



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, January 9, 2012

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

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

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, partititions 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 Mayors closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

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

EXECUTIVE SESSION INFORMATION

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

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



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR JANUARY 9, 2012

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for January 2012

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, I) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

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

E. SPECIAL REPORTS

1. 2011 Annual Report of the Tualatin Arts Advisory Committee

F. PUBLIC HEARINGS – Legislative or Other

1. Amending the Tualatin Development Code (TDC) Chapter 31-Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031, 31.060, 31.063, 31.064, and 31.067. Plan Text Amendment PTA-11-09.
2. A Plan Text Amendment Changing the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission; and Amending TDC 1.020, 1.030, 1.031, 2.050, 2.060, 31.077, 31.078, 33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, and 37.040 (PTA-11-11)

G. PUBLIC HEARINGS – Quasi-Judicial

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

H. GENERAL BUSINESS

1. An Ordinance Relating to the Parks Charter Amendment; Identifying Certain Utility Activities Not Requiring a Vote; and Adding a New Chapter 5-7 to the Tualatin Municipal Code
2. Resolution Accepting a Master Plan for the Blake Street Right-of-Way and Designating it as Ibach Greenway

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 Council Meeting

B. 1.

Meeting
Date: 01/09/2012

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for January 2012

Attachments

A - PowerPoint YAC Update



Council Update January 9, 2012

TUALATIN YOUTH ADVISORY COUNCIL

YAC Holiday Party



Washington County Commission on Children and Families - Youth Summit Grant

- YAC's grant application was approved for the full amount of \$700
- Focus on violence prevention/anti-bullying
- Bringing back Project F.R.I.E.N.D.S!
- All curriculum is currently being revised and updated



Tualatin YAC – Youth Participating in Governance

Target Grant for Youth Outreach

- Youth Summit
 - Meets YAC goal of “providing the primary communication link for youth to government”, and “identifying and advocating for needs of youth”
 - Last done in 2009
 - Currently beginning planning phase
 - Plan to hold summit by end of school year





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 01/09/2012

SUBJECT: Approval of the Minutes for the Work Session and Meeting of December 12, 2011.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of December 12, 2011.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A - Work Session Minutes of December 12, 2011
B - Meeting Minutes of December 12, 2011



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR DECEMBER 12, 2011

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; Assistant to the City Manager Sara Singer; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. **CALL TO ORDER**

Mayor Ogden called the Work Session to order at 6:02 p.m.

2. Implementation of Parks Charter Amendment

City Attorney Brenda Braden began the discussion on the implementation of the amendment to the City Charter. In March 2011, the voters passed an amendment to the Charter to require a vote of the electorate before certain actions may be taken by the City with regard to parkland. City Attorney Braden reviewed the various options that could be done to address the implementation, recommending Option 3 as the best alternative.

Portland General Electric representative Fryburg and Protect Tualatin Parks Member Cathy Holland were present to answer any questions, if needed.

City Attorney Braden went on to explain the options presented and how the legal ramifications of implementing the ordinance could play out regardless of what is stated in an ordinance. Discussion followed with Council in agreement of Option 3 as presented.

3. Washington County Transportation Development Tax Update

Management Analyst Ben Bryant presented information on the proposed changes to the Transportation Development Tax (TDT) that was approved in 2008 by a countywide vote to replace the Transportation Impact Fee (TIF). To address the downturn in the economy, a discount was given to help businesses which is due to expire soon. Washington County is looking to continue with the discount and change in uses.

The County has proposed an ordinance that would freeze the current TDT rates through June 30, 2013. In April 2013, a required public hearing will be held to determine if this discounted rate shall be continued after June 30, 2013. First reading of the ordinance was held on December 6, 2011 and the second reading (public hearing) is scheduled for January 3, 2012.

Discussion followed. Clarification was given on the voter approved ordinance and its intent. Council discussed various scenarios and City Attorney Braden cautioned that whatever the County decides it has to be done as a whole to address the intent of the vote. It was explained the proposed ordinance changes will only address whether to continue the discount.

In addition to the continuation of the discounted rate, the City of Hillsboro requested that change in uses which generate a higher TDT be exempt from paying any resulting increase in the TDT. Council President Beikman explained the issue was discussed at the last Washington County Coordinating Committee and members have not had the opportunity to review with their respective City Councils. The issue will be reviewed with other cities and then take a look at the results before the next Washington County Coordinating Committee meeting.

4. Council Meeting Agenda Review, Communications & Roundtable

Council reviewed the Consent Agenda with no changes.

COMMUNICATIONS - None.

5. **ADJOURNMENT**

Mayor Ogden adjourned the Work Session at 6:47 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR DECEMBER 12, 2011

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; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Teen Program Specialist Julie Ludemann; Maintenance Services Division Manager Clayton Reynolds; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Council President Beikman.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for December 2011

Members of the Tualatin Youth Advisory Council (YAC) were present and gave an update on activities from the past month. The primary event was the attendance of several YAC members at the recent National League of Cities Congress of Cities conference, participating in youth delegate sessions and workshops and networking with other youth. The YAC also received a "mini-grant" from Washington County Youth Summit focusing on violence prevention/anti-bullying, and will be bringing back Project F.R.I.E.N.D.S program, geared to the elementary school students in the district, and participated in the recent "Starry Nights and Holiday Lights" event held on the Commons.

2. Presentation of Checks to Agency Recipients of the Tualatin Employee Donate-A-Dollar Program

Human Resources Analyst Debra Bullard presented information on how the City's employees haven given back to the Tualatin community in years past, and said noted the "Donate-A-Dollar" program of participating employees. Four agencies will receive funds of \$1,168 each and representatives from each were present. Operations employee Clay Reynolds presented a check to Kelly Irish for the Domestic Violence Resource Center, Administration employee Margie Bradley presented a check to Catherine West for the Tigard-Tualatin Family Resource Center, Finance employee Craig Anderson presented a check to Linda Moholt for the Tualatin Schoolhouse Food Pantry, and Library employee Annie Lewis, presented a check to Jack Schwab for the Good Neighbor Center shelter.

Council thanked the Tualatin City Employees for their generosity and donations to these agencies.

3. Government Finance Officers Association Certificate of Excellence in Financial Reporting Presentation

Finance Director Don Hudson presented information on the Government Finance Officers Association (GFOA) and the financial reporting program given to local and state governments. For the 20th consecutive year, the City of Tualatin has received the GFOA Certificate of Excellence in Financial Reporting. Director Hudson introduced and acknowledged Finance Supervisor Craig Anderson and Accountant Nora Madarang most responsible for the City's financial business, as well as the rest of the Finance Department.

C. CITIZEN COMMENTS

Wendie Kellington, attorney, Lake Oswego, OR , was present and represents the Tonquin Industrial Group (TIG), a group of businesses in the southwest area of the City, and gave a quick update of what the TIG has been working on. Ms. Kellington said they look to get feedback from staff and wanted to let Council know they appreciate staff's efforts and the Council's support.

Linda Moholt, Chamber of Commerce CEO, Tualatin, OR , gave a quick review of the Chamber over the past year. It has been a busy year with record numbers in membership, and the Chamber continues to work together, connecting with businesses, to keep people employed and help businesses thrive. The Chamber is grateful to work with the City and is looking forward to the coming year.

D. CONSENT AGENDA

MOTION by Councilor Joelle Davis, SECONDED by Council President Monique Beikman to approve the Consent Agenda as read.

Vote: 7 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session and Meeting of November 28, 2011.

2. Approval of a Change of Ownership Liquor License Application for Celia's Mexican Restaurant
3. Council Committee on Advisory Appointments Recommendations for Appointments to City Advisory Committees

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – *Legislative or Other*

G. PUBLIC HEARINGS – *Quasi-Judicial*

H. GENERAL BUSINESS

1. Resolution No. **5077-11** Authorizing a Personal Services Agreement with Angelo Planning Group for Professional Services for the Linking Tualatin Project
-

Associate Planner Cindy Hahn presented information on the "Linking Tualatin" project, noting at the November 14, 2011 Council meeting a discussion was held on the Southwest Corridor Project, which included the Linking Tualatin study for land use employment and transit in Tualatin. The study is about providing connections and looking for ways to reduce car use and other transit options. Tualatin is focusing on the employment piece as well as reducing congestion.

Associate Planner Hahn is the project manager with assistance from Planning Manager Aquilla Hurd-Ravich. The project is funded by Metro Construction Excise Tax (CET) grant with the City providing in-kind funds. Angelo Planning Group is the prime consultant on the project and was chosen from among six proposals.

Staff recommends Council accept the scope and budget and direct the City Manager to enter into a contract with Angelo Planning Group for Professional Services for the Linking Tualatin project. Brief discussion followed.

MOTION by Councilor Joelle Davis, SECONDED by Council President Monique Beikman to approve the resolution to enter into a Personal Services Agreement with Angelo Planning Group for professional services for the Linking Tualatin project.

Vote: 7 - 0 MOTION CARRIED

2. Resolution No. **5078-11** Recognizing the Formation of Citizen Involvement Organization Five

Resolution No. **5079-11** Recognizing the Formation of Citizen Involvement Organization Two

Agenda Items H-2 and H-3 were heard together.

Assistant to the City Manager Sara Singer presented a PowerPoint overview on the formation of Citizen Involvement Organizations (CIO) 2 and 5, and gave a brief background on the program. There are six residential CIOs, with CIO 1 formed and recognized by the City. CIOs 2 and 5 have met all the requirements necessary for formation and are ready to be recognized. Representatives from each CIO were present; Robert Kellogg, president of CIO 5, Eric Barbur, vice president and secretary Julie Makarowski of CIO 5. They are looking forward to having invigorating discussions with neighbors and will be a great sounding board for the community.

Council President Beikman noted a formation meeting for CIO 6 was held, and encouraged all to attend on December 18, 7:00 p.m. at Tualatin High School to elect officers.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to adopt the resolution forming Citizen Involvement Organization (CIO) 2.

Vote: 7 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt the resolution to forming Citizen Involvement Organization (CIO) 5.

Vote: 7 - 0 MOTION CARRIED

I. ITEMS REMOVED FROM CONSENT AGENDA

J. COMMUNICATIONS FROM COUNCILORS

Councilor Brooksby mentioned a meeting he attended with Engineering Manager Kaaren Hofmann and Washington County officials regarding traffic on Tualatin-Sherwood Road South, from Teton into Sherwood, to see if there are any intermediate solutions to improve traffic flow. He will report back at the next Council meeting with more information.

K. EXECUTIVE SESSION

L. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to adjourn the meeting at 7:50 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
Kaaren Hofmann, Engineering Manager

DATE: 01/09/2012

SUBJECT: Resolution Accepting Public Improvements Constructed in Association with Walgraeve Tualatin Business Park (SW 112th and SW Myslony)

ISSUE BEFORE THE COUNCIL:

Acceptance of all 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 Public Works Construction Permit No. 08-01, issued on July 3, 2008. They include all public street, water, sewer, and storm lines and water quality facilities as required by AR 08-10 "Walgraeve Tualatin Business Park". All improvements have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

As new public streets, water, sewer, and storm facilities were added to our inventory, there are minor impacts on utility funds as a result of this work.

Attachments: [A - Resolution](#)
[B - Vicinity Map](#)

RESOLUTION NO. _____

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED IN ASSOCIATION WITH WALGRAEVE TUALATIN BUSINESS PARK (SW 112TH AND SW MYSLONY)

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Pacific NW Properties, hereinafter referred to as DEVELOPER; Public Works Construction Permit No. 08-01 to install all public street and underground improvements in association with Walgraeve Tualatin Business Park (SW 112th and SW Myslony), said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and AR 08-10, issued on July 3, 2008, 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.

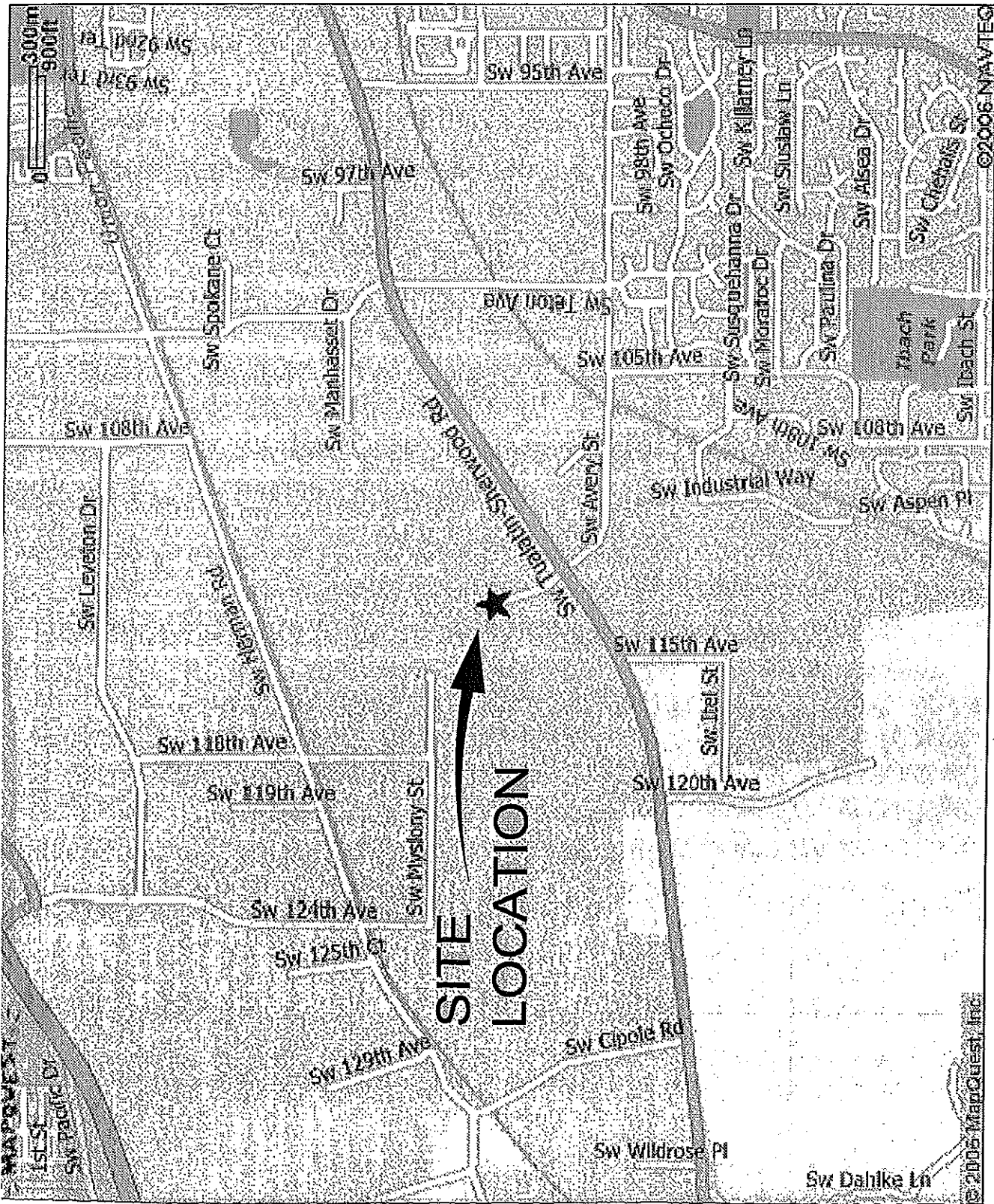
INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



NORTH
 VICINITY MAP
 NO SCALE
 SW 112TH AVE AND
 SW MYSLONY ST EXTENSION
 TUALATIN, OREGON



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Merab Walker, Office Coordinator
Kent W. Barker, Chief of Police

DATE: 01/09/2012

SUBJECT: Resolution Authorizing an Intergovernmental Agreement Between the City of Durham and the City of Tualatin for the Performance of Police Services within the City of Durham's Boundaries

ISSUE BEFORE THE COUNCIL:

Adopting the Intergovernmental Agreement between the City of Durham and the City of Tualatin for police services.

RECOMMENDATION:

Staff recommends the approval of the resolution.

EXECUTIVE SUMMARY:

- The City of Durham wishes to contract with the City of Tualatin for police services within Durham's boundaries.
- The City of Tualatin is willing to provide police services to the City of Durham on the terms and conditions contained in Attachment B of the attached Intergovernmental Agreement.

FINANCIAL IMPLICATIONS:

Durham agrees to pay to the City of Tualatin \$110,000 for fiscal year 2011/2012 for services specified in the agreement. The amount will increase annually as specified in the Intergovernmental Agreement.

Attachments: A. Resolution
B. Intergovernmental Agreement

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DURHAM AND THE CITY OF TUALATIN FOR THE
PERFORMANCE OF POLICE SERVICES WITHIN THE CITY OF DURHAM'S
BOUNDARIES

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

Section 1. The City Council approves and accepts the attached
Intergovernmental Agreement between the City of Durham and the City of Tualatin for
police services within the City of Durham's boundaries.

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

INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

INTERGOVERNMENTAL AGREEMENT
FOR POLICE SERVICES

Whereas, the City of Durham, a municipal corporation of the State of Oregon ("Durham") wishes to contract with the City of Tualatin, a municipal corporation of the State of Oregon ("Tualatin") for the performance of police services within Durham's boundaries; and

Whereas, Tualatin is willing to provide police services to Durham on the terms and conditions contained in this agreement; and

Whereas, such contracts are authorized by ORS chapter 190.

NOW, THEREFORE, the parties agree as follows:

1. Tualatin agrees to provide police services within the corporate city limits of Durham, 24 hours a day, 7 days per week, 365 days per year. Durham will be included in Tualatin's service area. The police services will encompass the following duties and enforcement functions of the type coming within the jurisdiction of and customarily rendered by the Tualatin Police Department under the Criminal and Traffic statutes of the State of Oregon.
 - (a) Patrol services, both proactive and reactive, within the service area as times permits at the discretion of the on-duty Tualatin Police Supervisor and/or the District Supervisor.
 - (b) Respond to calls for police services originating in or directed to Durham. Response to calls will be made according to priorities established by Interagency Agreement and the Washington County Consolidated Communications Agency.
 - (c) Traffic enforcement.
 - (d) Necessary court time as a result of citations or complaints issued by the Tualatin Police Department officers in Durham.
 - (e) Follow-up investigations, detective work, court time, report writing, mandated training for certified officers, supervision, vehicles, equipment and materials, records management, property/evidence storage, and administration as needed.
2. For the purpose of performing these police services, Tualatin will furnish and supply all necessary labor, supervision, equipment, and supplies necessary to provide such police services.
3. Tualatin will use police officers who are certified by the Oregon State Board on Police Standards and Training to provide police services to Durham

4. Tualatin will provide Durham with a summary of police activities in Durham on a monthly basis and give an annual report/summary to the Durham City Council.
5. Tualatin police officers shall have the authority to and will issue citations for traffic and other offenses they observe, or which they are authorized by law to issue. Violators will be cited into Tualatin Municipal Court, except for cases that Tualatin Municipal Court does not normally handle. Revenues from the court fines shall be determined and agreed upon as provided in the Intergovernmental Agreement for Tualatin Municipal Court services to Durham.
6. As compensation to Tualatin for providing police services to Durham, Durham agrees to pay the following amounts for the next five fiscal years for services as specified in this agreement:

2011-12:	\$110,000
2012-13:	\$113,300
2013-14:	\$116,700
2014-15:	\$120,200
2015-16:	\$123,800

Payment for the first six months of fiscal year 2011-12 will be paid within 30 days of the signing of this agreement. Payments after January 2012 will be paid on a quarterly basis. In addition, Durham shall pay any additional costs from other agencies that Tualatin incurs in providing these services.

7. No persons employed in the performance of police services and support functions under this agreement for Durham shall be entitled to receive any salary, pension, or any status or rights as a Durham employee, but shall be employees of their respective agencies. Durham shall not direct or control or have the right to direct or control the work of any Tualatin employee
8. Tualatin shall indemnify, defend and hold Durham harmless from any liability for the direct payment of any salaries, wages or other compensation to any Tualatin personnel performing services for Durham under this agreement.
9. Tualatin, its officers, agents, and employees shall not be deemed to have assumed any liability for acts of Durham, or of any Durham officer, agent or employee.
10. Tualatin shall indemnify, hold and save Durham, its officers, agents and employees harmless from any and all claims that arise against Durham, its officers, agents or employees in the performance of the duties required by the terms of this agreement, unless such claims arise as a result of some act or omission by Durham, its officers, agents, employees, or volunteers.
11. Durham shall indemnify, defend, hold and save Tualatin, its officers, agents, and employees harmless from all claims that arise against Tualatin, its officers, agents or employees by reason of any act of Durham, its officers, agents or

employees in the performance of the duties required by the terms of this agreement, unless such claim arises as a result of an act or omission by Tualatin, its officers, agents, or employees.

12. At all times during the term of this agreement, Durham shall secure and maintain, and keep current a policy or policies of general liability insurance in an amount not less than \$2,000,000. Durham shall cause Tualatin to be named as an additional insured on all such policies of insurance. Certificates of such coverage and endorsements evidencing that Tualatin is a named insured shall be provided to Tualatin promptly after execution of this agreement. Such insurance shall not be cancelled, modified, or coverage reduced without providing Tualatin at least 30 days advance written notice.
13. Tualatin shall secure, maintain, and keep current all appropriate general liability policies in an amount not less than \$2,000,000, and shall name Durham as an additional insured on the policies. Certificates of such coverage and endorsement evidencing that Durham is a named insured shall be provided promptly after execution of this agreement. Such insurance shall not be cancelled, modified or coverage reduced without providing Durham at least 30 days advance written notice.
14. This agreement shall be effective retroactive back to July 1, 2011 for a term of five years. Notice would need to be provided by March 31st if there is an intent not to renew the contract for the next fiscal year(s).

CITY OF DURHAM

By



Date

12/15/11

CITY OF TUALATIN

By

Date



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: 01/09/2012

SUBJECT: Resolution Accepting Public Improvements for Construction of Phase 2 Park Improvements Consisting of Sports Field Restoration, Pathway, and Native Plant Restoration and Enhancement Associated with the Lower Tualatin Pump Station

ISSUE BEFORE THE COUNCIL:

Council will consider a resolution accepting public improvements for construction of Phase 2 Park Improvements consisting of sports field restoration, pathway, and native plant restoration and enhancement along the Tualatin River associated with the Lower Tualatin Pump Station Project, located in Tualatin Community Park, north of the railroad trestle at 8549 SW Tualatin Road.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution approving and accepting the constructed public improvements.

EXECUTIVE SUMMARY:

The purpose of this resolution is to accept the Phase 2 Park Improvements consisting of sports field restoration, pathway, and native plant restoration and enhancement along the Tualatin River associated with the Lower Tualatin Pump Station Project in Tualatin Community Park.

Background

On March 26, 2007, following a recommendation of the Tualatin Park Advisory Committee (TPARK), Council approved the site plan and design of the Lower Tualatin Pump Station, picnic shelter, arcade, parking lot, pathways, sports field, and related facilities.

