

TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, October 8, 2012

CITY COUNCIL CHAMBERS 18880 SW Martinazzi Avenue Tualatin, OR 97062

PLEASE NOTE: NO WORK SESSION HELD

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 Announcements, 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 website at www.tualatinoregon.gov/meetings, 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.tvalatinoregon.gov/meetings.

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

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all 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.

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

- 1. Youth Advisory Council Update, October 2012
- 2. 9th Annual West Coast Giant Pumpkin Regatta Announcement

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 September 24, 2012
- 2. Resolution Awarding the Bid for the SW Cherokee Street and SW 86th Avenue Waterline Improvements
- 3. Approval of a New Liquor License Application for Stafford Hills Club
- **4.** Recommendations from the Council Committee on Advisory Appointments

E. SPECIAL REPORTS

1. Operations Department Annual Report - 2011/12

F. PUBLIC HEARINGS - <u>Legislative or Other</u>

- 1. Amending the Tualatin Development Code (TDC) Chapter 64 Manufacturing Business Park Planning District- Adding Provisions for a Tonquin Light Manufacturing Overlay. Adding TDC 64.036 and a Definition to TDC 31.060 and Amending TDC Map 9-5. Plan Text Amendment 12-01
- G. PUBLIC HEARINGS Quasi-Judicial
- H. GENERAL BUSINESS

I. ITEMS REMOVED FROM CONSENT AGENDA

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

- J. COMMUNICATIONS FROM COUNCILORS
- K. EXECUTIVE SESSION
- L. ADJOURNMENT

City Council Meeting

Meeting

10/08/2012

Date:

ANNOUNCEMENTS

Youth Advisory Council Update, October 2012

Attachments

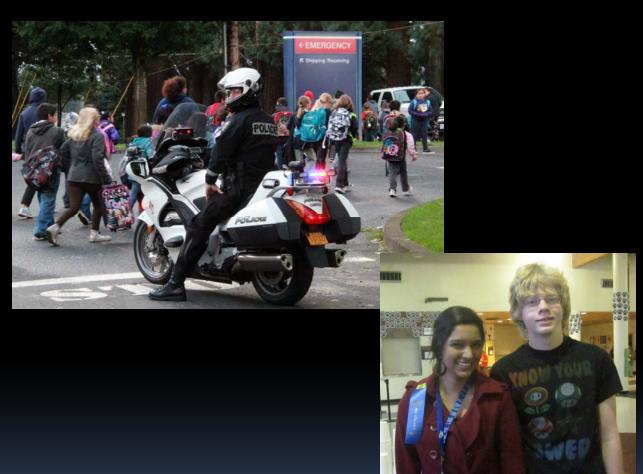
A - PowerPoint Youth Advisory Council Update

B. 1.

October 8, 2012

TUALATIN YOUTH ADVISORY COUNCIL

International Walk + Bike to School Day

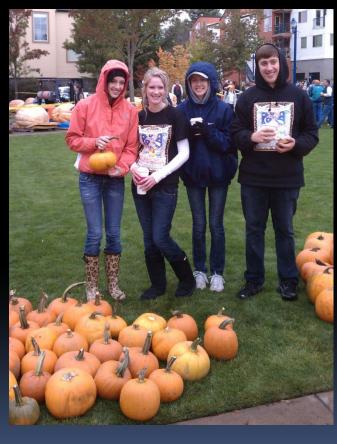




Thank you to all the school volunteers, Tualatin Police Department, TVF&R, and Legacy Meridian Park Hospital!

Tualatin YAC – Youth Participating in Governance

West Coast Giant Pumpkin Regatta







- October 20, 2012
- 10:00am 4:00pm
- Concessions
- Pumpkin crafts
- Face painting
- Lots more!

Tualatin YAC – Youth Participating in Governance

Haunted House

- October 24, 25, 26, 27
- 7:00pm-10:00pm
- Van Raden
 Community Center
- \$3 youth/\$4 adults
- Don't miss the "Boo Room" for younger kids - \$1





National League of Cities Congress of Cities

- November 28 –December 1, 2012
- Boston, MA
- Thank you Mayor Ogden for your fundraising efforts!





City Council Meeting

B. 2.

Meeting Date:

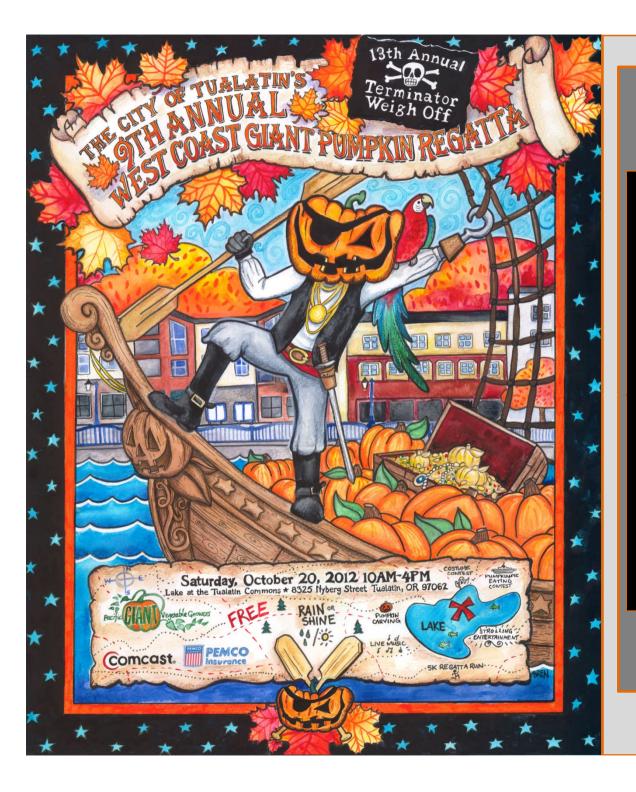
10/08/2012

ANNOUNCEMENTS

9th Annual West Coast Giant Pumpkin Regatta Announcement

Attachments

A - PowerPoint Pumpkin Regatta



9TH ANNUAL WEST COAST GIANT PUMPKIN REGATTA

Saturday, October 20, 2012 10:00 am to 4:00 pm Tualatin Commons

Rain or Shine Free admission

MEDALLION HUNT

5K REGATTA RUN

TERMINATOR WEIGH-OFF









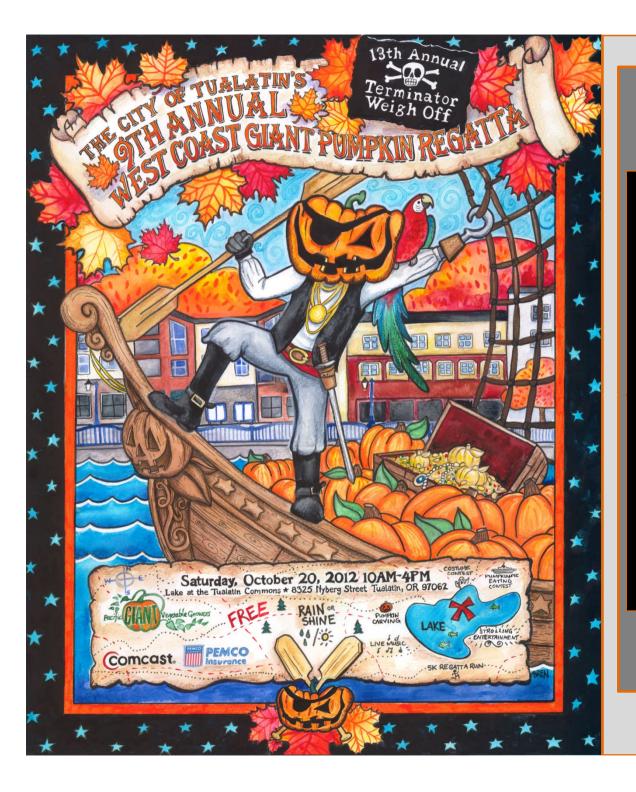












9TH ANNUAL WEST COAST GIANT PUMPKIN REGATTA

Saturday, October 20, 2012 10:00 am to 4:00 pm Tualatin Commons

Rain or Shine Free admission



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 10/08/2012

SUBJECT: Approval of the Minutes for the Work Session and Meeting of September 24,

2012

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the work session and meeting of September 24, 2012.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: A - Work Session Minutes for September 24, 2012

B - Meeting Minutes for September 24, 2012



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR SEPTEMBER 24, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank

Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Attorney Sean Brady; Police Chief Kent Barker; Operations Director Dan

Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Senior Planner Will Harper; Deputy City Recorder Maureen Smith

1. CALL TO ORDER

Council President Monique Beikman called the work session to order at 5:32 p.m.

2. Update on a Proposed Tonquin Light Manufacturing Overlay in the Southwest Concept Plan Area and Proposed Plan Text Amendment PTA-12-01

Planning Manager Aquilla Hurd-Ravich and Senior Planner Will Harper presented an update of the Tonquin Industrial Group (TIG) overlay in the Southwest Concept Plan area, proposed Plan Text Amendment PTA-12-01.

Senior Planner Harper reviewed key points and background of the proposed overlay. Council direction was to find a way to allow the existing businesses to annex to the City as conforming uses. He explained how the overlay would work with the surrounding areas and additional uses that the overlay will allow. Property owners of TIG are eligible for the overlay. A map was shown indicating where the overlay would be with respect to the Southwest Concept Area.

Questions were asked and answered about if property owner sells before the Southwest Concept Plan occurs, the overlay carries over to the *property*, and Tualatin's standards/regulations would apply with regards to clean-up of a particular property. It was asked about allowing for certain restaurant types such as drive-ups in the northern portion of the area. Senior Planner Harper explained how the issue came about. Brief discussion followed.

Staff will follow-up on the issue of drive-up restaurants, and will be back before Council on October 8, 2012 with a public hearing.

3. Update on Juanita Pohl Center Management Transition

Community Services Director Paul Hennon, Parks and Recreation Manager Carl Switzer, and Pohl Center Supervisor Matt Saviello gave an update on the Juanita Pohl Center management transition to the City from the Loaves & Fishes organization.

There were a number of goals set for the transition with the outcome to increase the overall use of the center, and implement best practices in managing the center, operate in the adopted budget, determine best equipment needs, and raise community awareness. Staff is on board and the Community Services Office Coordinator will relocate to the Pohl Center office. Staff is working with other departments on volunteer coordination for the Center, and determining how the layout will best work for the functions of the Center. Loaves & Fishes continues to provide the nutrition program in a small office space from the gift shop area, and staff will work to retain the gift shop's viability and look to provide additional programming.

Director Hennon spoke on the Center's Steering Committee status. Two options for consideration is to have a standard City advisory committee; the alternative is to have a self-appointed committee, such as the Tualatin Youth Advisory Council. After speaking with the current Steering Committee members about the options, they were in favor of being self-appointed, at least for now. If it is determined to not meet the needs of the Center, it can change in the future. Councilor President Beikman said she has been attending the Steering Committee meetings and agrees with being a self-appointed committee,, and Councilors present were in agreement.

Discussion concluded with the next step to be development of by-laws, enact the Steering Committee and carry forward. It was suggested to have the Steering Committee make a presence at Council meetings on a regular basis.

4. Road Utility Fee Program Update

Finance Director Don Hudson and Operations Director Dan Boss presented a PowerPoint outlining a review and history of the Road Utility Fee and Pavement Management Plan. The City Council first adopted the pavement plan in 1988, adding a sidewalk maintenance program in 2001 to address sidewalk repair and replacement of certain street trees, and adding a reverse frontage program in 2005.

In 1988 the City Council adopted a pavement maintenance program, after an in-depth review was done to identify a viable funding source, utlimately leading to the Road Utility fee. Operations Director Boss went on to explain the program and its structure. The Sidewalk Street Tree program began in 2001, and the Reverse Frontage program in 2005, were reviewed and background given.

Finance Director Hudson continued with a review of current fees and total revenues, and explained the expenditures and revenues trends over the years. In looking forward, the road maintenance fee is currently sufficient. Staff continues to monitor annually, with a future rate increase likely as costs increase. The Sidewalk/Street Tree/Reverse Frontage fee is currently building a small reserve and should cover increases in current costs and new landscaping in the next few years. Any new reverse frontage would require future rate increases however. It was asked and answered about the software programming for the Pavement Condition Index (PCI), used to evaluate roads on a government scoring system, and the remaining unpaved roads left in Tualatin. Brief discussion followed.

5. Council Meeting Agenda Review, Communications & Roundtable

AGENDA REVIEW

Council reviewed the Consent Agenda with no changes or additions.

COMMUNICATION

Councilor Grimes noted she and Mayor Ogden were in attendance at the latest Stafford Forum that was held this past Saturday. Acting City Manager Rouyer added staff will schedule followup in October to further discuss what direction Clackamas County is headed with regards to this issue.

6. ADJOURNMENT

Alice Rouyer, Acting City Manager

Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR SEPTEMBER 24, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank

Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Attorney Sean Brady; Police Chief Kent Barker; Operations Director Dan

Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Senior Planner

Will Harper; Deputy City Recorder Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was led by Boy Scout Troop 35.

B. ANNOUNCEMENTS

1. Proclamation Declaring September 2012 as Senior Center Month in Tualatin

Council President Monique Beikman read the proclamation declaring September 2012 as Senior Center Month in the City of Tualatin.

2. International Walk + Bike to School Day - October 3, 2012

Parks and Recreation Manager Carl Switzer announced the upcoming International Walk + Bike to School Day, October 3, 2012. Parks Manager Switzer explained the program and its benefits, The elementary schools, high school, Tualatin Valley Fire & Rescue, Meridian Park Hospital are involved and participation has continued to increase with over 600+ kids last year.

Council President Beikman noted she has been involved in this program since 2009, and it has been great to see the increased participation each year.

Proclamation Declaring October 5, 2012 as National Manufacturing Day in the City of Tualatin

Constitution Minutes of Controller 24, 2002, 4, 45

Councilor Grimes read the proclamation declaring October 5, 2012 as National Manufacturing Day in the City of Tualatin.

