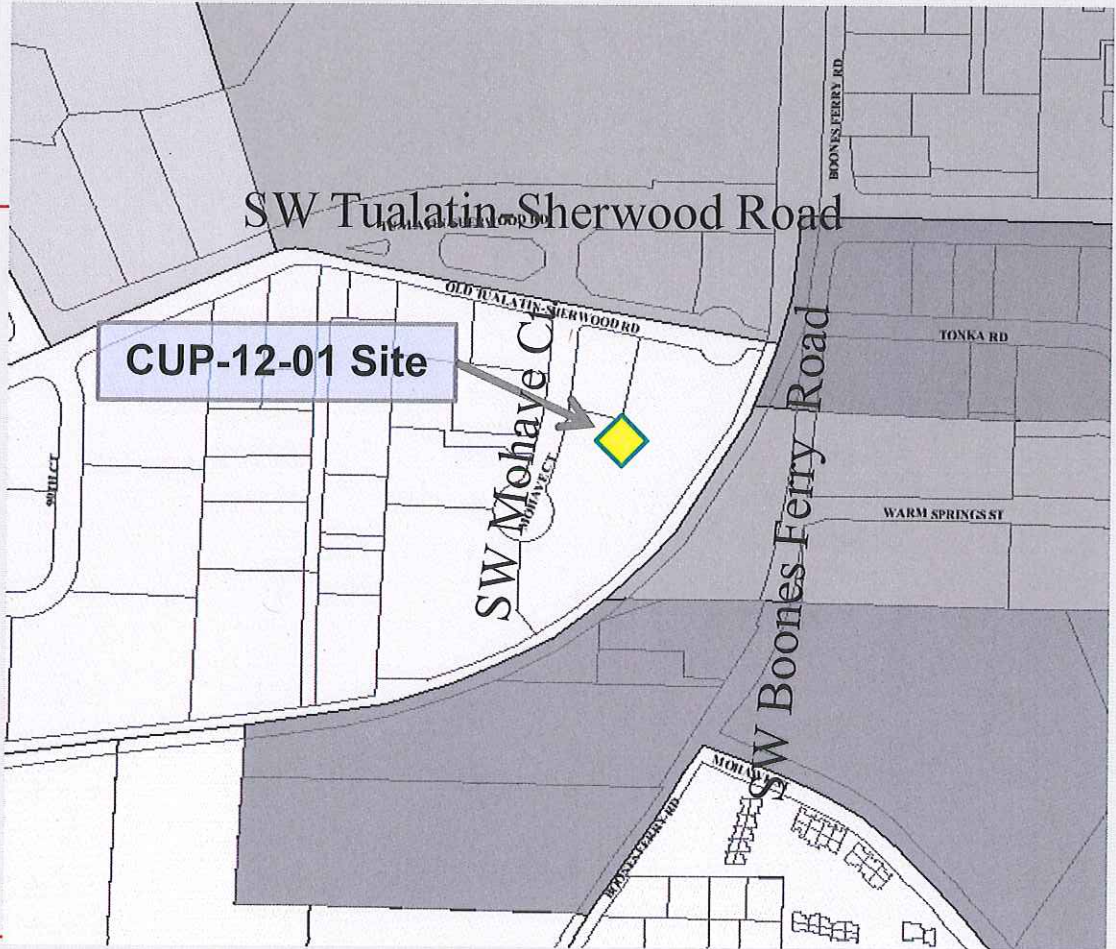
Please let me know if you have questions, ext 3035.