Under terms of an Intergovernmental Agreement with Clean Water Services (CWS), approved by Council January 23, 2006, CWS was authorized to construct the Lower Tualatin Pump Station in Community Park in exchange for the following considerations and park improvements in Community Park:

- Contribute \$600,000 towards the cost of the Ki-a-Kuts bicycle and pedestrian bridge and assume all design and construction costs of the associated sanitary sewer pipes and pump station

- Construct the pump station with a railroad station theme following sustainable development principles (of LEED – Leadership in Energy and Environmental Design) and ensure that odors and sound are unnoticeable to park users
- Allow use of land owned by CWS located north of the river for Ki-a-Kuts bridge environmental permitting mitigation and flood area hazard permit balance cut and fill requirements
- Restore the sports field and related irrigation
- Construct a concrete pathway from the parking lot to the Ki-a-Kuts bridge
- Construct a picnic shelter in a railroad theme and reinstall the drinking fountain
- Expand and reconstruct the parking lot with permeable pavers and construct an associated water quality bioswale to treat rain runoff from hard surfaces
- Install landscaping and park signs, bike racks, trash cans and recycle bins, and install and complete required environmental mitigation and enhancement
- Install interpretive panels on Tualatin's natural and cultural history, regional trail map, and sustainable aspects of the pump station and other project elements
- Install a connection to CWS's reuse water pipeline for initially to serve the pump station and for future connection for Community Park irrigation uses
- Contribute a prorata share of on-going bridge maintenance and insurance costs with the cities of Tualatin, Durham, and Tigard; maintain the pump station and arcade structure; and maintain the water quality bioswale and environmental mitigation and enhancement areas for two years.

The park improvements were constructed in two phases and work on the first phase was completed and accepted by Council on June 10, 2010.

Phase 2 Park Improvements

Work has now been completed and inspected on the Phase 2 Park Improvements consisting of sports field restoration, pathway, and native plant restoration and enhancement in the wooded area along the Tualatin River north of the railroad trestle, and the City has received all required documents and materials.

The only remaining work is installation of interpretive panels on Tualatin's natural and cultural history and a regional trail map. Design of these interpretive panels is underway and will be completed during the spring of 2012. Installation of interpretive panels on the sustainable aspects of the pump station and other project elements has been completed.

The sports field was planted in early fall and will be available for drop-in use during the summer of 2012 once the grass has grown in.

One change to the original restoration plan for the sports field is that Clean Water Services agreed to forgo some irrigation and soil compaction restoration work and to contribute related funds to Tualatin which was then used by the City to fund construction of a fenced dog park at

the north end of the sports field which opened in July, 2011.

FINANCIAL IMPLICATIONS:

Under terms of the Intergovernmental Agreement, Tualatin is responsible for on-going maintenance of the park facilities, and the native plantings in the wooded area along the Tualatin River after the first two years. CWS is responsible for on-going maintenance of the first two years of maintenance of the native plantings in the wooded area along the Tualatin River.

Prior to construction of the new park facilities, the City maintained the existing sports field, parking lot, and gravel path to the Ki-a-Kuts bridge. Funding for maintenance of the new and restored park improvements is included in the FY11/12 approved budget.

Attachments: Resolution

RESOLUTION NO. _____

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR
CONSTRUCTION OF PHASE 2 PARK IMPROVEMENTS CONSISTING OF
SPORTS FIELD RESTORATION, PATHWAY, AND NATIVE PLANT
RESTORATION AND ENHANCEMENT ASSOCIATED WITH THE LOWER
TUALATIN PUMP STATION

WHEREAS the City of Tualatin entered into an intergovernmental agreement, Resolution No. 4475-06, with Clean Water Services, to construct the Lower Tualatin Pump Station and associated park improvements; and

WHEREAS work has now been completed to the standards required by the City on the Phase 2 Park Improvements consisting of sports field restoration, pathway, and native plant restoration and enhancement, and the City has received all required documents and materials; and

WHEREAS the CITY and Clean Water Services staff have inspected and recommends final acceptance of the 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 Lower Tualatin Pump Station Phase 2 Park Improvements consisting of sports field restoration, pathway, and native plant restoration and enhancement are approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

Approved as to Form:

By _____
City Recorder

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: 01/09/2012

SUBJECT: Resolution Establishing Regular Meetings of the City Council, Architectural Review Board and Tualatin Planning Commission and Repealing Resolution No. 5016-11

ISSUE BEFORE THE COUNCIL:

The issue before the Council is whether to adopt a resolution establishing regular meeting dates for the City Council, the Architectural Review Board and Tualatin Planning Commission.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution establishing regular meetings of the City Council, the Architectural Review Board and Tualatin Planning Commission.

EXECUTIVE SUMMARY:

The Tualatin Municipal Code (TMC), Section 1-4-020, requires that notice of time, date, and place of regular meetings of the Tualatin City Council and the regular meetings of the Architectural Review Board and Tualatin Planning Commission be given by Resolution on an annual basis.

During the calendar year 2012, the regular meeting of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December, with appropriate notice given for any other meetings that are cancelled as determined by the City Council. A work session of the City Council will be held, *as needed*, from 5:00 p.m. to 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

The meeting of the Architectural Review Board will be held, *as needed*, at 7:00 p.m. on the Wednesday, not less than seven days nor more than 21 days after receiving a request for review, or as requested by the Community Development Director.

The meeting of the Tualatin Planning Commission will be held at 6:30 p.m. on the first Tuesday of each and every month, with appropriate notice given for any meetings that are cancelled.

The TMC, Section 1-4-020, also requires posting of copies of this Resolution in four public places, in accordance with the provisions of Section 1-4-020 of the TMC.

Attachments: A - Resolution

RESOLUTION NO. _____

RESOLUTION ESTABLISHING REGULAR MEETINGS OF THE
CITY COUNCIL, ARCHITECTURAL REVIEW BOARD AND
TUALATIN PLANNING COMMISSION AND REPEALING
RESOLUTION NO. 5016-11

WHEREAS it is a requirement of the Tualatin Municipal Code (TMC 1-4-020) that notice of time, date, and place of regular meetings of the Tualatin City Council and the regular meetings of the Architectural Review Board and Planning Commission be given by Resolution on an annual basis.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN:

Section 1. During the calendar year 2012, the regular meeting of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December, with appropriate notice given for any other meetings that are cancelled as determined by the City Council. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., *as needed*, on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

The meeting of the Architectural Review Board (*ARB*) shall be held, *as needed*, at 7:00 p.m. on the Wednesday not less than seven days nor more than 21 days after receiving a request for an ARB meeting.

The meeting of the Tualatin Planning Commission (*TPC*) shall be held at 6:30 p.m. on the first Tuesday of each and every month, with appropriate notice given for a meeting that is cancelled.

Section 2. Resolution No. 5016-11 is hereby repealed.

Section 3. The City Recorder is instructed as required, in the Tualatin Municipal Code, Section 1-4-020, to post copies of this Resolution in accordance with the provisions of Section 1-4-020 of the Tualatin Municipal Code.

INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

SPECIAL REPORTS

2011 Annual Report of the Tualatin Arts Advisory Committee

SUMMARY

1. Background

The Tualatin Arts Advisory Committee (TAAC) was established by Ordinance 815-90, adopted by Council on October 22, 1990 and incorporated into the Tualatin Municipal Code as Chapter 11-5. The enabling ordinance requires the TAAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

Current members of the TAAC are: Buck Braden, Richard Hager, Art Barry, Carol Dersham, Gary Thompson, Dawn Upton and Roxanne Stathos. Frank Bubenik served as Council liaison in 2011.

2. Roles of the Committee

- A. Stimulate private and public support for programs and activities in the arts
- B. Encourage greater opportunities for recognition of arts in Tualatin
- C. Strive to ensure excellence in the public arts collection

3. Actions and Accomplishments in Support of Roles in 2011

- A. Stimulate private and public support for programs and activities in the arts
 - 1. Produce arts programs
 - 2. Support other arts organizations
 - 3. Evaluate existing programs
- B. Encourage greater opportunities for recognition of arts in Tualatin
 - 1. Gateway Feature & Monument Project
 - 2. Library art
 - 3. Community enhancement award
 - 4. Art inspection and maintenance
- C. Strive to ensure excellence in the public arts collection
 - 1. Administer collections management program
 - 2. Maintain visual chronicle
 - 3. Explore percent for art program
 - 4. Expand public art plan

4. Action Plan for 2012

TAAC will endeavor to achieve a maintenance level of service based on the 2011 year plan.

5. Detailed Description of Actions and Accomplishments in 2011

See Attachment A.

A - TAAC Annual Report

B - PowerPoint Presentation



City of Tualatin

2011 ANNUAL REPORT

Tualatin Arts Advisory Committee

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

A. Stimulate private and public support for programs and activities in the arts

1. Produce arts programs

a) ArtSplash



ArtSplash 2011, Tualatin's 16th annual Art Show and Sale, was held at the Tualatin Commons July 22-24, 2011. Fifty local artists sold over \$23,000 of art (a 21% increase in sales over the previous year). Over 4,000 art enthusiasts attended the three-day event that was filled with art, music, and activities for children. New to ArtSplash this year was a Kids Art Tent sponsored by Fine Art Starts which featured art projects for children.

The net revenue from sales this year was \$5,800, after expenses. This revenue was accomplished by reducing related expenses and through local donations. These proceeds are used to support ArtSplash and other programs of the TAAC. More than fifty volunteers donated their time and energy to support this community event.

b) Concerts on the Commons



Curtis Salgado concert



Audience of nearly 1,000 people



Fun in the fountain

The Concerts on the Commons weekly outdoor summer concert series held at the Tualatin Commons every Friday night during July and August continued to be sponsored by the TAAC and 20 other local businesses. The concerts this past summer were funded with over \$10,000 in monetary and in-kind sponsorships.

Ten concerts were held in a variety of genres with each concert attended by an average of 700 to 1,000 people of all ages.

c) ArtWalk

Artwalk is a self-guided tour of Tualatin's diverse public art, natural and cultural history throughout the downtown Tualatin area on four independent and interconnected marked trails.

In June 2011, the ArtWalk brochure and map were updated to incorporate new features along the routes, including new artwork at the Library, the Heritage Center, the Ki-a-Kuts bridge, Visual Chronicle artwork at the Juanita Pohl Center, and an art garden outside Kaiser Permanente.

d) Visual Chronicle

The purpose of the Tualatin Visual Chronicle is to create a visual record of Tualatin in various mediums including prints, drawings, paintings and photographs which document the life of the Tualatin community, capturing elements of the past and present, thereby providing an archival record and resource. The Chronicle was started in 1995.

The City now has 191 pieces of art in the Visual Chronicle which has three sections: General Collection, Student Collection, and Historical Collection. TAAC members recently participated in hanging art in the lobby of City Offices and refreshing the art collection in other City buildings.

General and Historical Collections

No purchases were made in FY 10/11.

Student Collection



In partnership with Tualatin High School, 2011 marks the fifth year of the student section of the Visual Chronicle.

Mayor Lou Ogden presented the students with awards at a reception held at the Tualatin Public Library on May 10, 2011.

Over 25 students in grades 9 through 12 at Tualatin High School participated in the program. Along with their submitted artwork, students were asked to submit a short essay describing their art and explaining why they chose the location of their project.

Three pieces of artwork were purchased from the student art submissions.

Photographs of the three purchased artwork pieces follow:



*"Story" Acrylic painting
by Avery Daffer*



*"The Bridgeport Village" – Acrylic painting
by Amy Kong*



*"Shady Greenway Park" – Photograph
by Tyler Stark*

2. Support other arts organizations

a) Tualatin Heritage Center

The TAAC sponsored art at the Heritage Center that would otherwise not have occurred. The annual contribution of \$1,000 allows the Heritage Center to offset their building rental costs and helps to provide high-quality creative art programs, performances, and exhibits.



The Heritage Center brings Irish/Celtic music during their monthly Celtic Lunch Hour concert series. All of the community is invited to attend on the third Wednesday of each month.



The “Women of Watercolor” held their Fall Art Show “Falling for Irresistible Art” in September 2011. Over 20 artists featured their original watercolors and mixed media, prints, aquabords and birchboard.

b) Broadway Rose

The TAAC made a direct contribution of \$500 to the Broadway Rose Theatre Company, a local non-profit organization. These funds help the theatre company leverage other funding.



During their 2011 season, the Broadway Rose Theatre Company presented: Joseph and the Amazing Technicolor Dreamcoat, I Left my Heart, Hairspray, Ripper, I Love You Because and a Very Merry PDX-MAS at their New Stage Theatre.

c) Lumiere Players



The TAAC made a contribution of \$500 to the Lumiere Players, Tualatin's own community theatre group. These funds were used for advertising and marketing their plays. Two plays were produced by Lumiere Players in 2011 - Hallelujah Girls in February/March and Messiah on the Frigidaire in October/November.

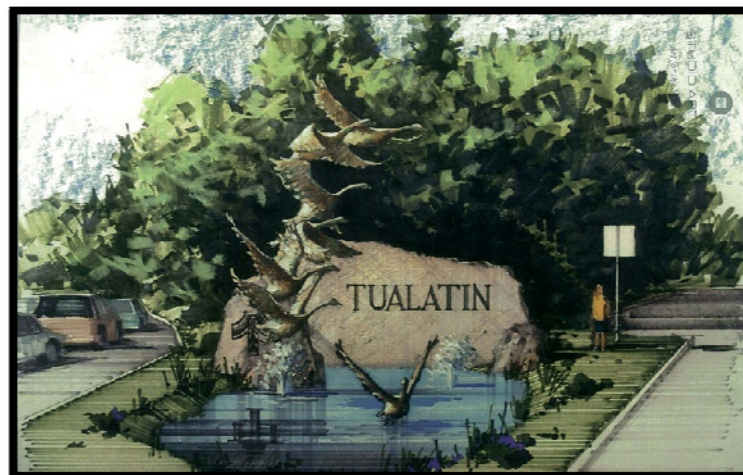
3. Evaluate existing programs

TAAC administered a survey to the artists who participated in ArtSplash 2011. Based on survey results, the Committee concluded that ArtSplash is a successful event that has its own niche in the area. The goal for 2012 is to increase publicity and media exposure for this event.

B. Encourage greater opportunities for recognition of arts in Tualatin

1. Gateway Feature & Monument Project

TAAC members Richard Hager, Art Barry and Gary Thompson participated on the Gateway Ad-Hoc Committee offering input on selection of the gateway feature and recommended spaces for future installation of art at intersections.



2. Library Art

TAAC hung Student Visual Chronicle artwork in the Teen Room.

3. Community Enhancement Award

The TAAC developed the Community Arts Enhancement Commendation to publicly recognize significant contributions to the enhancement of the arts in the community.

Two recipients were recommended by TAAC to the City Council during 2011.

a) The Willowbrook Center for the Development of Human Potential

In March 2011, Willowbrook, a summer day camp for children and youth, received the award. Willowbrook was founded in Tualatin 30 years ago by Althea Pratt-Broome. A plaque was presented by Council President Chris Barhyte to Althea Pratt-Broome, Willowbrook founder, at a Council Meeting on March 14, 2011.



b. Don Armstrong

In November 2011, Don Armstrong, Tualatin franchise owner of McDonald's Restaurants, was presented with the award by Mayor Ogden at a Council Meeting on November 14, 2011. His installation of a kinetic Chinook salmon water feature in front of McDonald's on the corner of Tualatin-Sherwood Rd. and Boones Ferry Rd caught the attention of TAAC. Mr. Armstrong said he 'wanted to make a statement' in Tualatin – and that he did!



c. Tualatin Arts Advisory Committee (TAAC)



Tualatin Arts Advisory Committee (TAAC)

2011 Annual Report

Committee Members

- Buck Braden, Chair
- Richard Hager
- Art Barry
- Carol Dersham
- Gary Thompson
- Dawn Upton
- Roxanne Stathos

Council Liaison – Frank Bubenik

Staff – Becky Savino

Committee Role

The role of the TAAC is to:

- Stimulate private and public support for programs and activities in the arts
 - Encourage greater opportunities for recognition of arts in Tualatin
 - Strive to ensure excellence in the public arts collection.
-

ArtSplash



- 16th Annual Art Show & Sale
- Held July 22-24 at Tualatin Commons
- Fifty artists sold over \$23,000 of art
- Over 4,000 people attended

Concerts on the Commons

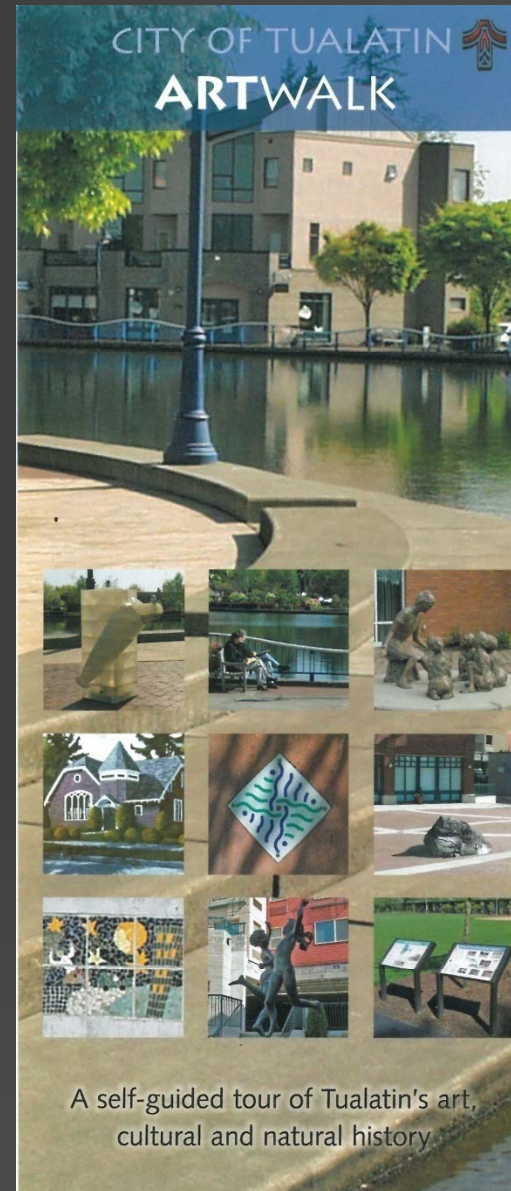


- Ten concerts were held on Friday nights at the Tualatin Commons during July & August
- Sponsored by over 20 local businesses
- Over 700 music lovers attended each concert



ArtWalk

- A self-guided tour of Tualatin's diverse public art, natural and cultural history on four independent and interconnected marked trails
- The brochure and map were updated in 2011 to incorporate new features along the routes



Visual Chronicle

- 191 total pieces of art in Visual Chronicle collection
 - Collection consists of three sections:
 - General
 - Historical
 - Student
-

Student Visual Chronicle



Partnership with Tualatin High School

- Over 25 students in grades 9 – 12 participated
- Reception held on May 10, 2011 at the Library
- Three artwork pieces were purchased by the City

Student Visual Chronicle Purchases



"Story" by Avery Daffer



"The Bridgeport Village" by Amy Kong



"Shady Greenway Park" by Tyler Stark

Outside Agency Support

➤ TAAC annual contribution of \$1,000 to the Heritage Center promotes art programs such as:

- Music concerts/recitals
- Hosting Lumiere Players
- Women of Watercolor art show
- Irish/Celtic music series



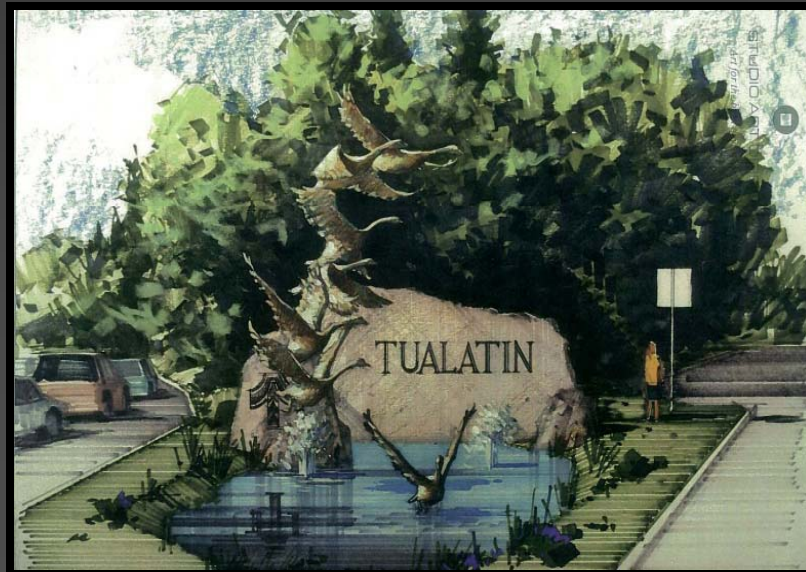
Outside Agency Support



- Broadway Rose Theatre: \$500 contribution
- Lumiere Players: \$500 contribution

Gateway Feature & Monument Project

- TAAC members Richard Hager, Art Barry and Gary Thompson participated in the selection of the gateway feature and recommended spaces for future installation of art at intersections



Community Enhancement Award

The purpose of award is to publicly recognize significant contributions to the enhancement of the arts in the community

➤ Two recipients were recommended by TAAC to the City Council during 2011

Community Arts Enhancement Award

Willowbrook Center for the Development of Human Potential

- Founder, Althea Pratt-Broome accepted the award on behalf of Willowbrook in March 2011



Community Arts Enhancement Award

Don Armstrong

- Tualatin franchise owner of McDonald's Restaurants was presented with the award in November 2011



Action Plan for 2012

- Plan for Concerts on the Commons
 - Plan for ArtSplash
 - Acquire artwork for Visual Chronicle, General Collection through RFP process
 - Acquire artwork for Visual Chronicle, Student Collection
 - Continue to seek grant opportunities for support of programs and activities
 - Identify Community Arts Enhancement Award recipient(s)
 - Refresh public artwork in City buildings
-



Questions/Comments?





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: 01/09/2012

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

ISSUE BEFORE THE COUNCIL:

Council consideration of a request for a Plan Text Amendment (PTA-11-09) to the Tualatin Development Code (TDC) to:

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

RECOMMENDATION:

At their meeting on December 7, 2011, the Tualatin Planning Advisory Committee (TPAC) reviewed the proposed Plan Text Amendment and made the following recommendation:

- Recommend Council Approve PTA-11-09 as shown in the staff report. 6 Yes, 0 No
TPAC Minutes are included in Attachment D.

Staff recommends the Council consider the application and staff report and direct staff to prepare an Ordinance approving the amendment proposed in PTA-11-09.

EXECUTIVE SUMMARY:

- The Tualatin Development Code (TDC) Chapters 1.031 (Notice Requirements for Amendments), 31.063 (Neighborhood/Developer Meetings), 31.064 (Land Use Applications), and 31.067 (Procedure for Annexing Territory...) lists the required recipients of:
 - Notice of Hearing,
 - Notice of Application and Opportunity to Comment,
 - Notice of Annexation, and a
 - Neighbor-Developer Meeting notice.

The recipients include property owners and Recognized Neighborhood Associations within a 1,000 ft. distance of the subject property as provided for mailed notices in TDC 31.064(1)(c) for Annexation, Plan Amendments and Quasi-judicial Hearings before the City Council and for staff decisions such as Architectural Review, Partition, and Subdivision. Providing notice of development or planning activities to property owners and Recognized Neighborhood Associations are long-time components of public involvement that are in the Tualatin Community Plan and Development Code.

- In August of this year, the City Council created the Citizen Involvement Organization Program (CIOP) to "...provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement." The CIOP was adopted in the Tualatin Municipal Code (TMC) Chapter 11-9 (Attachment B) and three individual CIOs have been formed at this time with others in the process of forming.

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

One element of the citizen involvement role that was established for CIOs is for individual CIOs to receive information about land use proposals and applications, communicate that information to residents and businesses that may be interested or affected, and provide comments and information through the CIO that can be considered in the land use decision making process. As with nearby property owners and Recognized Neighborhood Associations, CIOs will be listed as a recipient of notices for land use hearings, comment periods for staff reviews and decisions and applicant conducted neighbor-developer meetings.

- Plan Text Amendment PTA-11-09 proposes revisions to TDC 1.031, 31.063, 31.064, and 31.067 to add CIOs as a recipient to the notice requirements for Plan Text and Map Amendments, for land use matters and annexation. CIOs will also be recipients of Neighbor-Developer Meeting notices (for a meeting conducted by the applicant prior to submittal of an application) along with property owners and Recognized Neighborhood Associations located in the vicinity.