Mayor Ogden noted the Tualatin Chamber of Commerce bringing this proclamation forward to recognize the manufacturing industry in Tualatin.

C. CITIZEN COMMENTS - None.

D. CONSENT AGENDA

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt the Consent Agenda as read.

Vote: 5 - 0 MOTION CARRIED

- 1. Approval of the Minutes for the Work Session and Meeting of September 10, 2012
- **2.** Resolution No. <u>5122-12</u> Authorizing a One-Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.

E. SPECIAL REPORTS

1. Community Services Department Annual Report

Community Services Director Paul Hennon, Parks and Recreation Manager Carl Switzer, and Library Manager Abigail Elder presented an overview of the Community Services Annual Report. A PowerPoint was given highlighting the accomplishments and what has been done over the past year, and the goals for the coming year were reviewed.

Mayor Ogden and Council thanked staff for all their hard work and accomplishments this past year.

- F. PUBLIC HEARINGS <u>Legislative or Other</u>
- G. PUBLIC HEARINGS Quasi-Judicial
- H. GENERAL BUSINESS
- I. ITEMS REMOVED FROM CONSENT AGENDA None.
- J. COMMUNICATIONS FROM COUNCILORS

Councilor Davis noted she will be attending the annual League of Oregon Cities Conference later in the week.

- K. EXECUTIVE SESSION None.
- L. ADJOURNMENT

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik to adjourn the meeting at 7:31 p.m.

Vote: 5 - 0 MOTION CARRIED

Alice Rouyer, Acting 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: Kaaren Hofmann, Engineering Manager

Alice Rouyer, Community Development Director

DATE: 10/08/2012

SUBJECT: Resolution Awarding the Bid for the SW Cherokee Street and SW 86th Avenue

Waterline Improvements

ISSUE BEFORE THE COUNCIL:

Awarding the SW Cherokee Street and SW 86th Avenue Waterline project to BANR Enterprises, LLC.

RECOMMENDATION:

Staff recommends that this project be awarded to BANR Enterprises, LLC for \$149,355.00.

EXECUTIVE SUMMARY:

The scope of this project includes replacing approximately 873 feet of asbestos concrete water pipe in SW Cherokee Street and SW 86th Avenue near the Police Department. The bids for this project were opened on Tuesday, September 25, 2012, at 2:00 p.m. There were 6 bidders as follows:

| BANR Enterprises, LLC | \$149,355.00 |
|--------------------------|--------------|
| Jeff Kersey Construction | \$192,391.20 |
| Pacific Excavation | \$197,800.00 |
| K & E Excavating | \$198,400.00 |
| Landis & Landis | \$225,640.00 |
| Banzer Construction | \$270,875.00 |
| | |

The engineer's estimate was \$200,000.00.

BANR Enterprises, LLC is the lowest responsive bidder.

OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. The proposed project will replace existing ac water pipe with ductile iron pipe in SW Cherokee Street and SW 86th Avenue.

Not awarding the contract will result in the following:

1. All work on the project will stop until a decision is made to re-bid the project.

FINANCIAL IMPLICATIONS:

There are adequate funds in the Water Operating Fund to construct this project.

Attachments: A. Vicinity Map

B. Resolution

Vicinity Map







Scale 1:1,267 1 in = 106 ft

| RESOLUTION NO. | |
|----------------|--|
|----------------|--|

RESOLUTION AWARDING THE BID FOR THE SW CHEROKEE STREET AND SW 86TH AVENUE WATERLINE IMPROVEMENTS

WHEREAS the project was advertised in the *Daily Journal of Commerce* on September 4, 2012; and

WHEREAS 6 proposals were received prior to the close of the bid period on September 25, 2012; and

WHEREAS BANR Enterprises, LLC submitted the lowest responsible bid for the project in the amount of \$149,335.00; and

WHEREAS there are funds available for this project in the Water Operating Fund.

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

Section 1. The contract is awarded to BANR Enterprises, LLC.

Section 2. The Mayor and City Recorder are authorized to execute a contract with BANR Enterprises, LLC in the amount of \$ 149,335.00.

Section 3. The Community Development Director is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 8th day of October, 2012.

| CITY OF TUALATIN, OREGON |
|--------------------------|
| Ву |
| Mayor |
| ATTEST: |
| ByCity Recorder |



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 10/08/2012

SUBJECT: Approval of a New Liquor License Application for Stafford Hills Club

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Stafford Hills Club.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Stafford Hills Club.

EXECUTIVE SUMMARY:

Stafford Hills Club has submitted a new liquor license application under the category Limited On-Premises Sales which allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption; it also allows licensees who are pre-approved to cater events off of the licensed premises. The business is located at 5916 SW Nyberg Lane. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

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

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

FINANCIAL IMPLICATIONS:

A New Application fee of \$100 has been paid by the applicant.

Attachments: A - Vicinity Map

B - OLCC License Types

C - Liquor License Application



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

FULL ON-PREMISES SALES

Commercial Establishment

Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (this is the license that most "full-service" restaurants obtain). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor only from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.

Caterer

Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.

Passenger Carrier

An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.

Other Public Location

Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.

Private Club

Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.

REC'D CITY OF TUALATIN SEP 1 3 2012



CITY OF TUALATIN MAYOR COUNCIL POLICE ADM FINANCE COMM DEV LEGAL OPER COMMSVCS ENG & BLDG LIBRARY

LIQUOR LICENSE APPLICATION

| Data | 9 | 10 | 1- | |
|--------|---|-----|----|--|
| Date _ | | 12- | 16 | |

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

| SECTION 1: TYPE OF APPLICATION |
|--|
| Original (New) Application - \$100.00 Application Fee. Change in Previous Application - \$75.00 Application Fee. Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # Temporary License - \$35.00 Application Fee. |
| SECTION 2: DESCRIPTION OF BUSINESS |
| Name of business (dba): Stafford Hills Club |
| Business address 5916 Nyberg LN. City Tualatin State 02 Zip Code 97062 |
| Mailing address 4949 Meadows Pd. #600 City Lake Osweyo State OR Zip Code 97035 |
| Telephone # |
| Name(s) of business manager(s) First <u>James</u> Middle <u>David</u> Last <u>Zupan crè</u> |
| Date of birthSocial Security #ODL#ODL#_ |
| Home address City Wilsowville State Z Zip Code 97070 (attach additional pages if necessary) |
| Type of business Private Club - Wellness, Fitness, Tennis & Aquatics |
| Type of food served <u>Casual</u> - Soups, Salads, Sandwicker, Smoothies |
| Type of entertainment (dancing, live music, exotic dancers, etc.) None scheduled |
| Days and hours of operation 5:30 AM to 10:00 P.M. |
| Food service hours: Breakfast 6 AM - 9 AM Lunch 11:0M - ZPM Dinner 5 PM - 9:30 PM |
| Restaurant seating capacity 70 Outside or patio seating capacity 90 |
| How late will you have outside seating? <u>Summer</u> How late will you sell alcohol? <u>9:30 PM</u> |