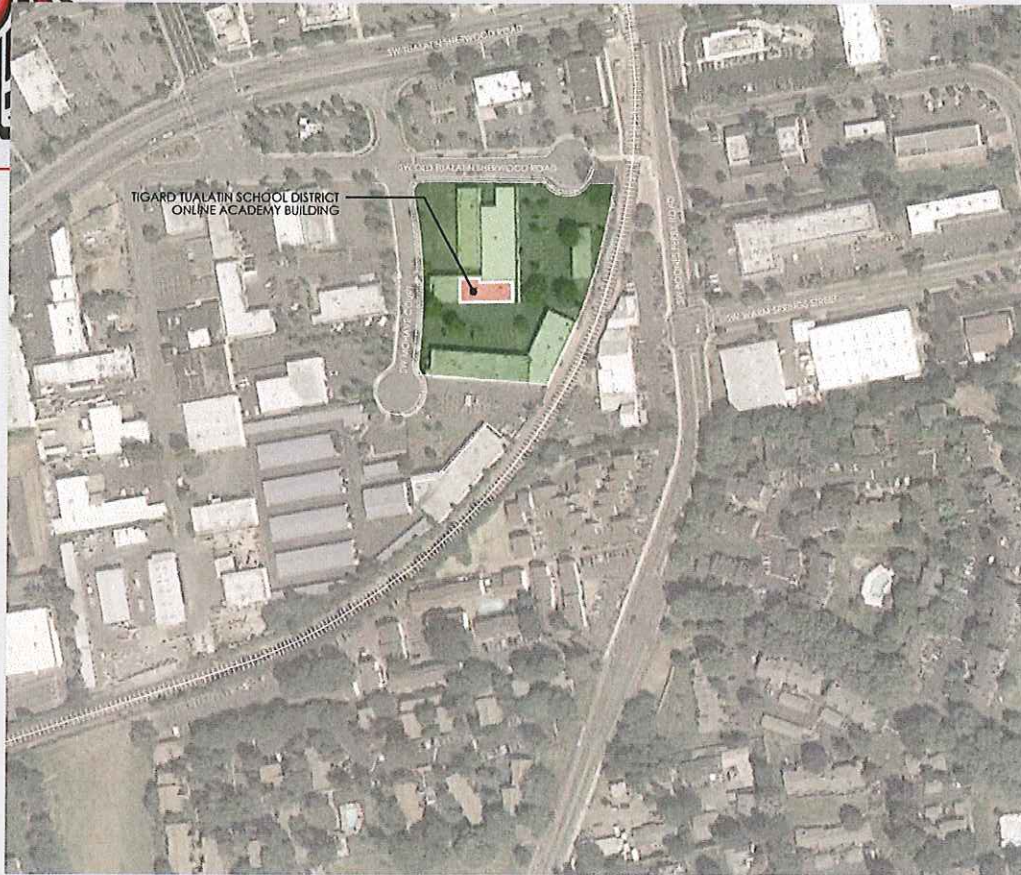
**Conditional Use Permit:
CUP-12-01**

**Tigard-Tualatin School District 23J
On-Line Academy
Learning/Technology Center**

March 12, 2012







TIGARD TUALATIN SCHOOL DISTRICT
ONLINE ACADEMY BUILDING

TIGARD TUALATIN SCHOOL DISTRICT
ONLINE ACADEMY
SITE
PLAN
JANUARY 11, 2012





TTSD On-Line Academy

- Location - Building A Oak Tree Business Center
19234 SW Mohave Court.
- 5,600 sq. ft. lease space is near a dance/martial arts studio, a veterinary, a pet daycare, light service and wholesale business tenants.
- Site is in the ML (Light Manufacturing) Planning District where “Schools Kindergarten through 12” are allowed as a conditional use.



TTSD On-Line Academy

- School is for TTSD students in Grades 6-12 who choose home-schooling and online classes as primary learning experience.
- On-line Academy operating hours Monday-Friday from 10 am to 10 pm.
- "...peak occupancy at any one time would be no more than 20 students and 4 staff."
- Most students will arrive using public or family transportation. Few students will be parking on- site.



Applicant Request

TTSD seeks a Conditional Use Permit for Grades 6-12 Online Academy Learning/Technology Center in a Light Manufacturing Planning District



CUP Criteria

1. Is site suitable?
 - Size, shape, location, topography, existence of improvements and natural features
2. Are transportation systems, public facilities, and services existing or planned for the area that the use affects adequate?
 - Won't limit the use of surrounding properties
3. Satisfies objectives and policies of the Community Plan



Conclusion

Analysis and findings show
the TTSD On-Line Academy
with the proposed conditions of approval
meets CUP criteria.