- The process for establishing a Recognized Neighborhood Association is set out in Tualatin Development Code Chapter 31.065-Procedure for Council Recognition of Neighborhood Association. Beginning in 1988, the process begins with a petition signed by representatives of a majority of households in the proposed association boundaries, a public hearing before the City Council and a Council decision to approve the application.

Based on information obtained from Planning Division records and mapping, there were five (5)

Recognized Neighborhood Associations (NAssn) in 2006:

Hazelbrook NAssn (Active with contact person)

Fox Hill NAssn (Active with contact person)

Hedges Creek NAssn (Not Active-no contact person identified)

Dakota Hills NAssn (Not Active-no contact person identified)

Tualatin Association of Neighbors I (Not Active-no contact person identified)

Currently (2011), only the Hazelbrook Neighborhood Association remains active with identified contact persons and participation in recent planning and development matters as a Neighborhood Association.

- Following a discussion with the Tualatin Planning Advisory Committee at the November 1, 2011 meeting and consideration by staff, the proposed amendment does not change existing provisions for Recognized Neighborhood Organizations. Staff discussed the proposed amendment with a leader of the Hazelbrook Neighborhood Association who was supportive of retaining the existing Recognized Neighborhood Association provisions along with the proposed CIO provisions.

As proposed, the current procedures and notice provisions for Recognized Neighborhood Associations will remain in the TDC and existing Neighborhood Associations will not be eliminated.

OUTCOMES OF DECISION:

Approval of the Plan Text Amendment request would result in the following:

1. Citizen Involvement Organizations (CIO) will be added to the list of parties that will receive Notice of Hearing, Comment Periods, Notice of Annexation, and Neighbor-Developer Meeting notice/invitation. This will apply to the notice provisions for land use applications (such as Architectural Review, Subdivisions, Conditional Use Permits, Variances and others) and plan amendments (PlanText and Map Amendments).
2. Existing provisions for Recognized Neighborhood Associations will remain without amendment.

Denial of the Plan Text Amendment request would result in the following:

1. CIOs will not be a required recipient of Public Hearing notices and Neighbor-Developer Meeting invitations

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Advisory Committee and staff recommendations are:

Approve the proposed Plan Text Amendment with alterations.

Deny the request for the proposed Plan Text Amendment.

Continue the discussion of the proposed Plan Text Amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2011/12 budget accounts for the cost of City-initiated plan amendment applications.

Attachments: A - Proposed Amendment Language
 B - TMC Chapter 11-9 Citizen Involvement Organizations
 C - Analysis & Findings
 D - TPAC November & December Meeting Minutes
 E - PowerPoint

TDC 31.060-Definitions

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

Section 1.031 Notice Requirements (Amendments).

(1) Notice of the public hearing at which the Council shall consider the proposed amendments shall be given by publication in a newspaper of general circulation within the City not less than ten (10) City business days prior to the hearing and by posting in two (2) public and conspicuous places within the City not less than ten (10) City business days prior to the hearing. **Notice of the public hearings shall be provided to designated representatives of recognized Citizen Involvement Organizations.** In the case of quasi-judicial text or map amendments, additional notice shall be given as follows: notice of the proposed amendment shall be mailed to property owners of property and recognized neighborhood associations located within 1,000 feet of the subject property. If the 1,000-foot area...-(NO CHANGE to Following Text)-

Section 31.063 Neighborhood/ Developer Meetings. (1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new

construction: Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except
(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners **located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

Section 31.064 Land Use Applications.

This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific

Removed Text shown with ~~strike through~~. New text shown as **Underlined Bold Italic**.

property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

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

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

(b) -NO CHANGE-

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

Section 31.067 Procedure for Annexing Territory to the City Limits.

(1)–(6) NO CHANGE

(7) For quasi-judicial and legislative Expedited Annexation Applications public hearing notice shall be provided as follows: (a) Mail notice at least 20 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, **and** City recognized neighborhood associations whose boundaries are within 1,000 feet of the subject territory, **designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9** and to Necessary Parties as defined in Metro Code 3.09, and

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

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

Chapter 11-9

Citizen Involvement Organization Program (CIOP)

Sections:

11-9-010 Citizen Involvement Organization Program (CIOP) Created.

11-9-020 Purpose.

11-9-030 Citizen Involvement Organizations (CIOs).

11-9-040 Membership and Standards.

11-9-050 Termination of Recognition.

11-9-060 Boundaries.

11-9-070 City Support.

11-9-080 Input to Council.

11-9-090 Authority.

11-9-100 Citizen Involvement Coordinating Committee (CICC).

11-9-010 Citizen Involvement Organization Program (CIOP) Created.

The Tualatin Citizen Involvement Organization Program (CIOP) is established and created. [Ord. 1328-11 §1, 08/22/11]

11-9-020 Purpose.

The general purpose of the CIOP is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin’s Principles of Citizen Involvement. A major purpose of the Citizen Involvement Organization (CIO) is to promote communication and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

(1) Provide a public forum for the review and evaluation of issues affecting the neighborhoods, the CIO, and the City; provide educational opportunities for citizens, groups and government bodies with respect to such issues; and provide for an ex-

change of views and opinions on such issues; and

(2) Provide a public forum for community members to present their views and provide input to City Council and other governmental and community bodies such as the City advisory boards and committees, service clubs, and other community organizations, and on land use and other matters affecting neighborhoods, the City, or the region; and

(3) Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO’s members.

[Ord. 1328-11 §2, 08/22/11]

11-9-030 Citizen Involvement Organizations (CIOs).

(1) Citizen Involvement Organization Program (CIOP): the CIOP is composed of Citizen Involvement Organizations and the Citizen Involvement Coordinating Committee (CICC) should one be formed.

(2) Citizen Involvement Organizations (CIOs): CIOs are formalized and distinct groups of community members within specified boundaries.

(3) CIO Map: The CIO map and the CIO map boundaries are established in order to optimize and promote citizen involvement. The initial CIO Map is attached as Figure 11-9-1 and included herein by reference. [Ord. 1328-11 §3, 08/22/11]

11-9-40 Membership and Standards.

(1) Membership in a residential CIO is open to all persons age 16 and older who are Tualatin residents living within the recognized boundary of that CIO; membership in the commercial or the manufacturing CIO is open to a business owner or owner’s representative, non-profit organization representative, or property owner within the recognized boundary of the respective CIO (i.e. anywhere within the Planning Area of the City of Tualatin – see *Figure 11-9-1*), without regard to income, race, color, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status.

Tualatin residents living outside the boundaries of any residential CIO may belong to the residential CIO nearest to their residence.

(2) To be recognized by the City Council, a CIO must satisfy the standards below. The City Manager, or designee, confirms that these standards have been met and presents the application to the City Council for approval and recognition:

(a) Annual election of officers;

(b) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.

(c) A current list of the names and addresses of the officers has been provided;

(d) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting;

(e) CIOs must provide an executed copy of their current bylaws. [Ord. 1328-

11 §4, 08/22/11]

11-9-050 Termination of Recognition.

Recognition of a CIO may be terminated by the City Council if the association fails to abide by the standards in TMC 11-9-040. Before the Council terminates recognition, it must notify the CIO 60 days in advance of determining that the CIO is no longer in compliance with the standards. If the deficiency is not corrected after 60 days, the City Council will then hold a public hearing and allow representatives from the CIO a reasonable opportunity to be heard.

[Ord. 1328-11 §5, 8/22/11]

11-9-060 Boundaries.

Boundaries of residential CIOs are adopted by the City Council. Residential CIO areas must be mutually exclusive of other recognized residential CIOs. Residential CIO boundaries should be logical, contiguous, and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdictions, or public rights-of-way. The Commercial and Manufacturing CIOs’ boundaries are designated as the boundary of the entire Planning Area of the City of Tualatin (see *Figure 11-9-1*). The City Manager, or designee, shall keep on file a current map of the CIO boundaries.

Any amendment to the CIO boundaries must be adopted by the City Council. [Ord.

1328-11 §6, 8/22/11]

11-9-070 City Support.

The City may, subject to City Council’s judgment concerning availability of resources and budgetary limitations, provide support and assistance which may include human, financial and information resources and access to public meeting spaces. [Ord.

1328-11 §7, 8/22/11]

11-9-080 Input to Council.

The CIOs, or the CICC should one be formed on behalf of the CIOs, may make input to the City Council and the Tualatin Development Commission, City advisory Committees, and the City Staff on matters affecting livability and land use. [Ord. 1328-11 §8, 8/22/11]

(5) The CICC must provide an executed copy of their bylaws. [Ord. 1328-11 §10, 8/22/11]

11-9-090 Authority.

The CIOs, or the CICC should one be formed, shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for payment of funds without first obtaining the approval of the City. [Ord. 1328-11 §9, 8/22/11]

11-9-100 Citizen Involvement Coordinating Committee (CICC).

A Citizen Involvement Coordinating Committee (CICC) which is a volunteer group made up of the elected board members designated by their participating, recognized CIOs may be created by the CIOs. The CICC may serve as a liaison between the CIOs and between the CIOs and the City offices and departments designated by the City. The CICC is a separate and distinct entity from the City of Tualatin.

The standards for CICC recognition by the City are:

- (1) Annual election of officers;
- (2) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- (3) A current list of the names and addresses of the officers has been provided;
- (4) After at least one initial organizational meeting in the first year of recognition, a minimum of two general meetings each year, with the time, place and purpose well publicized throughout the CIOP prior to each meeting;

ATTACHMENT C:

PTA-11-09: ANALYSIS AND FINDINGS

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

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

1. Granting the amendment is in the public interest.

As identified by staff, the public interest is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

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

Trends in land improvement and development.

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

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

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

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

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

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

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

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

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

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

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

Proof of change in a neighborhood or area

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

Mistake in the Plan Text or Plan Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Communication from City Staff:

B. Amending the Tualatin Development Code (TDC) Chapter 31.065 – Procedure for Council Recognition of a Neighborhood Association – Removing Provisions for Recognized Neighborhood Associations and References for Land Use Notice and Add Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031; 31.060; 31.064; 31.065, and 31.067. Plan Text Amendment PTA-11-09.

Senior Planner Will Harper gave a briefing to TPAC regarding PTA-11-09. Senior Planner Harper noted that through the 1980s and into the 1990s, one component that helped keep an eye on development was the Neighborhood Association. Per the TDC (Chapter 31.065), they were built on the idea that a group could form and be recognized by Council and then engage with Council. The Neighborhood Associations could be treated as an individual would be – receiving notices, etc., and then engage with the City.

Tualatin's Neighborhood Associations were free-forming, easy to put together, and not overseen by the City. They tended to be formed around subdivisions, some formed out of homeowner associations, some formed for protective reasons (stave off development, retain their borders). A Neighborhood Association list from the early 1990s only consisted of five Associations; the only Neighborhood Association that has any action at this time is the Hazelbrook Neighborhood Association. All others have faded away, or haven't met in such a long time, there is no current contact person. In response to that loss or lack of neighbor/subdivision power, was one of the origins of the CIO program which was adopted in August 2011. The intent of the plan amendment is to place the CIOs in the direct line of notice of application, testimony before Council of land use activities, and direct connections to certain City staff (not only for land use, but other issues they may want to raise with city government).

Staff has done work on the code to replace Neighborhood Associations with CIOs. Since only one Association has remained semi-active, they will be asked what they would like to do with the new formation of CIOs. What may go away is the process of recognizing them, what may not go away is recognition and the ability of creating new Associations as that would be taken over by CIOs.

Chair Sivley asked if the Neighborhood Associations had bylaws. Senior Planner Harper replied that, individually, they all had some form of organization and rule making, not necessarily bylaws. There had to be some statements on recognition of who they were and how they would operate; this was required by Council. The City does not currently have copies of Neighborhood Association documents that specified how they operated. Mr. Klingerman asked if Homeowner Associations existed in the City – paying fees, etc. Senior Planner Harper stated that Homeowner Associations do exist, but they

TPAC MEETING - Minutes for November 1 & December 6, 2011

are not one in the same as Neighborhood Associations. Planning Manager Hurd-Ravich noted that typically Homeowner Associations are private, so the City doesn't have anything to do with that.

Discussion followed regarding Associations and their demise. Mr. Herriges didn't see a reason to remove the Neighborhood Association language from the code, even if not being "used", leave the language in, and the City can add CIOs.

Brief discussion followed. Planning Manager Hurd-Ravich clarified that language in the TMC was already adopted, this PTA is for the TDC. Mr. Herriges said he didn't see a reason to have a limitation on matters of interest to the CIO, that there shouldn't be a limitation of what a CIO can speak to Council about.

Planning Manager Hurd-Ravich reiterated that staff will be speaking with the Hazelbrook Neighborhood Association and things may change somewhat. Staff may take this issue to a Council work session, which could delay action taken on PTA-11-09.

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF December 6, 2011

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

Senior Planner Will Harper gave a briefing to TPAC regarding PTA-11-09. This amendment will add Citizen Involvement Organizations (CIO) to list of parties receiving Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation, and Notice of Neighbor Developer Meeting.

On November 1, 2011, Senior Planner Harper presented an amendment to incorporate CIO's into the city's actions. The recipients' currently receiving notices include property owners, applicants, recognized neighborhood associations, property owners within a 1,000 ft. distance of the subject property, Metro, and PGE.

Mr. Klingerman questioned what the means of communication would be. Planning Manager Hurd-Ravich responded that the Assistant City Manager, Sara Singer, has given her a list of the CIO officers and she is currently communicating with them through email. We would like to continue to use email, but that can change from application to application. The Neighborhood Associations within a 1,000 foot radius will receive a postcard. Ms. Singer has been working with the leadership of the CIO's to establish the protocol of communication they prefer.

Mr. Beers asked what the rationale is of notifying every CIO of changes. Senior Planner Harper responded that these are pretty large entities that take up a lot of geography.

TPAC MEETING - Minutes for November 1 & December 6, 2011

Trying to make judgments about how close you'll be to the 1,000 ft. distance did not seem fair and was problematic and the city staff should not have to make judgment about which CIO to notify. When we're treating CIO 1 and CIO 5 as equals, we'll just give them the information, regardless of geography.

Mr. DeHaan asked if there was any success in reaching out to the Neighborhood Associations regarding this amendment. Mr. Harper responded that he and Planning Manager Hurd-Ravich have spoken with one association. They are located North of Hazelbrook Rd. and are included in CIO 1. Mr. Harper went on to explain that they do not have regular meetings or newsletters and liked the independence of their own neighborhood association, however liked the idea of being part of both. Discussion followed regarding the differences between neighborhood associations and CIO's.

MOTION by Riley SECONDED by DeHaan to recommend approval of PTA 11-09 Amendments to the Tualatin Development Code Adding Citizen Involvement Organizations to Land Use Notice References. MOTION PASSED 6-0.

**ADD CITIZEN INVOLVEMENT
ORGANIZATIONS (CIO) TO
LAND USE
NOTICE REQUIREMENTS
Plan Text Amendment (PTA-11-09)**

January 9, 2012





City of Tualatin

PTA-11-09 CIO Notice

Parties receiving Land Use Notices:

- **Current:**
 - Property Owners (within Notice Area)
 - Recognized Neighborhood Associations
 - Public Agencies (County, TVF&R, Clean Water Services, City Departments, etc.)
- **Proposed:**
 - Citizen Involvement Organizations



City of Tualatin

PTA-11-09 CIO Notice

Citizen Involvement Organizations (CIO) added to the list of parties receiving:

- **Notice of Hearing**
 - Architectural Review Board Quasi-judicial Hearings
 - Legislative and Quasi-judicial Council Hearings for Plan Amendments (Text & Map)
 - Appeal of Staff Decisions,
 - Conditional Use Permits
 - other actions with a public hearing.



City of Tualatin

PTA-11-09 CIO Notice

- If the proposed PTA-11-11 creating a Planning Commission is approved (Public Hearing scheduled for January 9, 2012), the CIO Notice provisions will also apply to Planning Commission Hearings for:
 - Variances,
 - Industrial Master Plans,
 - Transitional Uses, etc.



City of Tualatin

PTA-11-09 CIO Notice

Adds CIOs to the list of parties receiving:

- **Notice of Application and Opportunity to Comment** - Staff decisions including:
 - Architectural Review-Public Facilities
 - Historic Landmark-Alteration/Demolition/Redesignation/ Relocation
 - Interpretation
 - Partition and Subdivision.



City of Tualatin

PTA-11-09 CIO Notice

- **Notice of Annexation**
- **Notice of Neighbor-Developer Meeting** – Prior to submittal of an application for all Land Use actions listed above



City of Tualatin

Council Discussion



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Colin Cortes, Assistant Planner
Alice Rouyer, AICP, Community Development Director

DATE: 01/09/2012

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

ISSUE BEFORE THE COUNCIL:

The issue before the Council is consideration of Plan Text Amendment 11-11 to amend the Tualatin Development Code (TDC) sections below to change TPAC into a Planning Commission and grant decision-making authority over specified land use applications:

- References to TPAC, the planning advisory committee that is becoming the Planning Commission; notice requirements (1.020, 1.030, 1.031)
- TPAC (2.050, 2.060)
- Variance, Sign Variance (33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050)
- Transitional Use Permit (34.183, 34.184, 34.185, 34.186)
- Reinstatement of Use (35.040, 35.050, 35.060, 35.080)
- Industrial Master Plan (37.010, 37.030, 37.040).

Refer to Attachment A for the draft amending text.

The Legal Division is processing a complementary revision of Tualatin Municipal Code Chapter (TMC) 11-1 "Planning Advisory Committee," which is necessary because TDC 2.060 reflects some of the content within TMC 11-1.

RECOMMENDATION:

During its December 6, 2011 meeting, the Tualatin Planning Advisory Committee (TPAC) reviewed the proposed Plan Text Amendment 11-11 and recommended that the Council approve PTA-11-11 as proposed in the staff report. Approval was 6-0; Mr. Herriges was absent. (Attachment C)

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-11-11.

EXECUTIVE SUMMARY:

During the City Council work session of October 10, 2011 that five members of the Tualatin Planning Advisory Committee (TPAC) attended, the Council agreed to create a Planning Commission that retains existing TPAC responsibilities and assigned it decision-making authority over five land use application types:

1. Industrial Master Plan (IMP)
2. Reinstatement of Use
3. Sign Variance (SVAR)
4. Transitional Use Permit (TRP)
5. Variance (VAR) (Note: TDC 33.010(1)(a) allows for the City Council to review a Minor Variance [MVAR] associated with a partition, property line adjustment, or subdivision if staff elevates it or it's appealed. The amendment substitutes the Planning Commission for the City Council.)

This matter is a land use action requiring a legislative public hearing: a Plan Text Amendment to the Tualatin Development Code (TDC). The applicant is the City on behalf of TPAC, which exists to meet Oregon Statewide Planning Goal 1 "Citizen Involvement."

Following is a chronology of TPAC and City Council meetings about the amendment:

- During a July 27, 2011 joint TPAC and Council special work session, discussion included the possibility of TPAC becoming a Planning Commission. The Council directed that staff research what other communities do with their planning commissions, what models are used, what commissions do, standards for appeal, how many appeals have occurred, length of terms, term limits, and standards of termination. (Excerpted minutes in Attachment F) The results of this research are included in Attachment D.
- During its October 10, 2011 work session, following review of staff research the Council directed staff to change TPAC into a Planning Commission that retains existing TPAC responsibilities and assigned it decision-making authority over five land use application types. (Excerpted minutes are in Attachment E.)
- During its December 6, 2011 meeting, TPAC voted 6-0 to recommend approval of the amendment. TPAC expressed support for the amendment and described it as a step in the right direction. Upon request, staff clarified the nature of the five application types and existing TPAC and additional Planning Commission roles of members.

The applicable local policies and regulations that apply to the amendment are in TDC Section 1.032 Amendments "Burden of Proof." Before granting the proposed Plan Text Amendment, the City Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment B) examines the amendment.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

- The Tualatin Planning Advisory Committee (TPAC) becomes known as the Planning Commission
- The existing responsibilities of TPAC remain with the Planning Commission
- TPAC becomes the decision-making authority over five application types: Industrial Master Plan, Reinstatement of Use, Sign Variance, Transitional Use Permit, and Variance, which includes Minor Variance

Denial of the PTA request would result in the following:

Tualatin Development Code

Chapter 1

Administration Provisions

Sections:

- 1.010 Interpretation.**
- 1.020 Definitions.**
- 1.030 Initiation of Amendments.**
- 1.031 Notice Requirements.**
- 1.032 Burden of Proof.**

Section 1.020 Definitions.

Acre. A measure of land area containing 43,560 square feet. Gross Acreage is the land area within the lot lines of a tax lot. Net Acreage is the land area within the lot lines of a tax lot after removing land for rights-of-way and tracts.

Aesthetics. A branch of philosophy dealing with beauty and judgments concerning beauty.

Annexation. The formal act of adding land to the corporate limits of a City.

Architectural Focal Element. A publicly-owned structure whose primary function is to attract attention and create a special sense of place.

Automobile Service Station. A fueling facility for passenger or commercial vehicles, including a card-lock facility, whether or not retail transactions are made or an attendant is present.

Building. A structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Buildable Lands. Land within an Urban Growth Boundary that is vacant, has access to public streets, water and sewer services, and is not subject to natural hazards such as flooding, landslides, etc.

CCI. Committee for Citizen Involvement.

CRAG. Columbia Region Association of Governments; now merged with the Metropolitan Service District (MSD).

Central Design District. The Central Design District as identified in Section F of the Central Urban Renewal Plan.

Child Day Care Center. A day care facility providing day care to children as defined in ORS 418.805(4), except a Family Day Care Provider.

City. The City of Tualatin, Oregon; a municipal corporation.

Common Wall Dwellings. Dwelling units characterized by shared wall structures including duplexes, triplexes, attached single family residences, rowhouses, townhouses, multi-family dwellings and condominiums.

Conditional Use. A land use category in a Planning District for land uses that may have an adverse impact on other land uses within that district. These uses require special approval procedures and may have conditions attached to their approval so they can be made compatible with surrounding land uses.

Condominium. A property with a building or group of buildings, submitted to the provisions for condominiums in state statutes, in which units are owned individually, and common areas, structures, facilities, easements, rights and appurtenances belonging to the property are owned by all the owners on a proportional, undivided basis.

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Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

DLCD. State Department of Land Conservation and Development; the administrative organization serving the Land Conservation and Development Commission.

Dedication. The act of permanently devoting a portion of private land to a public purpose such as road right-of-way or a public park.

Density, Maximum Net. Maximum net density applies only to partition, subdivision, and architectural review applications reviewed through the Expedited Process set forth in House Bill 3065, Sections 6-11, 1995 Legislature, and is the land area within the lot lines of a tax lot after land has been removed for rights-of-way and tracts. House Bill 3065's reference to 80 percent of maximum net density in Section 7(1)(a)(E) is calculated by taking the gross acreage and subtracting land removed for rights-of-way and tracts and multiplying that net acreage figure by the maximum allowed density and then multiplying that figure by 80 percent.

Density, Residential, Gross. Gross Residential Density is the number of dwelling units per gross acre. See also Acre.

Density, Residential, Net. Net Residential Density is the number of dwelling units per net acre. See also Acre.

Design Standards. Specific defined criteria formulated to guide the preparation of plans for buildings, landscaping, parks, etc.

Detached Housing. Dwelling units characterized by wall structures that are not shared with adjacent dwelling units such as the common single-family home.

Development Agreement. An agreement between either the City or the Tualatin Development Commission and a developer that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, improvements, and any other mutually agreed to terms and requirements.

Drive-up Uses. Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive up uses shall not include automobile service stations.

Dwelling, Duplex. A building containing two dwelling units on one lot or parcel.