Page 1 of 3 (Please Complete ALL Pages)

| How many full-time employees do you have? | Part-time employees? 2 | |
|--|---|--|
| SECTION 3: DESCRIPTION OF LIQUOR LICEN | | |
| Name of Individual, Partnership, Corporation, LLC, or Other applicants Stafford Hills Type of iquor license (refer to OLCC form) Limited ON Premises Sales License | | |
| Type of viquor license (refer to OLCC form) Linit | tal DN Premises Sales License | |
| Form of entity holding license (check one and answ | | |
| · 411 1141110 | e full name, date of birth, and residence address. Date of birth | |
| Residence address | Date of birth | |
| PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form. Full name Date of birth | | |
| Residence address Full name Residence address | Date of birth | |
| Residence address | Date of birth | |
| CORPORATION: If this box is checked, complete (a) through (c). (a) Name and business address of registered agent. Full name Business address | | |
| (b) Does any shareholder own more than 50% of yes, provide the shareholder's full name, date Full name | of birth, and residence address. | |
| Residence address | Date of birth | |
| (c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address. Full name of treasurer: | | |
| i dii fidific di treasurer. | Data of birth. | |
| | | |
| Residence address: | Date of birth: | |
| CIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form. Full name: Daws David Company Date of birth: Residence address: | | |

| | Full name: Maria Corinne Zupan cic Date of birth: Residence address: Wilsonville . y 9707 | | |
|---|--|--|--|
| | OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license. | | |
| | SECTION 4: APPLICANT SIGNATURE | | |
| | A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation. | | |
| by / | Signature of Applicant Date/ | | |
| | Sources Checked: For City Use Only | | |
| DMV by LEDS by TuPD Records by Number of alcohol-related incidents during past year for location. | | | |
| - | Number of Tualatin arrest/suspect contacts for | | |
| | It is recommended that this application be: | | |
| | Granted | | |
| | Denied Cause of unfavorable recommendation: | | |
| - | | | |
| 100 | 9/25/12 Date | | |
| L | Cent W. Barker | | |

Kent W. Barker Chief of Police Tualatin Police Department



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 10/08/2012

SUBJECT: Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

Should the City Council approve appointments to various Advisory Committees and Boards?

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) and appoint the below listed individual(s).

EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends appointing and/or reappointing the following individual(s):

| Individuals | Advisory Committee / Board | Term |
|-----------------|--------------------------------------|---|
| Alan Aplin | Tualatin Planning Commission | Reappointment Term expiring 08/31/15 |
| Mike Riley | Tualatin Planning Commission | Reappointment Term expiring 08/31/15 |
| Roxanne Stathos | Tualatin Arts Advisory Committee | Reappointed Student Term - 1 yr expiring 09/31/13 |
| Robert Kellogg | Tualatin Tomorrow Advisory Committee | One Year Term expiring 12/31/13 |
| | | |

Attachments:

City Council Meeting

E. 1.

Meeting

Date:

10/08/2012

SPECIAL REPORTS

Operations Department Annual Report - 2011/12

SUMMARY

Operations Department Annual Report for 2011/12

Attachments

A - PowerPoint Operations Annual Report

City of Tualatin Operations Department

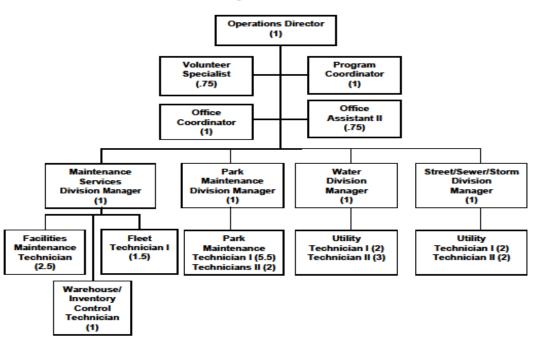
Annual Report 2011/2012





Organization Chart

Operations



Our Goal: Provide Exceptional Service



What we value and support

Safety First
Customer Service
Innovative Ways
Training

Fun and Friendly
Good Communications
Reasonable Cost
Positive Image

Department Highlights

Business Recycling Requirement

 Completed third year of the Business Recycling Requirement Program – assisted over 65% of eligible businesses.

Bulky Waste Events

 Collected nearly 80 tons of debris during two events and 1664 lbs of food to the food pantry!

Emergency Management

City staff training classes.

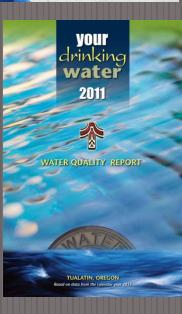




- ASR Update
- Backflow Protection Program
- Flushing Program
- Norwood Reservoir Cleaning
- Water Quality Report







- Pavement Maintenance Program
- Sidewalk Maintenance
- Sewer Cleaning
- Storm Cleaning
- Street Sweeping program continues - all City streets swept monthly.



- Dog Park Completed
- Consulted on Tualatin
 Sherwood frontage area
 improvements
- Park Maintenance Program
- Tree Plants/volunteer events
- Team Tualatin
- Street Tree Program
- Lake Cleaning



Highlights - City Sponsored Events

Crawfish Festival
Pumpkin Regatta
Starry Nights & Holiday
Lights
Tualatin TRYathlon
Snow Ball

Haunted House
TualaFest
ArtSplash
Farmers Market
Concerts/Movies on the
Commons





- Core Area Parking
 - Now in Operations
 - Parking lot rehab
- Facility/Fleet Projects
 - Solar Panel Project
 - Switchgear for Emergencies









Operations staff



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: 10/08/2012

SUBJECT: Amending the Tualatin Development Code (TDC) Chapter 64 - Manufacturing

Business Park Planning District- Adding Provisions for a Tonquin Light

Manufacturing Overlay. Adding TDC 64.036 and a Definition to TDC 31.060 and

Amending TDC Map 9-5. Plan Text Amendment 12-01

ISSUE BEFORE THE COUNCIL:

Council consideration of a request for a Plan Text Amendment (PTA-12-01) to the Tualatin Development Code (TDC) to:

- Add a Tonquin Light Manufacturing Overlay to the Manufacturing Business Park (MBP) Planning District. The proposed overlay would include provisions for additional allowed uses and accompanying development standards to be applied to certain properties designated as MBP and in the Southwest Concept Plan Area (SWCP). The proposed amendment is a product of the City Council's direction to continue working with the Tonquin Industrial Group (TIG) property owners to find a way to allow the existing businesses to annex to the City as conforming uses.
- Amend TDC Chapter 64 to add 64.036 creating the Tonquin Light Manufacturing Overlay to allow additional permitted and conditional uses and specific standards for development for TIG properties designated within the Overlay.
- Amend Map 9-5 to show the Southwest Concept Plan Area and proposed Tonquin Light Manufacturinig Overlay.
- In response to Council interest expressed during the adoption of Chapter 64-Manufacturing Business Park, this proposed amendment includes a definition of "call center or customer service center" to clarify the use in TDC 64.030.

RECOMMENDATION:

At their meeting on September 4, 2012, the Tualatin Planning Commission (TPC) reviewed the proposed Plan Text Amendment and made the following recommendation: Recommend Council Approve PTA-12-01. Yes-7, No-0

TPC Minutes of the September 4 Meeting (Draft Minutes) are included in Attachment E.