Dwelling, Multi-Family. A building containing two or more dwelling units on one lot or parcel.

Dwelling, Single-Family. A dwelling unit detached or separate from other dwelling units, and not having common walls with another dwelling unit on one lot or parcel.

Dwelling, Triplex. A building containing three dwelling units on one lot or parcel.

Dwelling Unit. A habitable structure containing one or more rooms designed for occupancy by one individual or family, and not having more than one cooking facility.

Family Day Care Provider. A day care provider who regularly provides day care in the provider's home in the family living quarters, as defined in ORS 418.805(5).

Flood Plain. Land adjacent to a water-course that is covered with water during periods of flooding; normally defined as an area of land inundated by a flood having a one percent chance of occurring in any year.

Garden Apartments. Multi-family housing characterized by the emphasis of open landscaping areas.

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Grade Crossing. A crossing of highways, railroad tracks, or pedestrian walks or combinations of these at the same ground elevation.

Greenway. A linear park-like or naturally landscaped strip of land usually located adjacent to watercourses and roadways.

Growth Controls. A combination of regulations, public policy and capital expenditures designed to either limit growth or to direct growth into specific geographic areas.

Historic Resource. Sites, buildings, structures, objects, landscape features and archaeological sites situated within the City limits of Tualatin which identify the community's past.

Housing Density. The number of dwelling units per acre of land rounded to the nearest whole number.

Housing Starts. The number of building permits issued for the construction of dwelling units for a specific period of time.

LCDC. State Land Conservation and Development Commission.

Land-Extensive. An industrial use characterized by large storage areas or large land areas needed for manufacturing processes and relatively few employees per acre.

Land Use Intensity. The relative concentration or activity generated on a parcel of land by a specific land use.

Living Unit. In assisted living facilities, residential facilities and congregate care facilities, a room, apartment, cottage or other area set aside for the use of a resident individual or couple.

Lot. A single parcel or tract of land.

MSD. Metropolitan Service District, now merged with the Columbia Region Association of Governments (CRAG). A regional government agency having land

use planning and other powers and responsibilities of a regional nature.

Manufactured Dwelling. A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the Structural Specialty Code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured Dwelling Park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Manufactured Home. A structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), as amended on August 22, 1981.

Manufactured Structure. A recreational vehicle as set forth in ORS 446.003 or a manufactured dwelling. Manufactured structure does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code.

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Migration. The movement of people between one community and another.

Mixed Use Development. A tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, manufacturing, public, or entertainment, in a compact urban form.

Mixed Use Residential Development. A mixed use development containing one or more residences.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Mobile Home Park. Any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Mobile Home Park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Modular Home. A residential structure consisting of prefabricated components manufactured at a remote location and assembled on-site.

Moratorium. A temporary deferment or delay of construction activity, usually based

on the lack of adequate capacity for public facilities such as schools, roads, and sewer and water systems.

Multi-Mode Transportation. A mix of transportation forms usually integrated as a system.

Net Migration. A figure defining the difference between the number of people moving into the community and the number of people moving from the community.

Official Map. A legislatively adopted map indicating the exact location of public improvements such as streets, with the purpose of prohibiting uses within these locations that would prohibit future municipal use of the location.

Outdoor Storage. The storage of materials or merchandise outside of a building.

Peak Hour. A specific period of time at which traffic counts are highest.

Planning District. An area on the Plan Map designated as appropriate for a specific class of land use as defined in the Plan Text.

Residential Care. Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board, as defined in ORS 443.400(4).

Residential Facility. A residential facility providing residential care, training or treatment for six or more individuals exclusive of staff, as defined in ORS 443.400.

Residential Home. A residential training home or residential treatment home for five or fewer individuals exclusive of staff, as defined in ORS 443.400.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for

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human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Right-of-Way. A strip of land reserved for public uses such as roadways and sewer and water lines.

SMSA. Standard Metropolitan Statistical Area, a specific geographic area defined by the federal government to serve as a common base for the generation and comparison of data.

Skirting. A covering that totally obscures the undercarriage of a manufactured dwelling, extending from the top of the undercarriage to the ground.

Small Lot. Any lot in a subdivision approved as a Small Lot Subdivision with an area less than 6,500 square feet.

Small Lot Subdivision. A subdivision containing lots smaller than 6,500 square feet and that has been granted conditional use approval.

Southwest Tualatin Concept Plan (SWCP). A guide to the industrial development of a 614 acre Urban Growth Boundary Expansion area outside the Tualatin Planning Area when the SWCP was accepted by the Tualatin City Council on October 11, 2010.

Subdivision. The division of a tract of land into four or more lots.

Townhouses. A building containing more than one dwelling unit, in which each unit has primary access to the outside and in which units are attached to each other by common walls without openings.

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

TPARK. Tualatin Park Advisory Committee.

TPC. The Tualatin Planning Commission

Transportation Mode. A form of transportation such as the automobile mode, bus mode, light rail mode, etc.

Truck Route. A selected course of travel for trucks, primarily intended to route trucks away from residential neighborhoods.

Unincorporated Land. Land not within the corporate or city limits of a city.

URAC. Urban Renewal Advisory Committee.

Urban Growth Boundary. An adopted line at or outside the current City limits defining an area that would accommodate future City growth.

Urban Growth Management Agreement (UGMA). An agreement between the City and Clackamas County establishing a process for coordinating comprehensive planning and development in a geographically defined area composed of both area within city limits and unincorporated properties.

Urban Planning Area Agreement (UPAA). An agreement between the City and Washington County establishing a process for coordinating comprehensive planning and development in a geographically defined area composed of both area within city limits and unincorporated properties.

Wetlands. Land areas determined by the Oregon Division of State Lands to be wetlands. [Ord. 743-88, §34, 3/28/1988; Ord. 818-91, §1, 2 & 3, 1/14/1991; Ord. 844-91, §1, 10/14/1991; Ord. 849-91, §1 & 2, 11/25/1991; Ord. 882-92, §1, 12/14/1992; Ord. 890-93, §1, 4/12/1993; Ord. 956-96, §1 & 2, 1/8/1996; Ord. 988-97, §1, 12/8/1997; Ord. 1026-99, §1, 8/9/1999; Ord. 1277-09, §1, 3/9/2009; Ord. 1310-10 §1, 9/13/2010; Ord. 1321-11 §1, 4/25/2011].

Section 1.030 Initiation of Amendments.

(1) An amendment to the Text or the Plan Map of the Tualatin Community Plan may be

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initiated by the City Council, City staff or by a property owner or a person authorized in writing by the property owner.

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

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

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

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

(6) Properties located outside of the City's corporate limits and inside of the City's acknowledged Urban Growth Boundary shall automatically become subject to the planning district specified by the Tualatin Comprehensive Plan Map and applicable provisions of the Development Code immediately upon the effective date such property or portion thereof is annexed to the City. No additional action by the City, including publication and mailing of notices, public hearings, ~~or~~ consideration **and recommendation** by the Tualatin Planning Advisory Committee ~~Commission~~ and **consideration and decision by the** City Council shall be required. This provision shall satisfy ORS 215.130(2)(a) which requires the City to provide for a transition from County planning and zoning to City planning and zoning upon annexation. The effective date of annexation shall be the date stated on the final order of the Portland Metropolitan Area Local Government Boundary Commission or any successor agency or court exercising jurisdiction in the matter, or the date any election results are certified by the County Elections Official, whichever is applicable.

[Ord. 622-84, Feb. 13, 1984; Ord. 715-87, §1, Feb. 23, 1987; Ord. 771-89,

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§1, April 10, 1989; Ord. 933-94, §1, Nov. 28, 1994; Ord. 1157-04,
03/08/2004; Ord. 1149-03, 10/13/2003.]

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Chapter 2

Introduction

Sections:

- 2.010 Background.
- 2.020 Purpose.
- 2.030 Plan Format.
- 2.040 Planning Area Description.
- 2.050 Citizen Involvement.
- 2.060 Tualatin Planning Advisory Committee
~~(TPAC)~~**Commission (TPC)**.
- 2.070 Tualatin Park Advisory Committee (TPARK).
- 2.080 Agency Coordination.

Section 2.050 Citizen Involvement.

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

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

(3) Another advisory group influencing the plan is the Tualatin Park Advisory Committee (TPARK). This committee oversees the City's park and recreation programs and thus has an interest in the park and recreation element of the Public Facilities Plan, which is also reflected on the community's General Land Use Plan. Both TPAC **(changed to the Tualatin Planning Commission)** and TPARK have met regularly to review the plan proposals and to take actions recommending this plan to the City Council. Meeting minutes and tape recordings are available for public review at the Tualatin City Hall. The powers, duties and organizational structure of **the TPAC-Planning Commission** and TPARK are described below. [Ord. 1119-02, 10/14/02].

Section 2.060 Tualatin Planning Advisory Committee ~~(TPAC)~~**Commission (TPC)**.

(1) Number of members: 7.

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

(3) Term of office: Each committee **commission** member shall serve

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three years per term. The City Council may reappoint a member continually or appoint a successor.

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

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

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

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

- (a) Land Use, **including through Plan Map and Plan Text Amendment (PMA and PTA)**
- (b) Economic Development
 - Housing
 - Commercial and Industrial
- (c) Public Facilities
 - Transportation
 - Water Supply
 - Sewerage
 - Drainage
 - Parks and Open Space
 - Institutions
- (d) Historic Resources
- (e) Recommend and make suggestions to the Council regarding

preparation and revision of community development ordinances, including but not limited to the following:

- Tualatin Development Code
- Tualatin Sign Ordinance
- Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary. [Ord. 635-84, §2, 6/11/84; Ord.

926-94, §1, 6/13/84; Ord. 1332-11 §1. 9/12/11].

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Chapter 31

General Provisions

Sections:		31.079	Development in Accordance with Permit; Revocation.
31.010	Title.		
31.020	Classification of Planning Districts.		AMENDMENTS
31.030	Compliance With Planning District Standards.	31.080	Initiation of Amendments.
31.040	Planning District Map.	31.081	Notice Requirements.
31.050	Planning District Boundaries.	31.082	Burden of Proof for Amendments.
31.060	Definitions.	31.092	Applicability.
31.063	Neighborhood/Developer Meetings.		FEES
31.064	Land Use Applications Notice.	31.100	Fee Schedule.
31.065	Procedure for Council Recognition of a Neighborhood Association.	31.101	Commencement of Action by City.
31.067	Procedure for Annexing Territory to the City Limits.	31.102	Waiver or Reduction of Fees.
31.070	Interpretation of Code Provisions.	31.110	ENFORCEMENT
31.071	Architectural Review Procedure.	31.111	Activities Prohibited.
31.072	Consideration of Architectural Review Plan.	31.112	Penalties.
31.073	Action of the Community Development Director and City Engineer on Architectural Review Plans.	31.113	Concurrent Jurisdiction.
31.074	Architectural Review Application Review Process.	31.114	Injunction.
31.075	Effective Date of Decision.		Conformance With Community Plan and Development Code.
31.076	Requests for Review.	31.120	Violations.
31.077	Quasi-Judicial Evidentiary Hearing Procedures.		
31.078	Requests for Review of Architectural Review Board Decisions to the City Council.		

Section 31.076 Requests for Review.

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

(2) The Community Development Director shall determine the appropriate

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hearing body to conduct review as follows:

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

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

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

(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Community Development Director with regard to a minor variance (TDC Chapter 33), tree removal (TDC Chapter 34), temporary use (TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an

application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.

(e) If the request for review involves a final decision by the Planning Commission for an Industrial Master Plan (TDC Chapter 37), Reinstatement of Use (TDC Chapter 35), Sign Variance (TDC 33), Transitional Use Permit (TDC Chapter 34), and Variances (TDC Chapter 33) then the City Council is the appropriate hearing body in with TDC 31.078

(3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Re-view Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning Department shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within

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the 14 calendar days a written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:

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

(b) City Council members;

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

(d) members of the Architectural Review Board.

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

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

evidentiary hearing procedures shall be followed.

(6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Re-view Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject. [Ord. 590-83 §1, 4/11/83; Ord. 789-89 §5, 12/11/89; Ord. 844-91, §6, 10/14/91; Ord. 902-93, §7, 5/28/93; Ord. 963-96, §3, 5/24/95; Ord. 1009-98 §35, 11/9/98; Ord. 1096-02 §6, 1/28/02; Ord. 1227-07 §4, 2/12/07; Ord. 1304-10 §7, 5/14/10].

Section 31.078 Requests for Review of Architectural Review Board Decisions and Planning Commission Decisions to the City Council.

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

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

(3) A final decision of the Architectural Review Board **or Planning Commission**

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shall be final for the purposes of review requests, unless a written re-request for review is received at the City offices within 14 calendar days of the date notice of the final decision is given; or un-less prior to the date a member of the City Council or the City Manager requests a re-view of the decision.

(4) The request for review shall contain:

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

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

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

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

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

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

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

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

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

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

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

(c) the minutes of the hearing below;

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

(e) the request for review;

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

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

(10) The Council may affirm, revise, modify or reverse the action of the Architectural Review Board **or the Planning Commission** in all or in part. The Council may also remand the matter

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back to the Architectural Review Board **or Planning Commission** for further consideration. The Council may order material defects in the earlier proceedings, to be corrected, while retaining jurisdiction of the matter so that the proceedings will have been conducted in a fair and impartial manner.

(11) The Council shall adopt a written order that clearly states the basis for its decision. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. A proposed order submitted by the Community Development Director or any other person may be adopted by the City Council. The written order is the final decision on the matter and the date of the order is the date it is signed certifying the approval by the City Council. Unless otherwise directed by the Council, no publication or other notice of the final decision shall be required. [Ord. 590-83 §1, 4/11/83; Ord. 789-89 §7, 12/11/89; Ord. 1096-02 §8, 1/28/02].

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Chapter 33

Variances

Sections:

- 33.010 Authorization to Grant or Deny Variances and Minor Variances.**
- 33.020 Conditions for Granting a Variance That Is Not For a Sign or a Wireless Communication Facility.**
- 33.022 Criteria for Granting a Sign Variance.**
- 33.024 Criteria for Granting a Minor Variance.**
- 33.025 Criteria for Granting a Variance for a Wireless Communication Facility.**
- 33.030 Application for Variance and Minor Variance.**
- 33.040 Public Hearing for a Variance.**
- 33.050 Recess of Hearing.**
- 33.060 Final Decision for a Minor Variance.**

Section 33.010 Authorization to Grant or Deny Variances and Minor Variances.

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

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

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

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

(c) The Community Development Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited. Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to

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the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district. [Ord. 590-83 §1, April 11, 1983; Ord. 960-96 §10, May 28, 1996; Ord. 1009-98 §1, November 9, 1998; Ord. 1096-02 §9, January 28, 2002; Ord. 1201-05, November 28, 2005; Ord. 1260-08 §3, May 12, 2008; Ord. 1304-10 §10, June 14, 2010.]

Section 33.020 Conditions for Granting a Variance that is not For a Sign or a Wireless Communication Facility.

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

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

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

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

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

(5) The variance is the minimum remedy necessary to alleviate the hardship. [Ord. 590-83 §1, April 11, 1983; Ord. 653-84 §1, December 10, 1984; Ord. 960-96 §10, May 28, 1996; Ord. 1009-98 §2, November 9, 1998; Ord. 1116-02, August 26, 2002.]

Section 33.022 Criteria for Granting a Sign Variance.

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

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

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

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

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

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

(6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030. [Ord. 1009-98 §3, November 9, 1998.]

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Section 33.024 Criteria For Granting a Minor Variance.

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

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

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

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

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

[Ord. 1009-98 §4, November 9, 1998; Ord. 1304-10 §11, June 14, 2010.]

Section 33.025 Criteria for Granting a Variance for a Wireless Communication Facility.

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

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

(a) coverage and capacity.

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

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

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

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

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

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

(b) The collocation report, required as part of the Architectural Review submittal, shall document that existing WCFs, or a WCF for which an application

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has been filed and not denied, cannot be modified to provide the capacity or coverage the tower is intended to provide.

[Ord. 1116-02, August 26, 2002.]

Section 33.040 Public Hearing for a Variance.

Before acting upon a request for a variance or minor variance forwarded to the ~~City Council~~ **Planning Commission** under TDC 33.010(1)(a), the ~~City Council~~ **Planning Commission** shall consider the matter at a public hearing conducted in accordance with TDC 31.077. [Ord. 590-83 §1, April 11, 1983; Ord. 1009-98 §6, November 9, 1998; Ord. 1096-02 §11, January 28, 2002; Ord. 1096-02, January 28, 2002.]

Section 33.050 Recess of Hearing.

The ~~City Council~~ **Planning Commission** may recess a hearing to obtain additional information or to serve further notice upon other property owners or persons who it decides may be interested in or affected by the proposal. Upon recessing for this purpose, the ~~Council~~ **Planning Commission** shall announce the time, date and place when the hearing will be resumed. [Ord. 590-83 §1, April 11, 1983; Ord. 960-96 § 10, May 28, 1996; Ord. 1009-98 §7, November 9, 1998; Ord. 1096-02 §12, January 28, 2002.]

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Chapter 34

Special Regulation

Sections:

TEMPORARY USES

- 34.010 General Provision.
- 34.011 Outdoor Sales.
- 34.013 Mobile Food and Flower Vendors.
- 34.014 Temporary Sales Office.
- 34.020 Application Fee for Temporary Uses.

HOME OCCUPATIONS

- 34.031 Definitions.
- 34.032 Intent and General Provisions.
- 34.045 Allowed Home Occupations.
- 34.055 Standards.

MICROWAVE RECEIVING DISHES

- 34.060 Purpose.
- 34.070 Screening.
- 34.080 Application of Provisions.

RETIREMENT HOUSING

- 34.160 General Provisions.
- 34.170 Specific Standards for Retirement Housing.

TRANSITIONAL USES

- 34.180 Purpose and Intent.
- 34.181 Goals.
- 34.182 Eligibility Criteria and Limitations.
- 34.183 General Standards.
- 34.184 Transitional Use Conditions.
- 34.185 Issuance, Renewal and Automatic Termination.
- 34.186 Process.
- 34.190 Manufactured Dwelling Park Development Standards.

- 34.200 Tree Removal Without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited.
- 34.210 Application for Architectural Review, Subdivision or Partition Review, or Permit.
- 34.220 Fees.
- 34.230 Criteria.
- 34.240 Emergencies.
- 34.250 Notice of Decision.
- 34.260 Request for Review.
- 34.270 Tree Protection during Construction.
- 34.300 Accessory Dwelling Units.
- 34.310 Standards.
- 34.320 Purpose.
- 34.330 Fence Standards.
- 34.340 Fence Design.

Section 34.183 General Standards.

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

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

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

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

(4) Relative to the prior use, the use or existing structures may not be intensified or expanded except for uses or structures in the ML or MG Planning Districts. This is applicable to original applications, renewals

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and substitute uses. In addition, no new structures except for structures in the ML or MG Planning Districts may be placed upon the subject property which may prolong or increase the economic hardship of the developer at the time of the expiration of the permit. Nothing contained in this section shall be construed as limiting the authority of the ~~City Council~~ **Planning Commission** to require improvements to be made as conditions on which the permit is granted.

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

(6) Uses and operations which may be considered nuisances due to smoke, glare, vibrations, odors, or unsightliness, shall not be permitted. [Ord. 667-85 §1, June 10, 1985; Ord. 1023-99, §10, June 28, 1999.]

Section 34.184 Transitional Use Conditions.

The ~~City Council~~ **Planning Commission** may impose any number of conditions on applications to ensure that disturbance of surrounding properties is minimized and that the objectives of the Community Plan are met. The conditions may include, but shall not be limited to time restrictions, hours of operation, periodic review above and beyond what is required by this Code, increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication of additional right-of-way and improvement of

the same, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction to view or reduction of light or air to adjacent property and requiring sight-obscuring fencing and landscaping where appropriate to reduce noise or glare, maintain the property in a character in keeping with the surrounding area, or for aesthetic reasons. [Ord. 667-85 §1, June 10, 1985; Ord. 864-92 §8, June 13, 1992.]

Section 34.185 Issuance, Renewal and Automatic Termination.

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

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

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

(4) All applications shall be made jointly by the recorded contract purchaser or owner of the property as well as the lessee or proposed user of the property and structure.

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The transfer of a permit shall only be permitted where the underlying property or business ownership is transferred, so long as the use of the structure remains unchanged. The Community Development Director shall determine whether a new application and permit is required and such determination may be appealed to the ~~City Council~~ **Planning Commission**. Each tenant of a structure shall submit a separate application.

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

(a) The permit has not been exercised for 12 months;

(b) The use approved is discontinued for 12 months; or

(c) The period of time for which the permit has been granted expires without a renewal. [Ord. 667-85 §1, June 10, 1995; Ord. 1304-10 §14, June 14, 2010.]

Section 34.186 Process.

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

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

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

properties and uses are to be alleviated. The Community Development Director shall prepare a staff report recommending a tentative decision to the ~~City Council~~ **Planning Commission**.

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

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

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

(7) An original application may include a single lot or part thereof or more than one adjacent tax lots. [Ord. 667-85 §1, June 10, 1985; Ord. 715-87 §11, February 23, 1987; Ord. 743-88 §21, March 18, 1988; Ord. 1304-10 §15, June 14, 2010.]

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Chapter 35

Nonconforming Uses, Structures and Signs

Sections:

- 35.010 Purpose and Intent.
- 35.020 Continuation of Nonconforming Uses or Structures.
- 35.030 Alteration or Enlargement Prohibited.
- 35.040 Discontinuance of a Nonconforming Use.
- 35.050 Damage to Nonconforming Structure.
- 35.060 Conditions for Granting Reinstatement of Nonconforming Use.
- 35.070 Initiating Reinstatement of Nonconforming Use or Structure.
- 35.080 Recess of Hearing by ~~Council~~ **the Planning Commission**.
- 35.090 Repairs to Nonconforming Structure.
- 35.100 Completion of Building.
- 35.200 Nonconforming Signs.
- 35.300 Wireless Communication Facilities.

Section 35.040 Discontinuance of a Nonconforming Use.

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

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

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

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

(3) See TDC 35.200 for signs. [Ord. No. 743-88, March 28, 1988; Ord. 1212-06, June 26, 2006.]

Section 35.050 Damage to Nonconforming Structure.

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

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(2) See TDC 35.200 for signs. [~~Ord. 1049-00,~~
March 13, 2000.]

Section 35.060 Conditions for Granting Reinstatement of Nonconforming Use.

(1) No reinstatement of a nonconforming structure or use shall be granted by the ~~City Council~~ **Planning Commission** unless it can be shown that all of the following conditions exist:

(a) The nonconforming structure or use, if reinstated, will not be materially detrimental to the objectives of the Tualatin Community Plan.

(b) The nonconforming structure or use, if reinstated, will not have an unreasonable detrimental effect upon the value or use of property located within 300 feet of the exterior boundaries of the property on which the reinstated nonconforming use or structure is sought.

(c) The request for reinstatement of a nonconforming structure or use was filed with the Planning Department not more than 6 months from the date on which the nonconforming structure or use was discontinued.

(2) The ~~City Council~~ **Planning Commission** may attach conditions to the reinstatement that it finds necessary to protect the best interests of the surrounding property including, but not limited to, compliance with those provisions of the Tualatin Community Plan that are necessary to protect the health, peace, safety and welfare of the public.

(3) See TDC 35.200 for signs.

Section 35.080 Recess of Hearing by Council the Planning Commission.

(1) The ~~Council~~ **Planning Commission** may recess a hearing on a request for reinstatement to obtain additional

information or to serve further notice upon other property owners who it decides may be interested or affected by the proposed reinstatement. Upon recessing for this purpose, the ~~Council~~ **Planning Commission** shall announce the time, place and date when the hearing will be resumed.

(2) See TDC 35.200 for signs.

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Chapter 37

Industrial Master Plan (**IMP**)

Sections:

- 37.010 Purpose.**
- 37.020 Application Requirements.**
- 37.030 Criteria for Review.**
- 37.040 Review and Approval.**

Section 37.010 Purpose.

The Tualatin City Council **Planning Commission** may approve an Industrial Master Plan within the Manufacturing Business Park (MBP) Planning District or the Manufacturing Park Planning District that sets particular standards for development within the Industrial Master Plan Area defined by such plan, in accordance with the Tualatin Community Plan, the Southwest Tualatin Concept Plan (SWCP) and the Leveton Tax Increment Plan. Such approved plans are intended to achieve a campus-like setting within an Industrial Master Plan Area, while allowing development to occur independently on a number of smaller parcels within that area. It is the intent of this chapter to provide procedures and criteria for the submission and review of such Industrial Master Plan applications. [Ord. 1035-99 §3, 11/8/99; Ord. 1321-11 §42, 4/25/2011]

Section 37.030 Criteria for Review.

The City Council **Planning Commission** shall approve an Industrial Master Plan, after a hearing conducted pursuant to TDC 327.040, provided that the applicant demonstrates that the following criteria are met:

(1) Public facilities and services, including transportation, existing or planned, for the area affected by the use

are capable of supporting the proposed development or will be made capable by the time development is completed.

(2) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity.

(3) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC Chapter 62 for the MP Planning District and TDC Chapter 64 for the MBP Planning District unless otherwise approved through the Industrial Master Plan process. [Ord. 1035-99 §5, 11/8/1999; Ord. 1321-11 §44, 4/25/2011]

Section 37.040 Review and Approval.

(1) Before acting on a request for an Industrial Master Plan, the application shall be considered by the City Council **Planning Commission** at a public hearing conducted in the manner provided for in TDC 31.077. The City Council **Planning Commission** may continue a hearing in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the Council **Planning Commission** shall announce the time, place and date when the hearing will be resumed.

(2) The City Council **Planning Commission** may approve, approve with conditions, or deny the application for an Industrial Master Plan. The City Council **Planning Commission** may impose, in

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addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole and for compliance with the Metro UGMFP Title IV policies and requirements. [Ord. 1035-99 §6, 11/8/1999;

Ord. §45, 4/25/2011]

PTA-11-11 ATTACHMENT F:

ANALYSIS & FINDINGS

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

1. Granting the amendment is in the public interest.

Staff identifies that it is in the public interest to:

- a) maintain or increase the influence of public involvement in city planning
- b) maintain or increase the efficacy of bodies designated by the City Council to examine in the public interest issues of like kind such as those grouped under city planning, recommend actions to the Council, and support bridging the public and the Council on issues related to city planning.

Tualatin Development Code ([TDC](#)) [2.050](#), part of the City's comprehensive plan, designates the Tualatin Planning Advisory Committee ([TPAC](#)) as a citizen body responsible for fulfilling [Goal 1 "Citizen Involvement."](#) TPAC is the advisory committee dedicated to issues of city planning for the general community.

The objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five land use application types. The Planning Commission will retain the responsibility for recommendations and continue to provide for citizen involvement.

The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement." This also serves principles (a) and (b) listed above.

TPAC members want to help streamline land use decisions. They and the Council discussed the topic of increasing and maintaining incentive for members to join, attend, and serve TPAC in the service of public involvement during the [March 28, 2011 Council meeting in the context of the TPAC Annual Report](#) and a [July 27, 2011 special Council work session](#). TPAC identified reasons to have a planning commission, including that it would motivate members and facilitate recognition of their value and contribution and that it would lessen some of the land use caseload of the Council. During the [October 10, 2011 Council work session](#), TPAC and the Council discussed and agreed to this amendment that is a sensible outgrowth of previous discussions about volunteer membership in TPAC and public involvement in general.

The amendment makes TPAC into a Planning Commission and grants decision-making authority over five (5) land use application types:

- Industrial Master Plan (IMP)
- Reinstatement of Use
- Sign Variance (SVAR)
- Transitional Use Permit (TRP)
- Variance (VAR) (Note: TDC 33.010(1)(a) allows for the City Council to review a Minor Variance [MVAR] associated with a partition, property line adjustment, or subdivision if staff elevates it or it's appealed. The amendment substitutes the Planning Commission for the City Council.)

The amendment signals greater empowerment of the body that the Council had tasked with planning recommendations for the general community and establishes incentive for members to participate more, new members to seek to join, and for the public to engage the body more. The Planning Commission will continue to meet Goal 1 and principles (a) and (b) listed above.

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

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

As examined for Criterion A, the objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five (5) land use application types. The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement."

In recent years, TPAC has not been able to attain quorum for some meetings, including two consecutive meetings, delaying action items. Additionally, members have expressed a desire to have decision-making authority over some land use application types believing this would build morale, attract more members, and increase public engagement with the body. The Council assented to the idea during the October 10, 2011 work session. These conditions make the amendment timely.

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

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

In 1976 Tualatin Development Code ([TDC](#) [2.050](#) designated TPAC as a citizen body responsible for fulfilling [Goal 1 "Citizen Involvement."](#) The amendment does not interfere with the Plan objective of TPAC fulfilling Goal 1. The Plan will reference

the "Planning Commission" instead of the "Tualatin Planning Advisory Committee" or "TPAC."

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

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

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

Trends in land improvement and development.

The factor is not relevant to the proposed amendment because it does not relate to trends in land improvement and development.

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

The factor is not relevant to the proposed amendment because it does not relate to the needs of economic enterprises and the future development of the area.

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

The factor is not relevant to the proposed amendment because it does not relate to needed right-of-way and access for and to particular sites in the area.

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

The factor is not relevant to the proposed amendment because it does not relate to natural resources of the City and the protection and conservation of said resources.

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

The consideration of the previous factor applies here also.

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

The factor is not relevant to the proposed amendment because it does not relate to the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area

Neither the applicant nor staff assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

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

Because the amendment does not relate to residential use, the criterion is not applicable.

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

Of the 19 statewide planning goals, the applicable ones are [Goal 1 "Citizen Involvement"](#) and [Goal 2 "Land Use Planning."](#)

The objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five (5) land use application types. The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement."

The amendment does not interfere with the City Council designation of TPAC in Tualatin Development Code (TDC) [2.050](#) as a citizen body responsible for fulfilling Goal 1. The existing responsibilities of TPAC over land use will remain with the body in its form as the Planning Commission, continuing to meet Goal 2. The criterion is met.

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

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government constitutes its planning commission or equivalent. The criterion is met.

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

Because the amendment does not relate to vehicle trip generation at a land use level, the criterion is not applicable.



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF December 6, 2011

TPAC MEMBERS PRESENT:

Paul Sivley
Mike Riley
Alan Aplin
Jeff DeHaan
Steve Klingerman
Bill Beers

STAFF PRESENT:

Aquilla Hurd-Ravich
Will Harper
Cindy Hahn
Colin Cortes
Lynette Sanford

TPAC MEMBER ABSENT: Nic Herriges

GUESTS: None

...

4. ACTION ITEMS

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- B. Amending the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission; and Amending TDC 1.020, 1.030, 1.031, 2.050, 2.060, 33.010, 33.020, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, and 37.040; Plan Text Amendment (PTA-11-11); Legislative.**

Assistant Planner Colin Cortes gave a summary on the amendment to change Tualatin Planning Advisory Committee (TPAC) into a Planning Commission and grant decision-making authority over specified land use applications. This is an outgrowth of the work session where the council agreed to the formation of a planning commission for decision making on land use applications and also a revision to the municipal code. These will go to council on January 9, 2012.

Mr. DeHaan questioned the paragraph in the staff report summary that stated "Planning commissions generally make more recommendations than decisions and review more legislative than quasi-judicial matters". He asked if that was true. Assistant Planner Cortes replied that that paragraph was a very brief recap of the research of what neighboring cities' planning commissions do. Mr. Sivley's recollection was that the statement is not true-they make more decisions than recommendations. His

recommendation was to strike the paragraph and put in another sentence in pursuant to the attached research. Assistant Planner Cortes agreed that the sentence will be re-written.

Mr. DeHaan thought it would be helpful for Assistant Planner Cortes to quickly go through the list of the five application types: Industrial Master Plan, Reinstatement of Use, Sign Variance, Transitional Use Permit, and Variance. Mr. Cortes responded that he didn't have a large amount experience with these, but Senior Planner Will Harper had a few examples:

An example of an Industrial Master Plan was Novellus. This Industrial Master Plan gave Novellus a chance to divide 60 acres with multiple buildings and have different lot sizes other than the minimum that was required.

The purpose of the Transitional Use process is to allow, on a temporary basis and under certain conditions, a use that is otherwise illegal and to contribute to bringing the use in for conformance. The intent is to provide standards, criteria, and procedures to allow for temporary uses of land and buildings which may require special consideration by this Code.

A Reinstatement of Use example is when a legal non-conforming use is discontinued for more than 12 months and then wants to be reinstated. They will need to come before a Planning Commission to obtain approval for the application.

These Quasi Judicial decisions will go to the Planning Commission. Discussion followed regarding different companies and their applications. Mr. DeHaan mentioned that these five items will not be an immense change since they are infrequent events.

MOTION by DeHaan SECONDED by Riley to recommend approval of Amendments to the Tualatin Development Code by amending the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission.

MOTION PASSED 6-0.

PTA-11-11 ATTACHMENT C:
PLANNING COMMISSION RESEARCH

The following is excerpted from the body of the [October 10, 2011 City Council work session memo](#) and Attachment C to that memo.

Background

On July 27, 2011, the Tualatin Planning Advisory Committee (TPAC) and the City Council held a [joint special meeting](#) during which Council directed staff to research how the five neighboring cities (Lake Oswego, Sherwood, Tigard, West Linn, and Wilsonville) structure their planning commissions. Following this meeting, the Council directed staff to research how the five neighboring cities comparable to Tualatin structure their planning commissions (Lake Oswego, Sherwood, Tigard, West Linn, and Wilsonville). Staff presented research to [TPAC on September 6, 2011](#).

The table on the next page summarizes the structure of the planning commissions.

City	Number of Members	Term Limits		Qualifications	Balance	Reappointment and Removal	Reference
		Years	Number				
Lake Oswego	7	4	No limit	Majority must be residents; all non-residents must reside within urban service area	2 development-related professionals max.	City Council reappoints or appoints, or majority Council vote can remove for misconduct or non-performance	CC 12.51.060
Sherwood	7	4	No limit	n/a	2 non-residents max. if living within UGB; 2 developers max.; 2 of same occupation max.	City Council reappoints or appoints, or majority Council vote can remove for misconduct or non-performance	MC 16.06
Tigard	9	4	2 consecutive max.	n/a	2 non-residents max.; 2 development-related professionals max.; 2 of same occupation max.	City Council reappoints or appoints	MC 2.08
West Linn	7	4	2 consecutive max.	"Preference to those individuals who possess a particular competence in the field of municipal planning by way of their profession, trade, or prior or present governmental service."	2 development-related professionals max.; 2 of same occupation max.; geographic diversity a factor; a member may not have 2 or more simultaneous appointments on committees	Mayor reappoints or appoints and City Council confirms	MC 2.085
Wilsonville	7	4	2 consecutive max.	Must be residents	2 non-residents max. if they're business or property owners or development-related professional; 2 development-related professionals max.	Mayor reappoints or appoints and City Council confirms	CC 2.320-321

Many Oregon cities distinguish classes of land use decisions based on degree and level of review, from administrative permit approval to a quasi-judicial decision by an elected body. The range is from Type I to Type III, IV, or V depending on how finely the categories are divided. The Tualatin Development Code does not use this concept.

Appeal of land use decisions to a local elected body are set by Oregon Revised Statutes (ORS) [197](#) and [227](#). One can establish standing to appeal to a city council by commenting in writing or testifying at a planning commission hearing, allowing for submittal of an appeal within 14 days (two weeks) of a planning commission decision.

The Planning Commissions of the Five Neighboring Cities

Below is a summarize of what each of the five planning commissions reviews.

Lake Oswego

Lake Oswego has both a planning commission and a Development Review Commission. The Planning Commission is designated for long-range planning. It decides upon annexations, master plans, and rezoning and makes recommendations about comprehensive plan amendments and development code revisions. Planning Commission responsibilities have no Type correspondence. The Development Review Commission handles most current planning land use decisions, including conditional uses and variances.

There have been few appeals to the City Council and no pattern to appeals. The appeal fee is half of the original application fee, not to exceed \$4,606.

Sherwood

The Planning Commission decides upon:

- site plans of new or existing structures in the Old Town Overlay District
- quasi-judicial actions not otherwise assigned to a Hearing Authority under the code
- site plans greater than 40,000 square feet (sq ft) of floor area, parking or seating capacity, and subdivisions over 50 lots in size.

Sherwood has five Types. The Planning Commission makes Type IV decisions, which are quasi-judicial. Type V are legislative decisions by the City Council; the Planning Commission makes recommendations on Type V decisions.

Sherwood has also a hearings officer, who decides upon conditional uses, variances, site plan reviews for projects measuring between 15,001 and 40,000 sq ft of floor area, parking or seating capacity, and subdivisions of fewer than 50 lots.

There have been no appeals in recent years. The appeal fee is half of the original application fee.

Tigard

The Tigard Planning Commission decides upon:

- historic district changes
- planned unit developments (PUDs)
- subdivisions associated with PUDs
- quasi-judicial (i.e. property specific) rezonings

It makes recommendations on:

- plan text amendments
- legislative (i.e. area-wide / comp plan related) rezonings

The Planning Commission also helps set the Capital Improvements Program (CIP).

The Planning Commission makes Type III decisions, which are quasi-judicial. Type IV are legislative decisions by the City Council; the Planning Commission makes recommendations on Type IV decisions.

In recent years, Tigard designated a hearings officer to alleviate a burdensome Planning Commission workload. Other subdivisions and applications such as conditional uses go to a hearings officer.

The appeal fee is \$2,700. In recent years there was an appeal to City Council regarding a subdivision associated with a PUD.

West Linn

The West Linn Planning Commission decides upon:

- conditional use permits
- design reviews (reserved for land use and activities that require comprehensive review)
- expansions of a non-conforming structure (other than single-family residential)
- variances (either small change to zoning with minor effects or significant changes with potential effects)
- Planned Unit Developments (PUDs)
- subdivisions
- quasi-judicial (i.e. property specific) rezonings
- It makes recommendations on:
 - development code revisions
 - plan amendments
 - legislative (i.e. area-wide / comp plan related) rezonings

Appeals are few. Most are related to partitions, subdivisions, and PUDs. A West Linn planner indicated that a planning commission works best with legislative matters, particularly if it has a balance of development-related professionals and laypersons and it designates a subcommittee for projects such as comp plan updates or development code revisions.

The appeal fee is \$400.

Wilsonville

The Planning Commission reviews matters that are almost all legislative, including plan amendments and rezonings related to plan map amendments, and so makes recommendations and does not make decisions.

There is a Development Review Board that decides upon almost all quasi-judicial applications (Type III).

Appeals are not applicable because the Planning Commission is not a deciding body.

During the [September 6, 2011 TPAC meeting](#), staff presented this research, and TPAC requested supplemental information. Members had several follow-up questions about the Wilsonville DRB. Attachment C is a revised memo with supplemental information.

TPAC discussed the role of hearings officers, which some of the examined cities use along with planning commissions. Staff commented on the process of the Gresham hearings officer. TPAC discussed what a planning commission would or would not take on and what items the Council would continue to decide. Mr. Beers thought if they were given items, that would demonstrate to the Council how a commission operates and that it might lighten the Council's load. TPAC affirmed the joint meeting with the Council on October 10, 2011 starting no earlier than 6 p.m. so that one or two TPAC spokesmen could attend and report.

Other Sources:

The American Planning Association (APA) provides guidance to planning commissions:

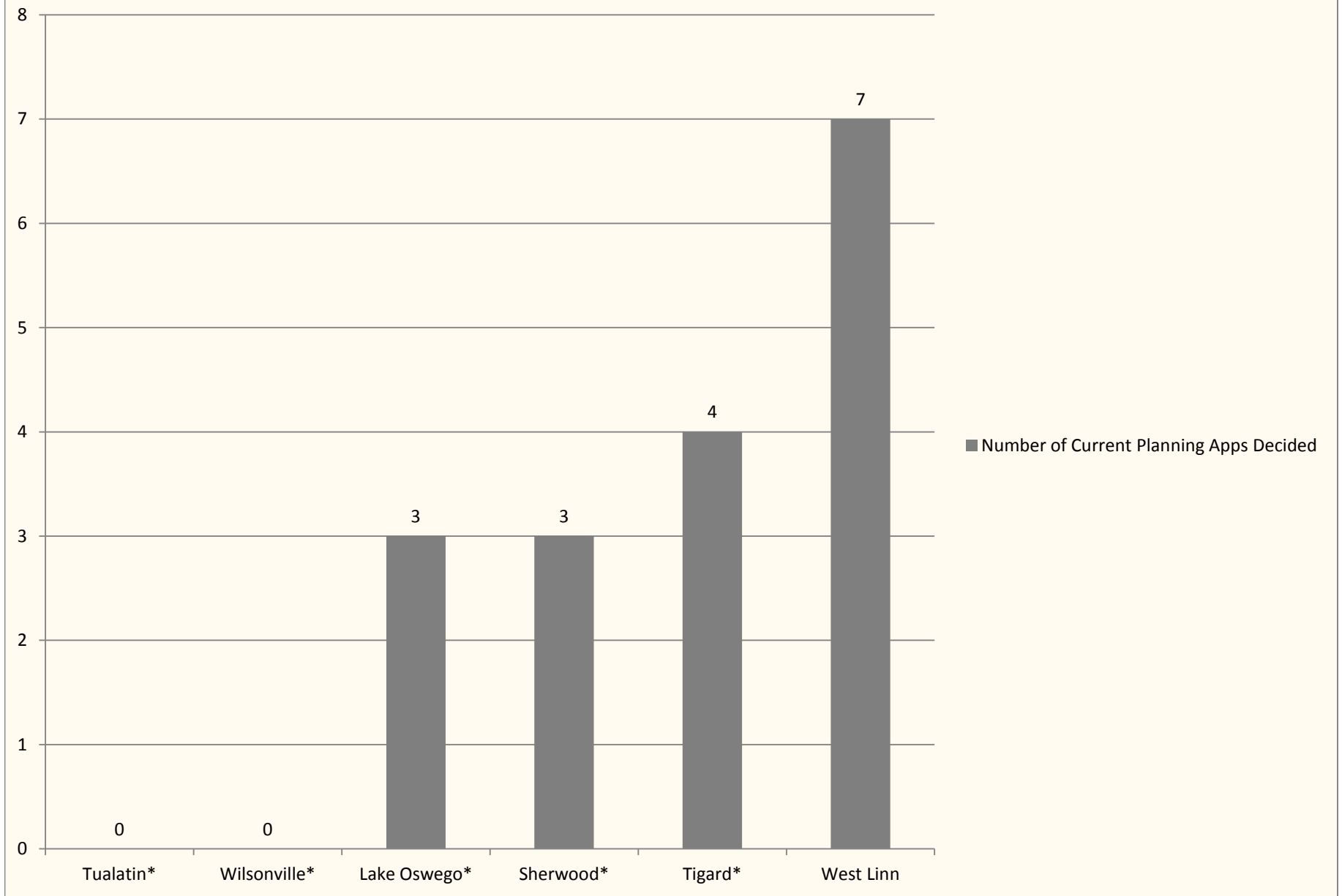
www.planning.org/education/commissions

The Oregon Department of Land Conservation and Development (DLCD) has no information about a model planning commission.

The *Planning Commissioners Journal* is a publication addressing the concerns of planning commissioners:

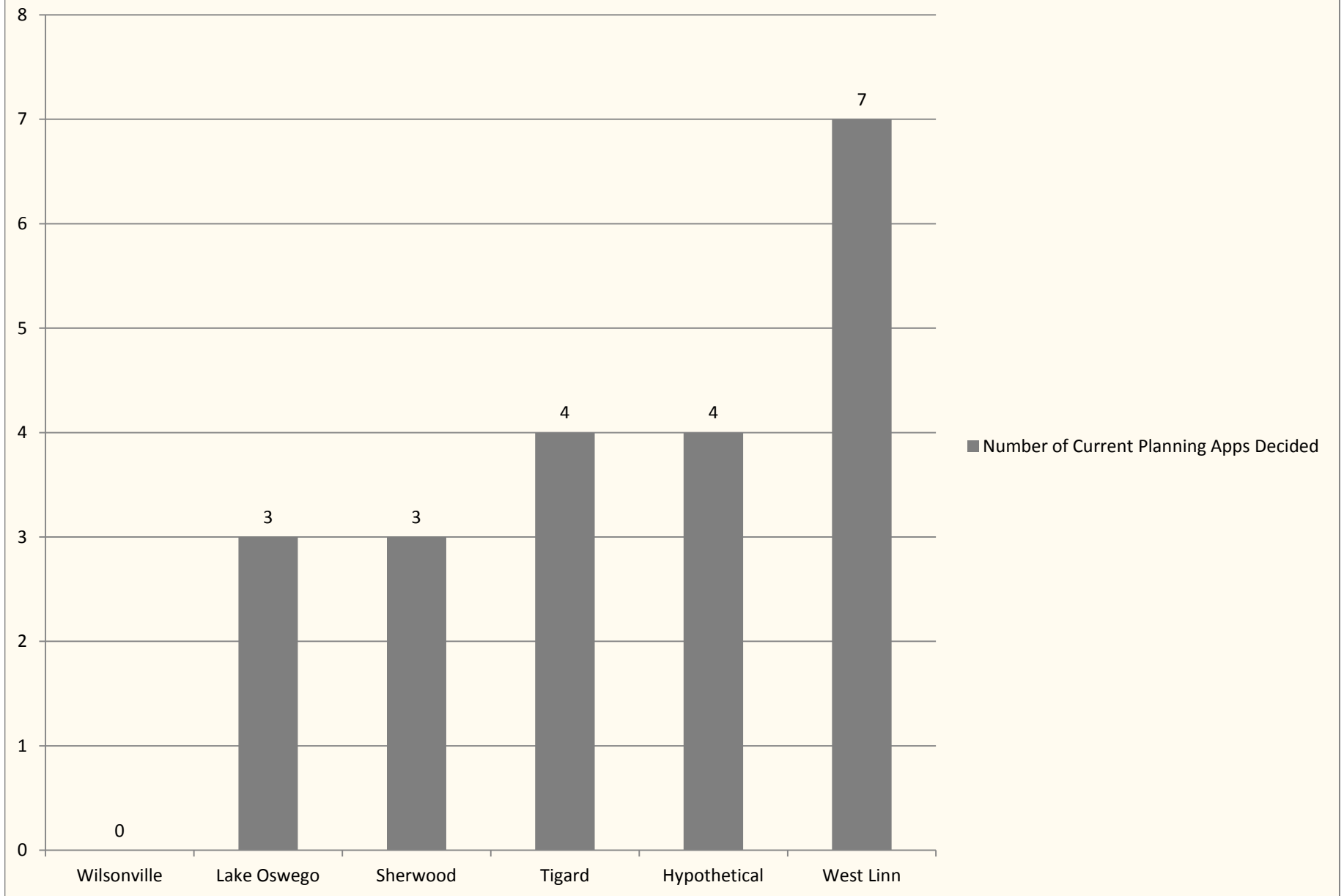
<http://pcj.typepad.com/>

Number of Current Planning App Types Decided



*Indicates presence of additional decision-making body, such as the Tualatin ARB, Sherwood hearings officer, and Wilsonville DRB.