Staff recommends that Council consider the application and staff report for PTA-12-01 and direct staff to prepare an ordinance granting the amendment. The ordinance would be presented at the October 22, 2012 Council meeting.

EXECUTIVE SUMMARY:

- In April 2011, the Southwest Concept Plan (SWCP) and the implementing Plan Amendments (PTA-10-04 and PMA-10-02) to the Tualatin Development Code (TDC) which created the Manufacturing Business Park (MBP) Planning District and applied the new Planning District to properties in the SWCP Area were adopted. The SWCP includes approximately 431 acres and the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA) designated by Metro in 2002 and 2004 through the expansion of the Urban Growth Boundary. The MBP Planning District is intended to provide a campus-like environment, with aesthetically attractive buildings, ample employee parking, and other amenities appropriate to an employee-oriented activity. The district is also intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design, and limiting uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City.
- The Tonquin Industrial Group (TIG) includes nine (9) business owners located on eight (8) parcels (approximately 50 acres) in the SWCP north of SW Tonquin Road and west of the Portland & Western Railroad tracks (see Attachment B). None of the TIG properties are currently annexed to the City and according to the TIG, several uses are classified as non-conforming in Washington County zoning. The TIG members participated in the SWCP process and the implementing Plan Map and Plan Text Amendment process to advocate for their concerns about planning and development issues that affect their property.

When Council adopted the SWCP and implementing plan amendments, they directed staff to continue working with TIG to develop an overlay. Council direction was to find a way to allow the existing businesses to annex to the City as conforming uses.

 Prior to and following the adoption of the SWCP and the MBP Planning District, the Community Development staff has continued to meet with the TIG group and their consultants to find a solution to their concerns while ultimately achieving the vision and goals of the SWCP. As a product of the meetings, staff proposed the overlay approach that could address questions of allowed uses and development standards which the TIG agreed would be satisfactory. (See Attachment A)

This proposed overlay would:

- Apply only to the TIG properties:
- Recognizes the existing uses on the properties and allows for continuance and expansion consistent with existing Light Manufacturing (ML) Planning District standards;
- Requires an annexation agreement to ensure adequate infrastructure and compliance with Tualatin's development standards prior to annexation to the City;

- Development will have to conform to Master Planning and development standards required in the underlying MBP Planning District.
- The proposed overlay would add the following as allowed uses:
 - Existing permitted uses in the Light Manufacturing (ML) Planning District TDC 60.020:
 - New permitted uses in the Tonquin Light Manufacturing Overlay TDC 64.036(1)(a)(ii-vi), including Contractor's shop & equipment storage, Machine shop including automotive and truck machine shop, Cold storage warehouse, Motor Freight facility, and caretaker residence as permitted uses;
 - Conditional uses in the Overlay as follows, a restaurant (without drive-thru or drive-up, limited to maximum 3,000 sq. ft.) and industrial card lock fueling facility in TDC 64.036(4)(a, b).

The ML uses and the list of overlay uses were chosen because the light manufacturing provisions govern areas that may border residential or commercial districts without causing significant conflicts. Like the MBP uses and standards, the allowed uses in the overlay were chosen for compatibility with existing and future residential areas to the northeast and east of the SWCP Area.

• The proposed overlay is intended to allow the existing businesses and facilities in the TIG properties as allowed uses when they choose to annex to the City and want to expand or enlarge the use as well as to remain consistent with the existing light manufacturing standards in the TDC. The list of permitted uses, including existing ML Planning District manufacturing uses and the overlay permitted uses, match the existing TIG uses identified by the TIG owners. When they choose to annex, the current list of businesses will be considered conforming uses and avoid the designation as a non-conforming use that TIG owners have sought.

Uses not considered as permitted uses and the improvements and structures that do not comply with current TDC requirements will be classified as non-conforming upon annexation and be subject to the requirements of TDC Chapter 35 Non-Conforming Uses and Structures.

As part of the Overlay discussions, the TIG owners requested an opportunity to develop a restaurant and an industrial serving card-lock fueling facility in their portion of the SWCP Area. The proposed TDC 64.036(4) includes the two uses as conditional uses within the overlay, with limitations on location, size and drive-thru facilities.

At the September 24 Council Work Session, Councilors asked questions about the reasoning behind the proposed Overlay language allowing a restaurant and restricting it as "without drive-up or drive-through facilities". The Councilors discussed the need for a drive-thru service restaurant in the industrial area. The City's policy objectives in manufacturing areas including MBP, allow restaurants with the intention to serve patrons primarily from the local industrial area and not create increased retail traffic in the industrial area. Consistent with that approach, the proposed Tonquin Light Manufacturing Ovelay provisions include the restriction on drive-thru facilities.

The proposed Overlay language allowing a restaurant use with limitations in the Tonquin Light Manufacturing Overlay are in response to the TIG request and are consistent with:

the MBP standards in TDC Chapter 64; the Industrial Business Park Overlay District, and; the restrictions on commercial uses in Metro SWRSIA.

- At the April 11, 2011 public hearing for PTA-10-04, the Council directed that the Ordinance for the MBP provisions include "call center" and a "data center" as conditional uses. The adopted ordinance included both "call center or customer service center" and "data processing or data storage center" as conditional uses in TDC 64.030 (5, 6). It has been pointed out that the TDC did not have a definition for a "call center" and the use is not clear. To clarify the call center activity, the proposed PTA-12-01 will include a definition of "call center or customer service center". The data processing and data storage use is commonly understood (can be a "server farm" or a bank data center for example) and should not need a separate definition.
- On August 9, 2012, the Tualatin Planning Commission (TPC) was briefed by staff on the Tonquin Light Manufacturing Overlay and proposed amendment. TPC members had questions and contributed comments. (Minutes-Attachment E).
 On August 21, Community Development staff held a Neighbor-Developer Meeting for PTA-12-01 with invited CIO groups and TIG participants attending (Attachment E). On September 4, 2012, the TPC voted 7-0 to recommend Council approve PTA-12-01 with the proposed definition of "call center or customer service center" (Draft Minutes-Attachment E).

At the September 24, 2012 Work Session, the City Council was briefed on the Overlay and proposed PTA-12-01. Minutes of the Worksession are included in Attachment E.

OUTCOMES OF DECISION:

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

- 1. The Tonquin Industrial Group properties would be eligible for the uses and standards of the Tonquin Light Manufacturing Overlay. The allowed uses in the proposed overlay include all of the uses allowed in the Manufacturing Business Park (MBP) Planning District, and will add the light manufacturing uses allowed in the Light Manufacturing (ML) Planning District and a limited list of uses that describe existing development and businesses in the TIG properties.
- 2. An annexation agreement between the overlay property owners and the City of Tualatin will be required and the Manufaturing Business Park Planning District requirement for an Industrial Master Plan will apply prior to development in the overlay.
- 3. The proposed overlay will be consistent with the Southwest Concept Plan and meet the conditions and requirements of the Metro Urban Growth Boundary Decision and Southwest Tualatin Regionally Significant Industrial Area designation.
- 4. There would be a definition of "call center and customer service center".