Number of Current Planning App Types Decided (Hypothetical)



Hypothetical app types include Conditional use permit, industrial master plan, reinstatement of use, sign variance, transitional use permit, and variance. Amount of work can vary.



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK
SESSION FOR OCTOBER 10, 2011 (EXCERPTED)**

Present: Mayor Lou Ogden (arrived at 5:16 p.m.); Council President Monique Beikman; Councilor Wade Brooksby (arrived at 6:05 p.m.); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Community Development Director Alice Rouyer; Operations Director Dan Boss; 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; Assistant Planner Colin Cortes; Associate Planner Cindy Hahn; Project Engineer Dayna Webb; Parks and Recreation Manager Carl Switzer; Police Captain Mark Gardner; Executive Assistant Maureen Smith

Attendees: Ben Bryant

...

5. ***Planning Commission Research: Follow-up from July 27, 2011 Joint Special Meeting with the Tualatin Planning Advisory Committee (TPAC)***

Community Development Director Alice Rouyer, Planning Manager Aquilla Hurd-Ravich, and Assistant Planner Colin Cortes were present, along with five members of the Tualatin Planning Advisory Committee (TPAC) for discussion on the issue.

Assistant Planner Cortes referred to a summary of how other cities handle their Planning Commission and what are the various types of decisions and issues that are handled by each city. It was mentioned the attachments include comparative tables of other cities.

Discussion began with noting what types of issues could be heard by a Tualatin Planning Commission. It was reviewed what issues are required by law that need to be decided by Council, which typically are legislative in nature. What could be heard before a Tualatin Planning Commission are: Conditional use permit (CUP), Industrial master plan (IMP), Reinstatement of use, Sign variance (SVAR), Transitional use permit (TRP) and Variance (VAR). Annexations, plan map and

text amendments need to be heard by Council with the way Tualatin's mapping system is done. Discussion followed and it was mentioned it appears that TPAC is already doing most of what a Planning Commission would do, except conditional use permits.

Discussion followed by Council on the issue of transferring conditional use permits to TPAC. Council President Beikman said as an elected official, she believes that conditional use permits should still be decided by Council. TPAC members said the biggest issue for them is duplication of effort and frustration of how the current process works. Discussion followed on how the current process is done with TPAC. It was suggested by Council that having a TPAC member come to Council meetings on particular issues would help Council understand the direction of how TPAC arrives at a particular recommendation. Discussion continued on the importance of TPAC representation at Council hearings, and it was requested to have a TPAC "report" be part of related public hearings.

The question was asked and explained by staff what it would entail and what would be required to change the advisory committee to a planning commission. It was asked and explained about the appeal process to the State Land Use Board of Appeals (LUBA) or to Council. Discussion followed and Council consensus was to shift all items as stated above, except for conditional use permits, to TPAC, and to change the name to Tualatin Planning Commission.



OFFICIAL MINUTES OF THE SPECIAL WORK SESSION OF THE JOINT TUALATIN CITY COUNCIL AND TUALATIN PLANNING ADVISORY COMMITTEE FOR JULY 27, 2011 (EXCERPTED)

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

Absent: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Community Development Director Alice Rouyer; Planning Manager Aquilla Hurd-Ravich; Associate Planner Cindy Hahn; Executive Assistant Maureen Smith

Attendees: Chair Paul Sivley, Planning Advisory Committee; Vice-Chair Mike Riley; Alan Aplin; Bill Beers; Jeff De Haan; Steve Klingerman

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B. AGENDA

3. *City Council and Tualatin Planning Advisory Committee Joint Discussion*

Mayor Ogden began by welcoming the members of the Tualatin Planning Advisory Committee (TPAC) and opened the discussion and went on to explain the purpose of the session is to provide an opportunity for the Council and TPAC to discuss potential changes to the committee. Chair Sivley proposed changes at the March 28, 2011 Council meeting after the annual report presentation, that include reducing the membership size from nine to seven, changing the quorum rules and removing term limits. There have been several high-profile meetings held over the past year where a quorum was not met. Also, the Committee was interested in holding a dialogue with Council about the potential of transitioning to a Planning "Commission."

Committee Chair Paul Sivley said he was happy for the opportunity to meet with Council at this joint session. Since becoming chair his goal was to keep the committee filled and motivated and looking to take the step of creating a "Planning Commission", and more of a motivational effort to the members in

recognizing their value and contribution. Also providing services to the public could be more efficient as there is a duplication of effort by an applicant having to garner approval at a committee meeting and also with the Council. Chair Sivley noted he previously served on a Planning Commission and City Council in another state and it had worked well. Vice-Chair Mike Riley spoke that most other cities that have a "Planning Commission." Tualatin has been transitioning from a small town to a city over the last number of years and the advantage of a Planning Commission is it helps to take some of the issues off the plate of Council, and can be a more efficient way to do things. Committee Member Alan Aplin spoke on Chair Sivley's comment of duplication of effort when dealing with issues and believes it is important to streamline the process without an applicant having to go before the Committee first and then Council. There are some decisions that could be made by having a Planning Commission. Committee Member Steve Klingerman agreed and said it is giving responsibility to committee members without any authority and is an unmotivating factor. He believes there needs to be more dialogue between Council and the Committee and should be team effort working toward the same goal. Chair Sivley said the narrowing of definition of authority can and should be decided by Council. It was asked and explained by Chair Sivley what types of issues were heard from the former Planning Commission he was a member of. Committee Member Jeff DeHaan commented that TPAC is more citizen-involvement driven, versus a Planning Commission being more involved with land use and not at the citizen level.

Councilor Frank Bubenik commented that he knows Tualatin is one of the only cities that does not have a Planning Commission and he is in favor of looking into the matter. Councilor Joelle Davis commented that it can't be "all or nothing" but rather somewhere in the middle. She also wants to be sure that the level of public involvement is intact and would like to see some legal analysis and research done on this issue.

Mayor Ogden said he recognized the point made that Planning Commissions are common and that they have value, etc. His question is more of what outcomes are we trying to get to. Committee Member Aplin commented that if they are given the responsibility to make a recommendation, they want to have the authority to back it up, and it is ultimately a Council decision. Mayor Ogden said from his perspective TPAC is an advising body that makes relevant, thorough and important recommendations to Council, but Council may not be utilizing TPAC to its full extent. And the scenario of having the development community go through "two hoops" is a problem. He also mentioned that Council has recommended TPAC be the lead on the update to the Transportation System Plan project, which is a huge issue for the City. On the issue of who decides what can be heard by a Planning Commission does not concern him much as there are issues that would still be required to be heard by Council, such as land use, etc.

Discussion continued on TPAC's role in how issues are dealt with currently, and

the relevance of having a Planning Commission. Discussion turned to the types of advising and issues that could be heard. It was asked about the appeal process and how it would work if there was a Planning Commission in place.

Possible ideas of what could be appropriate issues to be handled by a Planning Commission was discussed and it was suggested some of those issues could be a sign variance, transitional use permit, or a conditional use permit, but would defer to staff to determine which ones would be appropriate. Staff noted they will research what other cities are doing with regards to issues their Planning Commissions address.

Councilor Nancy Grimes expressed her concern about how the process could work and agreed with Councilor Davis that it can't be "all or nothing." She also recognized the good work that is done by TPAC.

It was asked if staff can provide information about how an appeal process would work, and City Attorney Brenda Braden said much of that is dictated by Oregon State law.

The discussion was summarized by Mayor Ogden by noting that staff will research what other communities are doing with their Planning Commissions, what models are used, what Commissions do, and standards for appeal and how many appeals have occurred. Also research on the length of terms, term limits, and standards of termination.

Staff will look at workload and determine when information can be brought back to the Council and TPAC by holding another joint work session, likely in September to review the results.

Mayor Ogden adjourned the joint work session with the Tualatin Planning Advisory Committee at 8:09 p.m. and opened the Council Special Work Session at 8:09 p.m.

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

**Amending the Tualatin Planning
Advisory Committee (TPAC) into a
Planning Commission**

City Council Public Hearing

January 9, 2012





Background

- March 2011: At City Council work session, TPAC Chairman Sivley spoke of his goals for TPAC to fill positions and encourage involvement
- July 2011: At joint TPAC and Council special work session, discussion included possibility of TPAC becoming Planning Commission. Council directed that staff research what other communities do with planning commissions



Recent Actions

- October 2011: City Council directed staff to make TPAC into a Planning Commission with:
 1. existing TPAC responsibilities
 2. decision-making authority over 5 land use app types that are appealable to Council
- December 2011: TPAC made a formal recommendation to approve the amendment



The 5 Land Use Application Types

1. Industrial Master Plan (IMP)
2. Reinstatement of Use
3. Sign Variance (SVAR)
4. Transitional Use Permit (TRP)
5. Variance (VAR)



Questions?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Colin Cortes, Assistant Planner
Alice Rouyer, AICP, Community Development Director

DATE: 01/09/2012

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

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for Conditional Use Permit 11-04 by Seasonal Products to allow for building materials and supplies, wholesale sales, and warehousing by PrimeSource Building Products Inc. within the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500).

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 11-04.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 3.38 acres at 10595 SW Manhasset Drive (Tax Lot 2S1 22DA 500) on the north side of SW Manhasset Drive, west of SW Teton Avenue, and north of SW Tualatin-Sherwood Road.
- A Vicinity Map is included as Attachment A.
- The applicant is Seasonal Products LLC, the property owner and business run by Jim & Sharon Hermann, on behalf of proposed tenant PrimeSource, a purveyor of construction fasteners.
- PrimeSource is the largest purveyor of fasteners in the world, with proprietary brands like Grip Rite® and Pro-Twist® construction fasteners according to the application materials. It is considered one of the largest building materials distributors in North America, and its

primary focus is metal fasteners. Its outside storage is typically of products like roofing, felt paper, rebar, wire fencing, foam board, T-posts, and barrier and silt fencing. It does not include lumber.

- On December 12, 2011 staff contacted a PrimeSource distribution center in Salt Lake City, Utah to ask about what a PrimeSource distribution center does. PrimeSource stores building materials and conducts no assembly or manufacturing. The Salt Lake City location sees on average 3 to 4 truck trips a day between 8:00 am and 5:00pm Monday through Friday.
- The subject property is within the General Manufacturing (MG) Planning District.
- "Building materials and supplies, wholesale sales, and warehousing" is a conditional use within the MG Planning District pursuant to Tualatin Development Code (TDC) 61.030(1) & 60.040(1)(b).
- The City approved the existing site development via Architectural Review AR-90-33 and minor changes to the existing site development via Minor Architectural Review MAR-11-09. The applicant seeks to lease approximately 43,200 square feet of vacant tenant space within the existing building.
- This proposal will not require any Architectural Reviews. The applicant had proposed minor changes to existing fencing, outdoor storage, and parking that staff approved through Minor AR MAR-11-09 in October 2011.
- The subject property is within the Manhasset Business Park, and the area around the subject property includes a mix of light industrial businesses such as Cascade Acoustics Inc., Skedco, Epe Corp, and Trans-Pak.
- The applicant conducted a neighborhood/developer meeting on November 19, 2011 at 11 a.m. to explain the proposal to neighboring property owners and to receive comments. No one attended besides the Hermanns. Staff and the applicant had a pre-application (pre-app) meeting on November 2, 2011.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment B).
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). An Engineering Division Memorandum addressing transportation and other public facilities associated with the proposed CUP is included (Attachment D).
- The Engineering Division reviewed potential traffic impacts and determined that the proposed use will not have any negative impacts. Further information is available in the Engineering Division Memorandum (Attachment D).
- The applicable policies and regulations that apply to the proposed conditional use in the MG Planning District include: TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives;" Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria; Chapter 61 "General Manufacturing Planning District (MG)," Section 61.031 "Restrictions on Conditional Uses," and Chapter 63 "Manufacturing Planning Districts - Environmental Regulations." The attached analysis and findings (Attachment C) consider the applicable policies and regulations.

- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the MG Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
- Based on the application and the analysis and findings (Attachment C), building materials and supplies, wholesale sales, and warehousing by PrimeSource (CUP-11-04) meets the criteria of TDC 32.030.
- Staff recommends standard conditions of approval, which would run with the property, not the owner:
 - The applicant shall comply with all applicable policies and regulations of the Tualatin Development Code (TDC).
 - The applicant shall remain in compliance with all conditions of approval of Architectural Review AR-90-33 and Minor Architectural Review MAR-11-09.
 - If there is a change to the site development that would necessitate Architectural Review (AR), the City may require review of CUP-11-04 to ensure compliance with conditions of approval.
 - The applicant shall operate the proposed use in a manner consistent with statements made in the application materials dated November 21, 2011.
- Oregon Revised Statutes 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under Oregon Revised Statutes 227.180, within 120 days after the application is deemed complete. The date of the January 9, 2012 hearing is the 35th day following completeness.

OUTCOMES OF DECISION:

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

1. Allows the applicant building materials and supplies, wholesale sales, and warehousing on the subject property.

Denial of the CUP request will result in the following:

1. Precludes the applicant from building materials and supplies, wholesale sales, and warehousing on the subject property.

ALTERNATIVES TO RECOMMENDATION:

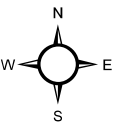
The alternatives to the staff recommendation for the Council are:

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

FINANCIAL IMPLICATIONS:



PrimeSource/Hermann
2S122DA00500

 RF 1:3,400

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 11/23/2011

SEASONAL PRODUCTS, LLC



November 21, 2011

Will Harper
Community Development Department - Planning Division
18880 S.W. Martinazzi Avenue
Tualatin, OR 97062

Re: 10595 SW Manhasset - Conditional Use Permit Application

Dear Mr. Harper,

Enclosed you will find the original and one copy of Seasonal Product's conditional use permit application, including the application fee of \$1365.00 and signed application. I have also enclosed a copy of the application and all materials on a CD in PDF format.

If you have any questions about the submittal or need further information, please contact me.

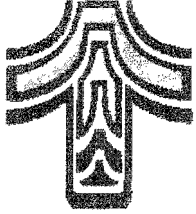
Sincerely,

A handwritten signature in black ink, appearing to read "James Hermann", written over a printed name and title.

James Hermann
Seasonal Products, LLC

cc: Sharon Hermann, Seasonal Products, LLC
David Ellis, Capacity Commercial Group

P.O. BOX 1943 • WOODLAND, WA • 98674
EMAIL: SPRODUCTS@EARTHLINK.NET
360-225-1705



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR CONDITIONAL USE

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

Case No. _____
Fee Rec'd. _____
Receipt No. _____
Date Rec'd. _____
By _____

PLEASE PRINT IN INK OR TYPE

Code Section 32.030 Conditional Use to allow _____

Building Materials & Supplies, Wholesale Sales & Warehousing Planning District MG

Owner's Name Seasonal Products LLC Phone 360-225-1705

Owner's Address 4112 NW Sandpiper Drive Woodland WA 98674
(street) (city) (state) (ZIP)

Owner recognition of application: *James D. Hermann* James D. Hermann

Sharon J. Hermann Sharon J. Hermann
signature of owner(s)

Applicant's Name Seasonal Products LLC Phone 360-225-1705

Applicant's Address 4112 NW Sandpiper Drive Woodland WA 98674
(street) (city) (state) (ZIP)

Applicant is: Owner Contract Purchaser _____ Developer _____ Agent _____

Other _____

Contact person's name James Hermann Phone 360-225-1705

Contact person's address 4112 NW Sandpiper Drive Woodland WA 98674
(street) (city) (state) (ZIP)

Assessor's Map Number 2S122DA Tax Lot Number(s) 00500

Address of Property 10595 SW Manhasset Drive, Tualatin, OR Lot Area 3 acres

Existing Buildings (Number and Type) Industrial & Office

Current Use Vacant

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

Name James Hermann Date 11-21-2011 Phone 360-225-1705

Address 4112 NW Sandpiper Drive Woodland WA 98674
(street) (city) (state) (ZIP)

CONDITONAL USE APPLICATION

Applicant: Seasonal Products LLC (owner)
Jim & Sharon Hermann
4112 NW Sandpiper Dr.
Woodland, WA 98674

Property Address:
10595 SW Manhasset St.
Tualatin, OR 97062

Summary

The owner applicant is seeking a Conditional Use Permit to allow a listed conditional use (Building Materials and Supplies; Wholesale sales and Warehousing) for a MG site. The site will be leased to PrimeSource Building Products Inc., which is headquartered in Dallas, Texas, and operates over 40 distribution centers in the US and Canada. This will be their first location in Oregon, and will bring with it 8-10 new jobs.

PrimeSource is the largest purveyor of fasteners in the world, with proprietary brands like Grip Rite® and Pro-Twist® construction fasteners. They are considered on of the largest Building Materials distributors in North American, but their primary focus is metal fasteners.

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

The property owner developed the property in 1991, ran a business there (The Earth Stove) for 8 years until he sold the business in 1999. The property was leased to Commercial Design Systems from 2000-2010 and has been vacant since January 2011.

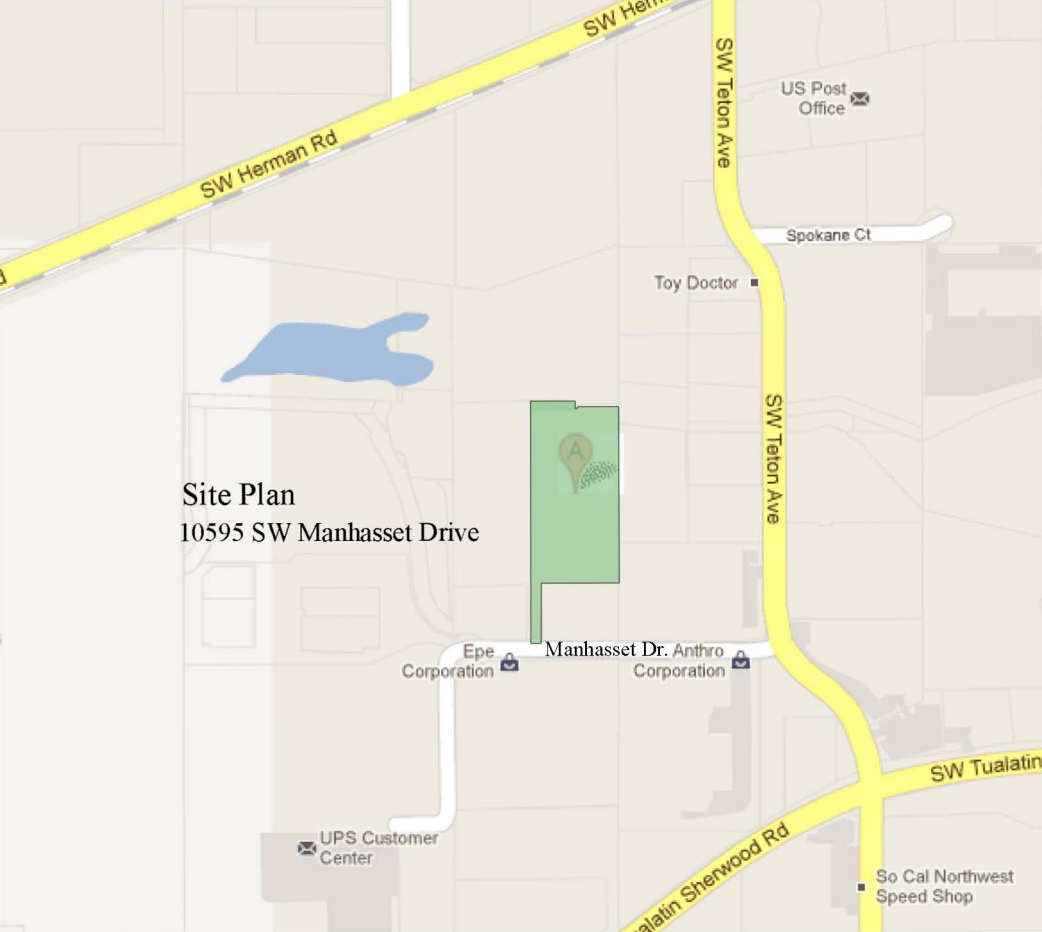
The applicant believes that the following submission is complete and provides the necessary information required by the City to approve the application and grant the Conditional Use Permit.

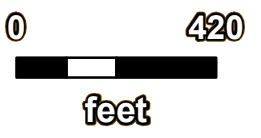
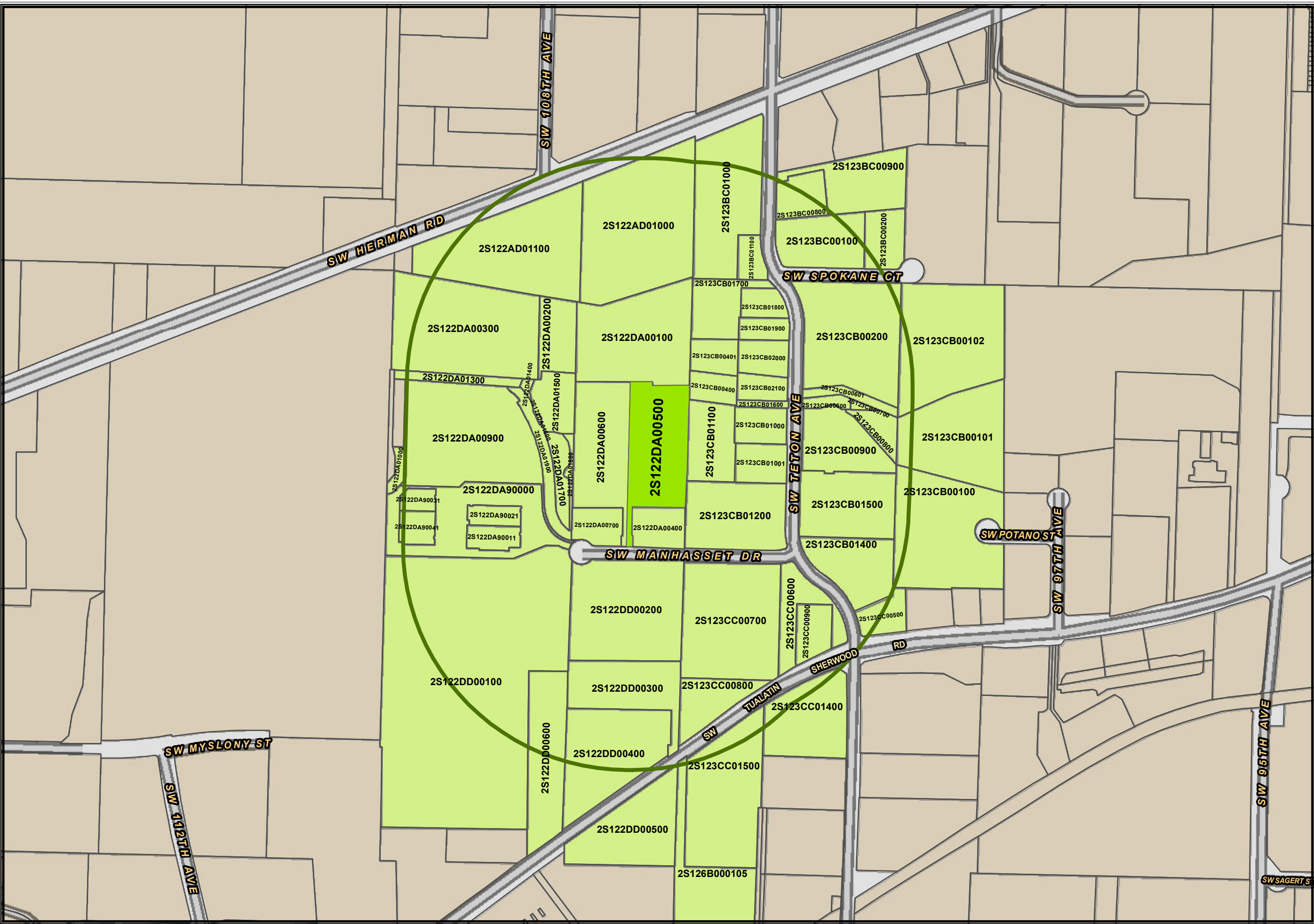
CITY OF TUALATIN
RECEIVED

NOV 21 2011





COMMUNITY DEVELOPMENT
PLANNING DIVISION

Site Plan
10595 SW Manhasset Drive





1000 Foot Radius
 10595 SW MANHASSET DR

	Subject Parcels
	Notification Area
	Radius
	Taxlots

CUP-11-04

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

EXHIBIT 'A'

LEGAL DESCRIPTION

Lot 2, MANHASSET BUSINESS PARK, in the City of Tualatin, County of Washington and State of Oregon.

TOGETHER WITH AND SUBJECT TO a public access and utility easement as contained in deeds recorded June 28, 1991 as Fee No. 91034534 and Fee No. 91034535, more particularly described as follows:

Beginning at a iron rod, which bears South 0° 14' 51" East 539.91 feet, North 87° 45' 46" West 151.65 feet, North 02° 10' 26" East 40.02 feet and North 87° 43' 12" West 97.76 feet from the East one-quarter corner of Section 22, Township 2 South, Range 1 West, Willamette Meridian; from the point of beginning thence North 87° 43' 12" West 20.00 feet to a point; thence South 0° 14' 51" East 655.92 feet to an iron rod; thence South 44° 45' 09" West 7.07 feet to an iron rod; thence South 0° 14' 51" West 50.00 feet to an iron rod on the North line of Manhasset Drive; thence along the said North line North 89° 57' 48" East 50.00 feet to an iron rod; thence North 0° 14' 51" West 50.00 feet to an iron rod; thence North 45° 14' 51" West 7.07 feet to an iron rod; thence North 0° 14' 51" West 659.35 feet to a point; thence North 87° 43' 12" West 20.00 feet, more or less, to the point of beginning of the easement herein described.

Site Plan



20 Ft. Easement

280'

140'

39,200 SF
Warehouse

195'

Storage Yard

40'

4,000 SQ
Office

6 Spaces

2
Spaces

4 Loading Docks

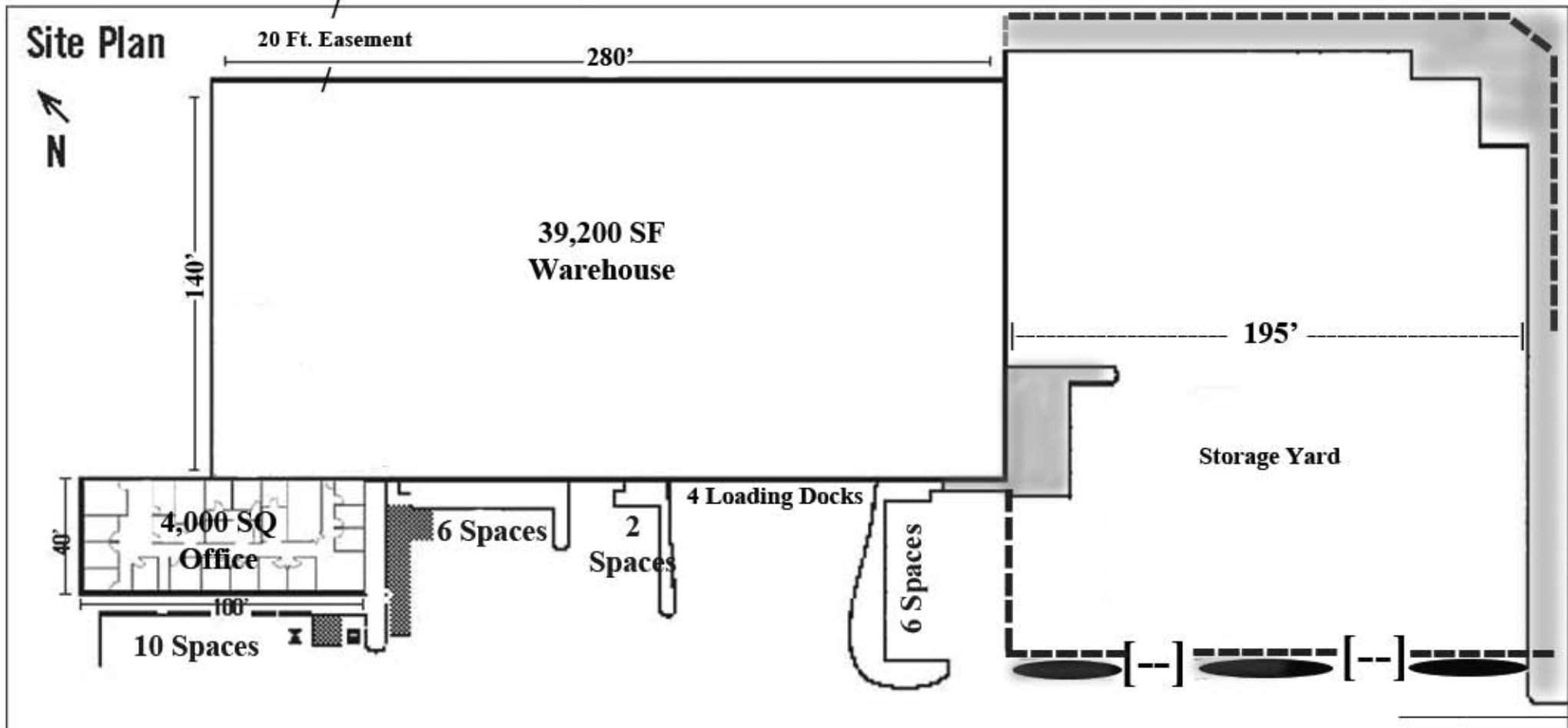
6 Spaces

10 Spaces

100'

10595 SW Manhasset
Tualatin, OR 97062

40 Ft. Access/ Utility Easement



November 9, 2011

To: Jim Hermann
Seasonal Products LLC
4112 NW Sandpiper Drive
Woodland WA 98674

From: Frank Charbonneau, PE, PTOE

Subject: Trip Generation
Tualatin Warehouse Development
SW Manhasset Street, City of Tualatin & Washington County

FL11108

Charbonneau Engineering LLC, has prepared this memorandum on behalf of Seasonal Products LLC in order to document the existing conditions and trip generation changes associated with the proposed warehouse development located at 10595 SW Manhasset Street in Tualatin.

The former manufacturing business (Commercial Design Systems) ceased operations on the site within the last year. Essentially the current building space will be converted to a warehouse facility for storing building materials and supplies. The conversion will not entail a change to the existing building size (39,200 square feet main building plus 4,000 square feet office). There will be no changes to the site's driveway access located on SW Manhasset Street. On-site parking will be reduced to approximately 22 spaces which will be sufficient as only 13 spaces are required by City code for the proposed use.

The trip generation is presented in the following tables (on page 2) and compares the number of trips for the original manufacturing use and the proposed warehouse facility. All values are based on the trip rates contained in the latest ITE Trip Generation manual (8th edition, year 2008).

The trip generation summary indicates that with conversion from manufacturing to warehouse use there will be a decrease in the number of trips. On a daily basis the average daily traffic (ADT) will be 11 trips less. In the AM peak hour there will be 19 fewer trips and in the PM peak hour there will 18 fewer trips.

Considering that fewer trips will be generated by the proposed use the traffic impacts to the surrounding intersections in Tualatin and Washington County will be less. As a result there will no degradation of the intersection service levels compared to the current transportation system plan.

If you should have any questions regarding these results please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email at Frank@CharbonneauEngineer.com.



Table 1 Manufacturing Trip Generation Summary

ITE Land Use	Units (sq.ft.)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Manufacturing (#140)</i>	43,200							
Generation Rate ¹		3.82	0.73	78%	22%	0.73	36%	64%
Site Trips		165	32	25	7	32	12	20

¹ Source: *Trip Generation*, 8th Edition, ITE, 2008, average rates.

Table 2 Warehouse Trip Generation Summary

ITE Land Use	Units (sq.ft.)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Warehouse (#150)</i>	43,200							
Generation Rate ¹		3.56	0.30	79%	21%	0.32	25%	75%
Site Trips		154	13	10	3	14	4	10

¹ Source: *Trip Generation*, 8th Edition, ITE, 2008, average rates.

Table 3 Manufacturing to Warehouse

Net Trip Change	-11	-19	-15	-4	-18	-8	-10
-----------------	-----	-----	-----	----	-----	----	-----

11. a. Is your proposed use listed as a conditional use in the Planning District where your site is located?

Applicant's response -Yes.

TDC Chapter 61 – General Manufacturing Planning District (MG)
Section 61.030 Conditional Uses

- (1) All conditional uses listed in TDC 60.040 which are not otherwise permitted in TDC 61.020, except schools for kindergarten through 12 which are not permitted.

TDC 60.040 1(b) Building Materials and supplies, wholesale sales and warehousing.

11. b. Are the characteristics of the site suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features?

Applicant's response -Yes.

The subject property is a 3 acre site, rectangular in shape. It is lot 2 of a 4 lot, 8 acre development called Manhasset Business Park. Lot's 2 and 3 of the site are served by an access easement to the north off of Manhasset St., while lots 1 and 4 have both easement access and direct access to Manhasset Street.

The site was developed in 1991 and consists of a 39,200 SF building, with an additional 4000 SF office attached at the NW end. The main building has 4 loading docks and 3 grade level roll up doors. It is a concrete wainscot and steel structure, with 20 ft. clear height inside, making it well designed for warehouse storage, shipping and receiving. The offices, employee facilities and 22 parking spaces provide more than adequate capacity for the 8-10 total employees expected to be employed at the location.

The site is undergoing the improvement of city approved secure storage yard on the south end of the building to provide a larger outdoor storage. The 'pre-existing' storage yard was put in place almost 20 years ago, and consisted of about 20,000 SF (paved) and was enclosed by a 6 ft galvanized chain link fence with blue slats along most of the 'open' side (not screened by plantings). The new yard will be approximately twice the size, with 8 ft fencing. The screening is provided by existing mature plantings, adjacent buildings and new plantings along the open side along the easement.

There are no residential developments within the 1000 ft. radius of the site, and the wetlands adjacent to the north end of the property will not in any way be impacted by the proposed change in use.

11. c. Is the proposed development timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use?

Applicant's response – Yes.

Water – The site is served by a waterline on Manhasset and an 8" waterline within the access easement to the property.

Sanitary Sewer – The site is served by a 1500 gal septic holding tank with a pump. The system is connected to the sanitary sewer line on Manhasset.

Storm drainage – The Manhasset Business Park is served by a collector system that empties into a city storm water system that runs underground along a 20 ft easement on the eastern side of the site. There are no proposed changes to the site that affect this condition.

Transportation – The site is located within the Manhasset Business Park, and is serviced by a driveway easement off of Manhasset. Manhasset empties onto Teton which is designated a collector street in the TDC. Because the site is serviced by its own ingress and egress easement, the impact of truck movements will be limited to merging off of, or onto Manhasset.

The change in use being proposed, also significantly reduces the impact created by employee transportation. As a measurement of this factor, the parking required under the Manufacturing use will be reduced from 71, to 13.

The city has requested and the Applicant has provided a 'Traffic Impact Letter', which provides a summary of the expected impacts. It is attached to this application.

11. d. Will the proposed use alter the character of the surrounding area in any manner, which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in the underlying Planning District?

Applicant's response – No.

The site is located within the MG planning district, and the change in use is not substantially different in terms of external activities (storage, shipping and receiving) than many types of manufacturing businesses. Since the site is 'off street', the neighbors are primarily those in the 4 lot Manhasset Business Park, with only lot 3 sharing most of the access easement use. There is nothing in this conditional use that would materially affect that balance.

11. e. Does your proposal satisfy those objectives and policies of the Tualatin Community Plan, which apply to the proposed use?

Applicant's response – Yes

TDC 7.030

The following are general objectives used to guide development of the Plan and that should guide implementation of the Plan's recommendations:

(1) Encourage new industrial development.

This proposal is for a Building Materials Wholesale sales and warehousing which is an industrial use and is consistent with the above objective.

(2) Provide increased local employment opportunity

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

TDC 7.040

Section 7.040 Manufacturing Planning District Objectives.

This section describes the purpose of each manufacturing planning district.

(1) Manufacturing Park Planning District (MP).

(a) The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity.

The proposed use will reduce the potential for the concerns related to large scale manufacturing while preserving an industrial environment.

(b) It also is to protect existing and future sites for such uses by maintaining large lot configurations and limiting uses to those that are of a nature to not conflict with other industrial uses or surrounding residential areas.

The plan for this proposed use does to alter the future use potential of the site, nor conflict with other industrial uses. Although the current proposed use will allow for a reduction in the prescribed number of parking spaces, a future reversion

back to a manufacturing use could easily replace them by reducing the size of the storage yard.

There are no residential areas within close proximity to the site.

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

You are cordially invited to attend a meeting on (this date) at (this time) and at (this location). This meeting shall be held to discuss a proposed project located at (address of property, cross streets). The proposal is to (describe proposal here).

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,

(Your name)

(Company name)

As the applicant for the Conditional Use Permit-10595 SW MANHASSET DR project, I hereby certify that on this day, Nov. 3, 2011 notice of the Neighborhood / Developer meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: SHARON HERMANN (SEASONAL PRODUCTS LLC)
(PLEASE PRINT)

Applicant's Signature: Sharon Hermann

Date: 11-18-2011

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

STATE OF ~~OREGON~~ ^{Washington})
COUNTY OF ~~WASHINGTON~~ ^{Cowlitz}) SS
)

I, Sharon Joy Hermann, being first duly sworn, depose and say:

That on the 3rd day of November, 2011, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Sharon Joy Hermann
Signature

SUBSCRIBED AND SWORN to before me this 18 day of Nov.,
2011.



Sandra E. Anderson
Notary Public for ~~Oregon~~ ^{Washington}
My commission expires: 12-12-12

RE: Conditional Use Permit - 10595 SW MANHASSET DRIVE

CUP-11-04

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

EXHIBIT B

SEASONAL PRODUCTS, LLC



November 3, 2011

RE: Conditional Use Permit - 10595 SW Manhasset Drive, Tualatin, Oregon

Dear Property Owner:

You are cordially invited to attend a meeting on Saturday, November 19 at 11:00 a.m. at 10595 SW Manhasset Drive, Tualatin, Oregon. This meeting will be held to discuss a proposed Conditional Use Permit for 10595 SW Manhasset Drive, Tualatin, Oregon. We are the property owners and propose to secure a Conditional Use Permit which would allow the property to be used for building materials and supplies, wholesale sales and warehousing.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Best regards,

Jim & Sharon Hermann
Seasonal Products, LLC

P.O. BOX 1943 • WOODLAND, WA • 98674
EMAIL: SPRODUCTS@EARTHLINK.NET

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING</p> <p style="text-align: center;">__/__/2010 __:__.m.</p> <p style="text-align: center;">SW _____</p> <p style="text-align: center;">503-____-____</p>	18"
24"	

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

As the applicant for the

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

hereby certify that on this day, Nov. 5, 2011 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: SHARON HERMANN (SEASONAL PRODUCTS LLC)
(PLEASE PRINT)

Applicant's Signature: Sharon Hermann

Date: 11-18-2011

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

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

10595 SW Manhasset Drive

360-225-1705

Neighborhood/Developer Meeting

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

CUP-11-04 ATTACHMENT C:
ANALYSIS AND FINDINGS

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

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

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

The criterion is met.

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

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

The site size is suitable for the proposed use.

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

The lot shape is suitable for the proposed use.

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

The location is suitable.

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

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

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

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

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

Criterion 2 is met.

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

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

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

Reasonable Worst Case Site Trip Generation:

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

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

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

Washington County has not commented as of this writing.

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

Criterion 3 is met.

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

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

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

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

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

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

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

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

Criterion 4 is met.

5. The proposal is consistent with plan policies.

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

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

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

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

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

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

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

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

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

The proposal is consistent with plan policies.

Criterion 5 is met.

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



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: December 8, 2011

TO: Colin Cortes
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 11-04, PrimeSource, Jim Hermann – approval to allow building materials, supplies, wholesale sales, and warehousing.
10595 SW Manhasset Drive Tax Lot: 2S122DA00500

Colin,

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

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

Reasonable Worst Case Site Trip Generation:

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

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

Attachment D
Engineering Division Memorandum



City of Tualatin

www.ci.tualatin.or.us

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

Washington County has not commented as of this writing.

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

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

Attachment D
Engineering Division Memorandum

**Conditional Use Permit:
CUP-11-04**

**PrimeSource Building Products:
Storage of Building Materials**

January 9, 2012







PrimeSource Building Products

- One of the largest building materials distributors in North America with focus on metal fasteners
- Stores building materials and conducts no assembly or manufacturing
- Outside storage is typically of products like roofing, felt paper, rebar, wire fencing, foam board, T-posts, and barrier and silt fencing; lumber not included



Applicant Request

- Seeks a Conditional Use Permit to store building materials and supplies in a General 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 PrimeSource storage of building materials and supplies meets CUP criteria.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Brenda Braden, City Attorney

DATE: 01/09/2012

SUBJECT: An Ordinance Relating to the Parks Charter Amendment; Identifying Certain Utility Activities Not Requiring a Vote; and Adding a New Chapter 5-7 to the Tualatin Municipal Code

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to adopt an ordinance to implement the Parks Charter Amendment that was passed in March 2011.

RECOMMENDATION:

Staff recommends that Council adopt the attached ordinance.

EXECUTIVE SUMMARY:

In March 2011, Tualatin voters approved an initiative to amend the City Charter. The amendment requires City electors to vote to allow a “major change in use” on city parkland before such a change could occur. While there are some examples listed in the amendment of what would constitute a major change in use, it does not clearly define what would not be considered a major change. That has caused the public and franchised utilities to be concerned that some of their routine maintenance activities might be interpreted as requiring a vote before the maintenance could occur. That was not, and is not the intent of the chief petitioners on the initiative nor of the Protect the Parks group that gathered signatures to put the amendment on the ballot. Therefore, the Protect the Parks group and utility representatives met to propose an ordinance that would spell out which activities would not trigger a vote to give some certainty to the utility companies.

The attached ordinance is the result of their collaboration. Although the ordinance could still be challenged on the grounds that the Charter Amendment did not exempt a particular activity, it would provide some assurances. If challenged, the court would look to the intent of the petitioners to determine the legislative intent of the Charter Amendment. To determine such intent, the court would look to the petitioners’ statements in the Voters Pamphlet and to any supporting documents. Given the involvement of the Protect the Parks group in drafting this ordinance, it would provide additional evidence of the petitioners’ intent to allow these activities by the utilities without requiring a vote.

OUTCOMES OF DECISION:

If adopted, the utilities could pursue the activities listed in the ordinance without worrying about whether they would have to face a vote first. If the ordinance is not passed, the utilities could face a challenge to their maintenance activities, which would have to be delayed until a vote could occur. A court interpreting the Charter Amendment would not have the ordinance to help it interpret what the legislative intent of the petitioners' was.

ALTERNATIVES TO RECOMMENDATION:

Do not pass the ordinance and have the Court look only to the Charter Amendment language itself to determine intent, if challenged.

Attachments: A - Ordinance

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE PARKS CHARTER AMENDMENT;
IDENTIFYING CERTAIN UTILITY ACTIVITIES NOT REQUIRING A VOTE; AND
ADDING A NEW CHAPTER 5-7 TO THE TUALATIN MUNICIPAL CODE.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. A new section, TMC 5-7-005 is added to the Tualatin Municipal Code to read as follows:

Purpose and Intent.

- (1) Whereas, on March 8, 2011, Tualatin voters approved an amendment to the City Charter that would require a vote of City electors before a “major change in use” of parkland could occur; and
- (2) Whereas, while the amendment gives examples of what would constitute a major change in use, including certain activities of public and franchised utilities, it does not clearly set out what activities of the utilities would not constitute as a major change; and
- (3) Whereas, the chief petitioners of the amendment, the City Council and the utility companies have agreed on a number of activities utilities must perform that would not constitute a major change in use;
- (4) Therefore, the City Council finds that it is in the best interests of the public to adopt an ordinance to identify some of these activities to provide a level of certainty both to the utilities and to Tualatin residents.

Section 2. A new section, 5-7-010, is added to the Tualatin Municipal Code to read as follows:

Definitions. As used in this chapter, the following definitions apply:

- (1) “De minimus” or “slight” or “minor”, as a slight increase in size, means up to, but no more than twice the current size.
- (2) “Emergency” means any situation that causes or could cause an unintended loss of service, threat, hazard, or endangerment of public health, safety, or welfare.
- (3) “Maintenance by utilities” means any regular or periodic work conducted to maintain operational capacity or function of an existing utility, structure, or facility.
- (4) “Temporary” means an installation, development, or change to a park intended to remain in place for no more than 12 months, until it can be removed or a permanent installation can be constructed in compliance with any applicable Charter requirements.

Section 3. A new section, 5-7-020, is added to the Tualatin Municipal Code to read as follows:

Activities Allowed Without a Vote. Some activities that do not constitute a major change in use under the City's Charter chapter XI, include but are not limited to:

(1) All emergency repair or construction required under existing agreements, which are temporary in nature, to restore services by utilities, including cable companies, that may not be required to have a permit or may not have to have a permit until after the work is completed.

(2) Construction requiring a permit in advance for any of the following if they do not require additional right-of-way or easement over parkland and the parkland is returned to its original park purpose and condition or better:

- (a) Addition to an existing pole of a new power line, cable line, communication line, or transformer;
- (b) Replacing an existing pole with a taller pole;
- (c) Replacing a wood pole with a steel pole;
- (d) Replacing a pole with an identical or slightly larger pole, as defined as a de minimus change;
- (e) Adding a larger capacity or diameter line to an existing pole;
- (f) Adding a guy wire between the pole and the ground;
- (g) Manhole covers not interfering with a park use or purpose, including those with an above-ground raised profile placed in wetlands that have been landscaped in a manner consistent with the surroundings;
- (h) Above-ground control units or cabinets for underground utilities located in an existing easement and not interfering with park use or purpose;
- (i) Small, above-ground control units, such as utility vaults and valves for underground utilities or minor anchoring facilities, such as guy wires, located on parkland that do not convert park use;
- (j) New construction projects for underground utilities that may disrupt the use of the park during construction but do not do so after construction is complete;
- (k) Relocation of an existing utility easement on parkland when required by the City;
- (l) Installation of a new guy wire on an existing utility pole, so long as the guy wire does not interfere with any existing use of the park.

INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN

By _____
Mayor

ATTEST:

By _____
City Recorder



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
Carl Switzer, Parks and Recreation Manager

DATE: 01/09/2012

SUBJECT: Resolution Accepting a Master Plan for the Blake Street Right-of-Way and Designating it as Ibach Greenway

ISSUE BEFORE THE COUNCIL:

The Council will consider accepting a master plan for the undeveloped Blake Street right-of-way (between 108th Avenue and 110th Place) and designating it as Ibach Greenway.

RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) recommends that Council adopt the attached resolution 1) accepting a master plan for the undeveloped Blake Street right-of-way, 2) designating it as Ibach Greenway, 3) directing staff to implement the process of incorporating it into the Parks and Recreation Master Plan and Tualatin Development Code, and 4) to proceed with constructing the facility as funds become available.

EXECUTIVE SUMMARY:

The proposed master plan (Exhibit 1 to the attached resolution) for the undeveloped Blake Street right-of-way includes a multi-use path within a landscaped corridor that closes a gap between the sidewalk at the corner of 108th Avenue and Blake Street and the sidewalk in the 110th Place cul-du-sac. The proposed pathway would strengthen Tualatin's interconnected transportation system of on and off-street pedestrian and bikeway facilities while providing an opportunity to help create a stronger neighborhood, promote health and wellness, and establish a buffer between the homes and the adjoining industrial park.

Public Involvement Opportunities

The master planning process was undertaken with an interactive public involvement and participation component to ensure that the goals and objectives of the neighbors and the neighborhood are addressed in the final design and public use of the area once it has been constructed. Representatives of the newly formed Citizen Involvement Organization 5 were informed and participated in the master planning process, as did members of the general public and the Tualatin Park Advisory Committee.

Public involvement opportunities in the master planning process included an on-site Design

Public involvement opportunities in the master planning process included an on-site Design Workshop, a Community Workshop, a Tualatin Park Advisory Committee (TPARK) meeting, and communications via the city's web site, email, and telephone. Three informational flyers were mailed to property owners within a notice area of 1,000 feet of the site and entire residential subdivisions were included where a part of the subdivision is located within 1,000 feet of the site. The master planning process was announced in Tualatin Today, the City's monthly newsletter, on the City web site, and a story was run in the Tualatin Life newspaper. Council was briefed on the project at Work Session on October 10 and November 28, 2011.

Primary design elements

The following design elements are incorporated in the proposed master plan in order to achieve the goals and objectives.

- *A mixed-use pathway with a compacted gravel surface, about 750 feet in length, designed for use by people of all abilities*
- *User safety throughout the area and at the adjoining roadways*
- *Landscaping with drought tolerant native plantings to screen views and to provide seasonal color and habitat for butterflies, birds, and wildlife while creating a buffer between residential and industrial uses*
- *Sustainable materials and low-cost maintenance*
- *Access for repair and maintenance of public and private utilities*

Naming Designation as Ibach Greenway

Names for the facility were solicited from the public throughout the master planning process and the name recommended by the Tualatin Park Advisory Committee is Ibach Greenway.

Members of the Tualatin Park Advisory Committee (TPARK) recommends Ibach Greenway be the name for the facility to help strengthen neighborhood identity since Ibach Park has historical significance and is geographically within the boundaries of Citizen Involvement Organization 5, and because the facility would serve as a landscaped transportation corridor between neighborhoods when all the adjoining properties are built out in the future, as do other greenways.

The designation of Ibach Greenway is consistent with the Tualatin Municipal Code Section 5-6-30 regarding naming of facilities since it reflects both historical significance and is a geographical identifier.

Other names considered, but not recommended were: Blake Street Bikeway, Blake Greenway, Hedges Greenway, Hedges Park Greenway, Hedges Park Pathway, Garden Greenway, Helenius Greenway, and Little Ibach Greenway.

Incorporation into Parks and Recreation Master Plan and Development Code

It is also recommended that the facility be added to the City's Parks and Recreation Master Plan and incorporated into related sections of the Tualatin Development Code to be treated similarly as other off-street pedestrian and bicycle facilities included in Other Greenways as designated in the Parks and Recreation Master Plan and related sections of the Tualatin Development Code.

Staff will initiate the process for inclusion in the Parks and Recreation Master Plan and Tualatin Development Code if directed by Council. This process would be completed over the winter and spring of 2012.

Alternative Viewpoints

Alternative viewpoints

The master planning process was completed in a manner that provided a decision-making framework that 1) explored a reasonable range of alternatives to meet project goals and objectives, 2) evaluated potential issues and impacts to the area and neighborhood, 3) identified mitigation measures to lessen the degree or extent of the impacts, and 4) defined the intended public use and future maintenance requirements.

Following are the key ideas and/or viewpoints that were considered, but not included in the final preferred master plan.

1) Uses and Design

An assortment of ideas were offered by individuals including: developing public gathering areas for social seating; using the area as a dog run or dog park; using the area for a farmer's market; installing night lighting for nighttime use; using a wood chip pathway surface to promote running; making the pathway 10' to 12' wide with a hard surface to facilitate large volumes of bicycle users and connecting the path with a bridge over the railroad tracks to the proposed Tonquin Regional Trail and a separate connection to the Koller Wetland Pond; using a hard concrete surface rather than a gravel surface; and improving the vegetation within the water quality facility to enhance function and appearance.

Considerations:

TPARK determined that these uses and design options were inconsistent with the scope and broader goals and objectives of the facility, although there was support for connecting to the Koller Wetland Pond partially by sidewalk and improving the vegetation within the water quality facility when appropriate funding becomes available whether or not the pathway is constructed.

2) Expanding Scope to Include 108th and Blake Roadway Issues

Vehicle, bicycle, and pedestrian safety and noise on both 108th Avenue and Blake Street are neighborhood concerns and there was a request to enlarge the scope of this project to address those issues.

Considerations:

TPARK determined to adopt a design that connects the pathway to the sidewalk on 108th with a protective barrier and guardrail so people do not travel from the path into the 108th and Blake Street intersection and to protect sidewalk users from cars sliding over the curb (which has been done several times over the past few years). Addressing other roadway issues is well beyond the scope of this project.

3) Timing and Prioritization:

Several people felt the project was worthwhile but questioned whether this was the correct time to spend limited resources given the fact that the City is undertaking a review of its Transportation System Plan (TSP) and there may be other park and recreation land and facility priorities in other parts of the city.

Considerations:

TPARK recognized that neighborhood controversy and opposition over the use of this right-of-way started more than a year ago with consideration in the Southwest Concept Plan for an elevated roadway bridging the railroad tracks within an expanded right-of-way. TPARK felt that addressing an important neighborhood issue by using the right-of-way for pedestrian and bicycle transportation related purposes that would become a neighborhood asset and all transportation planning and construction should not be held up due to the TSP update that will

take another year to complete.

It is true there are other parks and recreation land and facility needs, but a comprehensive prioritization process on a city-wide basis would take a great deal of time and money to complete, and this project has emerged as a priority as a result of citizen interest to address a significant neighborhood concern over the use of the right-of-way. The most recent time that a city-wide assessment of priorities was done was in 2008 for the Recreation Bond Measure Feasibility Study and pathways and trails were widely supported at that time.

Lastly, this is not a large project and there is not adequate funding to proceed at this time unless a grant can be obtained, and that would leverage limited City funds.

OUTCOMES OF DECISION:

Master Plan

If Council accepts the master plan as proposed or modified in some manner, it will guide the future development and use of the right-of-way and be the basis of cost estimates for funding alternatives.

If Council does not accept the master plan nor direct any modifications, no further efforts to create a master plan will be undertaken unless directed by Council and the right-of-way will continue to be designated for development as a multi-use path subject to a future master plan, and funding through grants and other sources will not be pursued until a master plan is determined.

Name as Ibach Greenway

If Council designates the name of the facility to be Ibach Greenway it would help strengthen the identity of the associated neighborhoods, and be consistent with the Tualatin Municipal Code Section 5-6-30 regarding naming of facilities since it reflects both historical significance and is a geographical identifier. As a named greenway, it would then ordinarily be incorporated into the Parks and Recreation Master Plan and related sections of the Tualatin Development Code.

If Council does not designate the facility be named Ibach Greenway the Council could choose another name or not name the facility which could lead to future confusion as to the location of the facility, and it would forgo the opportunity to help strengthen the neighborhood identity in this way.

Incorporation into Parks and Recreation Master Plan and Development Code

If Council directs staff to proceed with the process of adding the facility to the Parks and Recreation Master Plan and related sections of the Tualatin Development Code that process would be undertaken in the winter and spring of 2012, and the facility would be treated similarly as other off-street pedestrian and bicycle facilities included in Other Greenways as designated in the Parks and Recreation Master Plan and related sections of the Tualatin Development Code.

If Council does not direct staff to proceed with the process of adding the facility to the Parks and Recreation Master Plan and Tualatin Development Code, it will not be done and it would simply retain its designation as a multi-use path within the Tualatin Bicycle Plan section of the Tualatin Development Code.

FINANCIAL IMPLICATIONS:

RESOLUTION NO. _____

RESOLUTION ACCEPTING A MASTER PLAN FOR THE BLAKE STREET
RIGHT-OF-WAY AND DESIGNATING ITS NAME TO BE
IBACH GREENWAY

WHEREAS a multi-use path is designated within the undeveloped portion of the Blake Street right-of-way in Tualatin Bicycle Plan, Figure 11-5 of the Tualatin Development Code; and

WHEREAS a master plan for the undeveloped portion of the Blake Street right-of-way including a multi-use path has been developed through an interactive public involvement and participation component to ensure that the goals and objectives of the neighbors and the neighborhood are addressed in the final design and public use of the area once it has been constructed; and

WHEREAS the proposed master plan for the undeveloped Blake Street right-of-way includes a multi-use path within a landscaped corridor that closes a gap between the sidewalk at the corner of 108th Avenue and Blake Street and the sidewalk in the 110th Place cul-du-sac, and the proposed pathway would strengthen Tualatin's interconnected transportation system of on and off-street pedestrian and bikeway facilities while providing an opportunity to help create a stronger neighborhood, promote health and wellness, and establish a buffer between the homes and the adjoining industrial park; and

WHEREAS names for the facility were solicited from the public throughout the master planning process and the name recommended by the Tualatin Park Advisory Committee is Ibach Greenway, the designation of Ibach Greenway is consistent with the Tualatin Municipal Code Section 5-6-30 since it reflects both historical significance and is a geographical identifier; and

WHEREAS it is recommended that the facility be added to the City's Parks and Recreation Master Plan and incorporated into related sections of the Tualatin Development Code to be treated similarly as other off-street pedestrian and bicycle facilities included in Other Greenways as designated in the Parks and Recreation Master Plan and related sections of the Tualatin Development Code and

WHEREAS funding is not currently available for final design and construction of the project.

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

Section 1. The attached Master Plan documents for the Blake Street right-of-way are accepted.

Section 2. The facility is to be named Ibach Greenway.

Section 3. The staff is directed to implement the process of incorporating the Ibach Greenway into the Parks and Recreation Master Plan and related sections of the Tualatin Development Code.

Section 4. The Community Services Director is authorized to submit a grant application to the Recreational Trails Grant Program with a twenty percent match using a combination of Park System Development Charges and Gas Tax Funds.

INTRODUCED AND ADOPTED this 9th day of January, 2012.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

Approved as to Form:

By _____
City Recorder

City Attorney



Benefits, Goals, & Objectives



BENEFITS

- Improve neighborhood image and sense of place
- Strengthen neighborhood relationships
- Increased opportunities to improve health and fitness

GOALS

- Ensure that the design and use address the goals and objectives of the neighborhood
- Strengthen neighborhood image and sense of place
- Promote health and fitness through exercise
- Create an area with an informal, natural-open space appearance and function
- Create a safe and secure area
- Provide buffer between residential and industrial neighborhoods
- Provide connections to other bike/walk facilities
- Improve the function and appearance of the water quality facility
- Provide educational opportunities where appropriate
- Create a design with low construction and on-going maintenance costs
- Support maintenance of the area and existing public and private utilities

OBJECTIVES

- Provide opportunities for active public participation in the master planning process
- Screen views of the adjacent industrial area
- Minimize and mitigate impacts on adjoining neighbors
- Include landscaping that has an informal, natural-open space appearance and function including native drought tolerant plants that support butterflies, birds, and other wildlife
- Use durable natural materials in construction
- Construct a pathway that is accessible to all abilities and facilitates social interaction within the community
- Minimize sounds generated from the site
- Connect the pathway to sidewalks at 110th Court and 108th Avenue
- Renovate plantings in the water quality facility
- Place interpretive signs at the water quality facility and possible along the pathway
- Consider user safety and security in pathway and landscaping design
- Provide access for maintenance of the area and existing public and private utilities, and for emergency vehicles

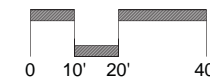


Preferred Master Plan



Ibach Greenway

Date: 12/29/11



Original document is 1" = 20' when printed at 24" x 36".



Sections



DESIGN CONCEPT 2: SECTION A
SCALE 1"=3'



DESIGN CONCEPT 2: SECTION B
SCALE 1"=3'

NATIVE PLANTS FOR WILDLIFE HABITAT

- LANDSCAPE GOALS:
- SUPPORT WILD LIFE
 - DROUGHT TOLERANT
 - LOW MAINTENANCE
 - MOSTLY NATIVE
 - SCREENS VIEWS
 - PROVIDES YEAR ROUND INTEREST

SEASONAL INTEREST



UNDERSTORY



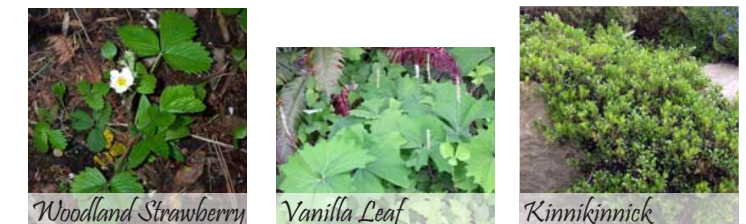
SEASONAL INTEREST



EVERGREEN/SCREENING



LOW GROUNDCOVER



Plant photos courtesy of www.kingcounty.gov/gonative



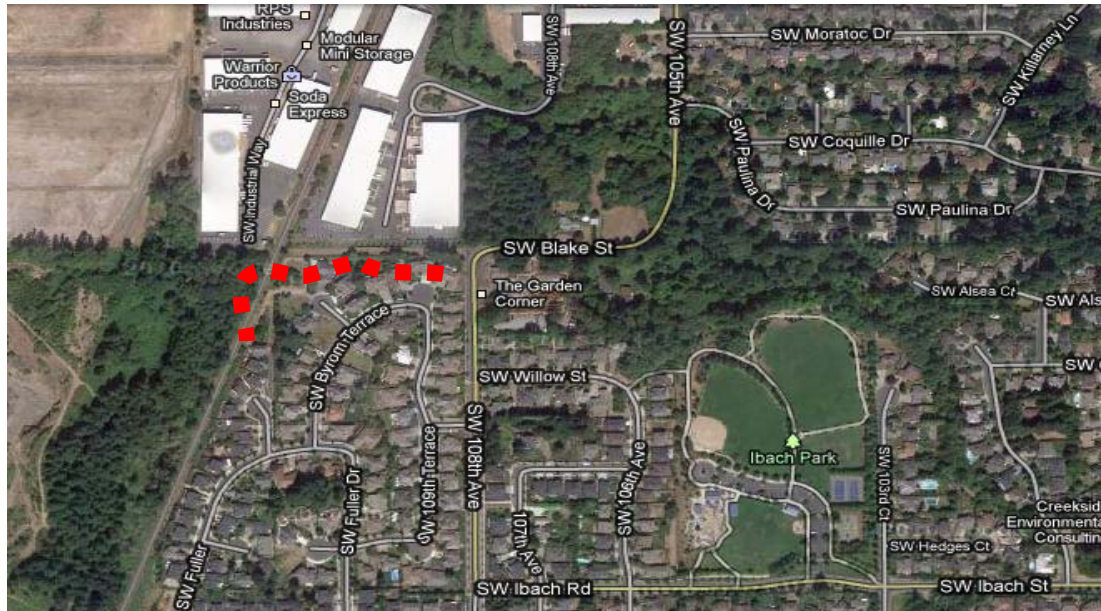
Ibach Greenway

Date: 12/29/11



BLAKE STREET RIGHT-OF-WAY

Master Plan Acceptance for the Blake Street Right-of-Way and Naming it Ibach Greenway



January 9, 2012



Ibach Greenway

Date: 12/29/11



❖ Public Involvement Opportunities

1. DESIGN WORKSHOP

- Walking tour of site
- Learn about planning and design process
- Share ideas and considerations

2. COMMUNITY WORKSHOP

- Review and comment on project goals, design alternatives, and facility name

3. TUALATIN PARK ADVISORY COMMITTEE

- Review final preferred master plan and cost Estimate
- Consider and recommend name

4. MAILINGS, NEWSLETTER, WEB, MEDIA



Reminder Notice:
Blake Street Bikeway PUBLIC INVOLVEMENT OPPORTUNITY

Review and comment on the final preferred Master Plan, cost estimates, and name for a multi-use pathway for pedestrians and bicyclists within the undeveloped Blake Street right-of-way.

The preferred Master Plan was selected from alternatives reviewed at a Community Workshop held on November 9 by citizens that tell it needs the community's needs and will enhance the neighborhood. Your comments are a great way to influence your neighborhood's future!

You can:

- Review and comment on the final preferred site master plan
- Review and comment on final design and construction cost estimate
- Help name the facility
- Learn the next steps in the planning and approval process

When:
Tuesday, December 13, 2011
6:00 - 8:00 p.m.

Where:
Tualatin Council Chambers
18880 SW Martinazzi Avenue

We value your input greatly!
 If you can't attend the Community Workshop, please comment at www.tualatinparks.com or by contacting Paul Hanson, Community Services Director, phanson@ci.tualatin.or.us or 503 691 3000

Design Workshop Summary

Introduction
 On December 13 there will be an opportunity for public comment on the final preferred Master Plan for a mixed-use pathway within the undeveloped Blake Street right-of-way. Comments will be received at a Tualatin Park Advisory Committee (TPAC) meeting.

The preferred Master Plan was selected by residents from alternatives presented at a Community Workshop held on November 9, 2011.

The alternative Master Plan design was developed to reflect project benefits, goals and objectives identified by the community at a Design Workshop held on Saturday, October 15, 2011.

Following is a summary of the most common objectives expressed to the staff and design team by community members.

Project Objectives

- Strengthen community image and sense of place
- Promote health and wellness through exercise
- Create a place where people can walk, jog/run, and build a stronger neighborhood
- Environmental enhancement
- Screen views of the adjacent industrial area and minimize impacts on nearby residents
- Sound reduction
- Provide connections to other bikeway facilities
- Regulate the water quality facility
- Consider safety and security in design
- Ensure accessibility for people of all abilities

Facilities Desired

- Pathway for walking and biking
- Landscaping with native, drought tolerant plants

Location of Proposed Pathway

Upcoming Public Involvement Opportunities

January 9, 2012
CITY COUNCIL MEETING
 Monday, 7:00 p.m.
 Council Chambers
 18880 SW Martinazzi Avenue, Tualatin

Consider acceptance of Master Plan and approve facility name

Provide direction on proceeding with final design and construction

www.tualatinparks.com

Tualatin today
 July 2011

Celebrate Art!

Art is a beautiful and powerful way to express ourselves. In Tualatin, we have many opportunities to celebrate art and creativity. From local artists to community projects, there are many ways to get involved.

Upcoming Events

Check out the following events happening in our community:

- Community Clean-up:** Join us for a day of service and beautification.
- Local Art Show:** Showcase the talents of our local artists.

Hot Fun in the Neighborhood!

Join us for a day of fun and excitement in our neighborhood. We have many activities and games for everyone to enjoy.

don't miss it!

Tualatin, Oregon

Public Meeting

The Council will consider accepting a master plan for the undeveloped Blake Street right-of-way (between Union Avenue and Lillian Way) and designating it as South Greenway.

Monday, January 9, 2012
 Council Chambers, Tualatin, Oregon

Additional Information and Materials

Master Plan, Design Alternatives, Cost Estimates, and Facility Name

Master Plan, Design Alternatives, Cost Estimates, and Facility Name

Master Plan, Design Alternatives, Cost Estimates, and Facility Name

Master Plan, Design Alternatives, Cost Estimates, and Facility Name

Tualatin Life

Pathway Planning in Undeveloped Blake Street Right-of-Way

The City of Tualatin is currently planning a multi-use pathway for pedestrians and bicyclists within the undeveloped Blake Street right-of-way. This project is a key component of the city's long-term vision for a more walkable and bikeable community.

The pathway will provide a safe and scenic route for residents to walk and bike to work, school, and recreational areas. It will also help to reduce traffic congestion and improve air quality.

The project is currently in the planning phase, and the city is seeking input from the community. A public meeting will be held on January 9, 2012, to discuss the project and gather feedback.

Public Meeting
 Monday, January 9, 2012
 Council Chambers, Tualatin, Oregon



Benefits, Goals, & Objectives



BENEFITS

- Improve the right-of-way and neighborhood sense of place
- Strengthen neighborhood relationships
- Increased opportunities to improve health and fitness

GOALS

- The design elements should address the goals and objectives of the neighborhood
- Strengthen neighborhood image and sense of place
- Promote health and fitness by providing an aesthetically pleasing pathway
- Create an area with an informal, natural-open space appearance and function
- Utilize Crime Prevention Through Environmental Design
- Provide connections to other bike/walk facilities
- Improve the function and appearance of the water quality facility
- Provide educational opportunities where appropriate
- Create a design with low construction and on-going maintenance costs
- Support maintenance of the area and existing public and private utilities

OBJECTIVES

- Provide opportunities for active public participation in the master planning process
- Screen views of the adjacent industrial area
- Minimize and mitigate impacts on adjoining neighbors
- Include landscaping that has an informal, natural-open space appearance and function including native drought tolerant plants that support butterflies, birds, and other wildlife
- Use durable natural materials in construction
- Construct a pathway that is accessible to all abilities and facilitates social interaction within the community
- Provide landscaping to buffer sound from adjacent property
- Connect the pathway to sidewalks at 110th Court and 108th Avenue
- Renovate plantings in the water quality facility
- Place interpretive signs at the water quality facility and possibly along the pathway
- Consider user safety and security in pathway and landscaping design
- Provide access for maintenance of the area, for existing public and private utilities, and for emergency vehicles



City of Tualatin

Community Workshop

Blake Street Right-of-Way

Date: 11/09/11



Preferred Master Plan



Ibach Greenway

Date: 12/29/11

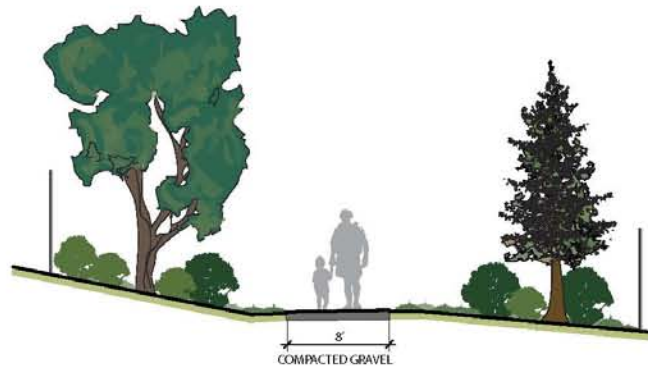
City of Tualatin



Original document is 1" = 20' when printed at 24" x 36".



Sections



DESIGN CONCEPT 2: SECTION A
SCALE 1"=3'



DESIGN CONCEPT 2: SECTION B
SCALE 1"=3'

NATIVE PLANTS FOR WILDLIFE HABITAT

- LANDSCAPE GOALS:
- SUPPORT WILD LIFE
 - DROUGHT TOLERANT
 - LOW MAINTENANCE
 - MOSTLY NATIVE
 - SCREENS VIEWS
 - PROVIDES YEAR ROUND INTEREST

SEASONAL INTEREST



SEASONAL INTEREST



UNDERSTORY



EVERGREEN/SCREENING



LOW GROUNDCOVER



Plant photos courtesy of www.kingcounty.gov/govnet



City of Tualatin

Ibach Greenway

Date: 12/29/11



What's in a name?



Here's what we heard at the last workshop...

Hedges Greenway?

Helenius Greenway?

Hedges Park Greenway?

Blake Street Bikeway?

Hedges Park Pathway?

Please write other suggestions here:



City of Tualatin

Community Workshop

Blake Street Right-of-Way

Date: 11/09/11



❖ Tualatin Park Advisory Committee Recommendations

1. Accept master plan for the undeveloped Blake Street right-of-way
2. Name it Ibach Greenway
3. Direct staff to implement the process of incorporating Ibach Greenway into the Parks and Recreation Master Plan and Tualatin Development Code
4. Proceed with constructing the facility as funds become available.

❖ Questions?





Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations