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

1. The proposed Tonquin Light Manufacturing Overlay would not be created. Upon annexation, the Tonquin Industrial Group properties would remain subject to the existing

Manufacturing Business Park provisions of TDC Chapter 64 and would not benefit from or be subject to the additional uses and development standards proposed in the overlay. Certain existing uses and improvements on the TIG properties would be non-conforming and subject to TDC Non-conforming use and structures provisions in TDC Chapter 35.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Commission and staff recommendations are:

- Approve the proposed Plan Text Amendment with alterations to the amendment language proposed in PTA-12-01.
- 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 2012/13 budget accounts for the cost of City-initiated plan amendment applications.

Attachments: A - Proposed Text Amendment

A - Proposed Map 9-5

B - SW Concept Plan Map-Proposed TIG & Tonquin Overlay

C - Comparison of TIG Business & Tonquin Overlay

C - TDC Chapter 64 MBPark

D - Analysis and Findings

E - TPC 09/04/12 Minutes & Council Work Session Excerpt of Minutes of 9/24/2012

F - Affidavit of Publication

G - Affidavit of Posting

H - Affidavit of Mailing

I - PowerPoint Presentation

J - Comments Received

Proposed Text Amendment relating to Development; Amending the Manufacturing Business Park Planning District by Adding the Tonquin Light Manufacturing Overlay; Amending TDC 31.060 to add a Definition of "Call Center or Customer Service Center," Adding New Provision TDC 63.036; and Amending TDC Map 9-5 (PTA-12-01)

Section 1. TDC 31.060 is amended to add the definition of "Call Center or Customer Service Center," to be placed in alphabetical order, and to read as follows:

Call Center or Customer Service Center. An operation that serves as a location to initiate or receive communications for others- via telephony, email, or internet- for the purposes of (1) promoting clients products or services; (2) taking orders for clients; (3) soliciting contributions for a client, and; (4) providing information or assistance regarding a client's products or services,

- Section 2. A new section is added to the TDC. TDC 63.036 is added to read as follows:
- (1) Permitted Use. The following are permitted uses within the Tonquin Light Manufacturing Overlay shown on Map 9-5; and as restricted in TDC 64.021 and 73.160(4)(b):
- (a) Uses allowed as permitted in the Manufacturing Business Park, TDC 64.020:
- (b) Uses allowed as permitted in the Light Manufacturing Planning District, TDC 60.020;
 - (c) Contractor's Shop & Equipment Storage;
- (d) Machine Shop, including automotive and truck machine shop, of 7,500 sq. ft. or larger;
 - (e) Cold Storage Warehouse;
- (f) Motor Freight Facility including office, repair and maintenance, and transfer and storage for vehicles, equipment and materials; and
 - (g) Caretaker residence.
- (2) Expanded or New Permitted Use. Expanded or new permitted uses, including expanded or new outdoor storage, shall be permitted as per TDC 64.036(1) and shall be reviewed according to TDC 31.074, Architectural Review Application Review Process, requiring both Architectural Features and Utility Facilities review per TDC Chapters 73 and 74.

- (3) Nonconforming Use. All existing uses not listed as permitted uses in TDC 64.036 (1)-(2) are allowed as non-conforming uses. Expansion of these uses shall occur only to the extent and as provided in TDC 35.030.
- (4) Conditional Use. The following uses are allowed when authorized in accordance with TDC Chapter 32:
 - (a) Restaurant, without drive-up or drive through facilities, with a maximum floor area of 3,000 square feet.
 - (b) Industrial card lock fueling facility with 3,000 feet separation from another facility.
- (5) Prohibited Use. Prohibited uses shall be as per the underlying Manufacturing Business Park Planning District in TDC 64.040, except as permitted in TDC 64.036(1)-(4).
- (6) Annexation Agreement. An Annexation Agreement shall be prepared when one (1) or more property owners within the Tonquin Light Manufacturing Overlay submits a petition for annexation to the City.

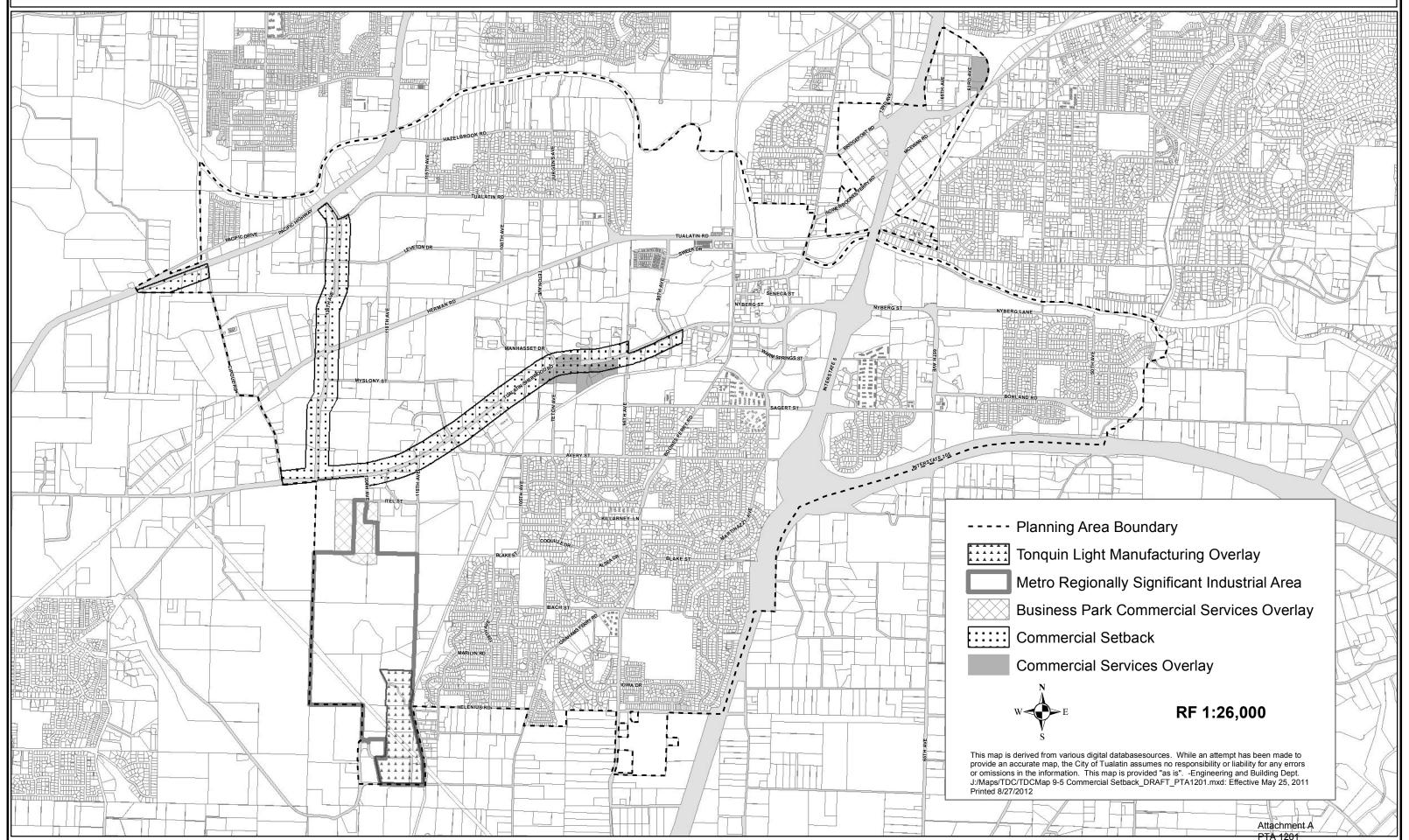
Section 3. TDC Map 9-5 is deleted and replaced with:

Amended TDC Map 9-5, which is attached as Attachment A and incorporated herein.

Map 9-5: Special Commercial Setback & Commercial Services Overlay

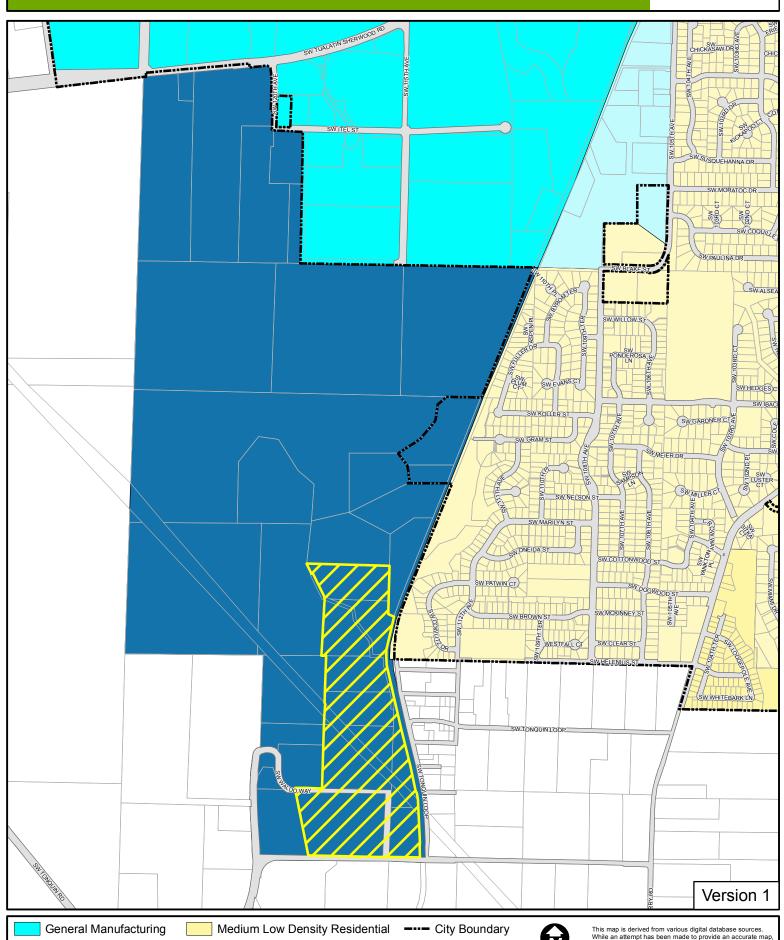
DRAFT PTA 12-01





Tonquin Industrial Group (TIG) Properties in SW Concept Plan Area





Light Manufacturing

Low Density Residential

Manufacturing Business Park

Tonguin Industrial Group



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 ommissions in the information. This map is provided "as is".-Engineering and Building Dept.

RF 1:11,500 Printed 7/30/2012

Comparison of Existing Uses in Tonquin Industrial Group with Uses Permitted in Overlay:

| Property Owner/Business | Existing Use | Permitted in Overlay as Per Section: |
|----------------------------|--|---|
| Tim & Mike McGuire: | Vacant Lot Future: Manufacture and distribution of bearings and similar products. | n/a 64.020(4),(7) |
| Albertson Trucking: | Trucks/trailers/freight movement Office, shop Outdoor storage of trucks/equipment Caretaker's quarters | 64.036(1)(a)(v) same same 64.036(1)(a)(vi) |
| Brown Trucking | Trucks/trailers/freight movement Office, shop Outdoor storage of trucks/equipment Caretaker's quarters | 64.036(1)(a)(v) same same 64.036(1)(a)(vi) |
| Eric Johnson | RV, trailers, cars storage in buildings Outdoor RV/trailer storage Office Caretaker's quarters | 64.036(1)(a)(i) + 60.020(9) same same 64.036(1)(a)(vi) |
| Nick Storie | Jersey barriers storage (Contractor's shop & equipment storage) Additional vacant lot | 64.036(1)(a)(ii) n/a |
| Terra Hydra | Shop, office, storage building Environmental, emergency clean-up, Construction services Outdoor storage of vehicles/equipment | 64.036(1)(a)(ii) same same |

For easy reference, the following TDC Sections are included below:

Manufacturing Business Park Planning District (MBP) Section 64.021 Restrictions on Permitted Uses.

The following restrictions shall apply to those uses listed as permitted uses in TDC 64.020.

- (1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use
- (2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than

5% of the gross floor area of the building not to exceed 1,500 square feet.

Community Design Standards Section 73.160 Standards.

The following standards are minimum requirements for commercial, industrial, public and semi- public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

. . .

- (4) Service, Delivery and Screening.
- (b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.

Nonconforming Uses, Structures and Signs Section 35.030 Alteration or Enlargement Prohibited.

- (1) A nonconforming structure or use of land may be continued, but shall not be altered or enlarged, except for uses listed in (2) below which can be altered and enlarged. For purposes of this chapter, enlargement or alteration of a nonconforming structure or use of land shall not include improvements to required paving, landscaping, or other aesthetic improvements to the premises. Structural expansion or any change in the external dimensions of the building shall be considered an alteration or enlargement, unless such changes are primarily for aesthetic improvements. A structure conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the Tualatin Community Plan. A nonconforming structure or use of land may be altered or enlarged when such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.
 - (2) (a) Warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District;
 - (b) The Winona Cemetery (9900 SW Tualatin Road), the PGE Substation (6280

SW Borland Road), and the Stafford Hills Racquet and Fitness Club (5916 SW Nyberg Lane) conditional uses located in the RL Planning District that obtained conditional use approval before January 13, 2011.

(3) See TDC 35.200 for signs.

Light Manufacturing Planning District (ML)

TDC Section 60.020 Permitted Uses.

No building, structure or land shall be used in this district, except for the following uses as restricted in TDC 60.021:

- (1) Assembly, packaging, processing and other treatment of products, such as dairy products, and soft drinks.
- (2) Assembly of the following types of products:
 - (a) Bicycles.
 - (b) Small electric generators.
 - (c) Small electric motors.
 - (d) Marine pleasure craft.
 - (e) Sashes and doors.
 - (f) Vending machines
- (3) Contractor's office.
- (4) Electroplating.
- (5) Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).
- (6) Machine shop, including automotive machine shop, of less than 7,500 gross square feet.
- (7) Manufacture of the following types of products:
 - (a) Cabinets. (b) Furniture. (c) Mattresses.
 - (d) Scientific, medical or dental laboratory measuring, analyzing and controlling equipment, and related tools and supplies.
- (8) Spinning or knitting of fibers.
- (9) Storage of automobiles, boats, buses, trailers, and recreational vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).
- (10) Offices for executive, administrative, and professional uses related to the sale or service of industrial products.
- (11) Laboratories: testing, medical, dental, photo, or motion picture, except structural-mechanical testing laboratories.
- (12) Processing, assembly, packaging, or other treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries.
- (13) Processing, assembly, packaging, and other treatment of such products as small hand tools, optical goods, hearing aids, and scientific instruments or equipment.
- (14) Processing, assembly, packaging, and other treatment of small products manufactured from the following previously prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass, wood, paper, cork, wire up to 1/4 inch (0.25") in diameter, rubber, and rubber compounds, precious or semi-

- precious stones, and similar small products composed of previously prepared or semi-finished materials.
- (15) Assembly and packaging of small electrical and electronic appliances, such as radios, televisions, phonographs, audio, video and computer equipment, and office machines.
- (16) Manufacture of pottery and ceramics, using only previously pulverized clay.
- (17) Manufacture of musical instruments, toys and novelties.
- (18) Molding of small products from plastic.
- (19) Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers.
- (20) Warehousing related to the above uses; and warehousing for merchandise or goods normally sold or owned in commercial or residential planning districts, but excluding direct retail sales to customers from such warehouse structure, and excluding the storage of hazardous materials.
- (21) Trade or industrial schools.
- (22) Publishing and printing (non-retail).
- (23) Sewer and water pump stations, pressure reading stations, water reservoir.
- (24) Production of agricultural crops.
- (25) Child day care center, provided it is in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
- (26) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (27) Telephone exchange or switching facility.
- (28) Public works shop and storage yard.
- (29) Electrical substation.
- (30) Natural gas pumping station.
- (31) Wireless communication facility attached.
- (32) Wireless communication facility.
- (33) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.
- (34) Transportation facilities and improvements.
- (35) Shared service facilities.

Chapter 64

Manufacturing Business Park (MBP) Planning District

| Sections: | | |
|-----------|----------------------------------|--|
| 64.010 | Purpose. | |
| 64.020 | Permitted Uses. | |
| 64.021 | Restrictions on Permitted | |
| | Uses. | |
| 64.030 | Conditional Uses. | |
| 64.035 | | |
| | Commercial Services | |
| | Overlay. | |
| 64.040 | Prohibited Uses. | |
| 64.050 | Lot Size for Permitted and | |
| | Conditional Uses. | |
| 64.055 | Industrial Master Plan. | |
| 64.060 | Setback Requirements for | |
| | Permitted Uses. | |
| 64.065 | Setback Requirements for | |
| | Conditional Uses. | |
| 64.070 | Sound Barrier Construction. | |
| 64.080 | Structure Height. | |
| 64.090 | Access. | |
| 64.100 | Off-Street Parking and | |
| | Loading. | |
| 64.110 | Flood Plain District. | |
| 64.120 | Environmental Standards. | |
| 64.130 | 130 Natural Resources Protection | |
| | District. | |
| 64.140 | Community Design | |
| | Standards. | |
| 64.150 | Landscape Standards. | |

Section 64.010 Purpose.

The purpose of this district is to provide an environment for industrial development consistent with the Southwest Concept Plan (SWCP) (Accepted by the City in October, 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary (UGB) expansion decisions of December 2002 and June 2004.

The Manufacturing Business Park (MBP) Planning District will be a mix of light industrial and high-tech uses in a corporate

campus setting, consistent with MBP Planning District development standards. Permitted uses are required to be conducted within a building and uses with unmitigated hazardous or nuisance effects are restricted. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The remainder of the area is likely to include light to medium industrial uses with some limited, local-serving commercial services.

The district is intended to provide for an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City. [Ord. 13211-11 §55, 04/25/2011]

Section 64.020 Permitted Uses.

No building, structure or land shall be used except for the following:

- (1) Research and development offices and laboratories for chemical, engineering, and physical sciences; medical and pharmaceutical products; alternative energy production from sources such as solar and wind; industrial products and consumer products.
- (2) Manufacture, assembly and production uses except the uses and activities listed as prohibited in TDC 64.040:
- (3) Food and beverage product processing and packaging.
- (4) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

- (5) Molding of products from plastic and ceramic materials.
 - (6) Printing and publishing.
- (7) Warehousing related to the above uses.
- (8) Offices when part of a manufacturing use as listed in (1) through (7) above.
- (9) Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.
- (10) Private parking lot improved and landscaped in accordance with TDC Chapter 73.
- (11) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (12) Sewer and Water Pump Station, Pressure Reading Station. Water Reservoir.
- (13) Public works shop and storage yard.
 - (14) Electrical substation.
 - (15) Natural gas pumping station.
- (16) Wireless communication facility attached.
- (17) Transportation Facilities and Improvements.
- (18) Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use.
- (19) Other uses of similar character, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070. [Ord. 13211-11 §56, 04/25/2011]

Section 64.021 Restrictions on Permitted Uses.

The following restrictions shall apply to those uses listed as permitted uses in TDC 64.020.

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility

facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet. [Ord. 13211-11 §57, 04/25/2011]

Section 64.030 Conditional Uses.

The following uses are allowed when authorized in accordance with TDC Chapter 32:

- (1) Wireless communication facility.
- (2) Training center and facilities for primarily industrial activities.
 - (3) Film and video production.
 - (4) Caretaker residence.
- (5) Call center or customer service center.
- (6) Data processing or data storage center. [Ord. 13211-11 §58, 04/25/2011]

Section 64.035 Manufacturing Business Park Commercial Services Overlay.

Additional uses listed below are permitted in the Commercial Services Overlay on Map 9-5 and only when conducted within an enclosed building except outdoor play areas of child day care centers as required by state day care certification standards. The maximum floor area for a single use listed in TDC 64.035(1-8) is 3,000 square feet and the maximum building size for a building with multiple tenants is 20,000 sq. ft.

- General offices.
- (2) Branch banks and ATM banking kiosks.
 - (3) Medical and healing arts offices.
 - (4) Child day care center.
 - (5) Food store.
- (6) Restaurant, without drive-up or drive through facilities.

- (7) Dry Cleaners.
- (8) Printing, copying and office services. [Ord. 13211-11 §59, 04/25/2011]

Section 64.040 Prohibited Uses.

The following uses have activities, operations or physical characteristics that are not consistent with the Manufacturing Business Park as identified in TDC 64.010 and are prohibited. The uses represent conflicts with the development and operation of campus-style facilities for technology, light manufacturing, and higher wage employment uses and conflict with the residential areas that adjoin the MBP Planning District. The following uses are prohibited:

- (1) Residential dwellings.
- (2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 64.035.
 - (3) Places of assembly.
 - (4) K-12 Schools.
 - (5) Others:
 - (a) Auto wrecking.
- (b) Commercial radio or TV broad-casting antennas.
 - (c) Creosote treatment of products.
 - (d) Distillation of bones.
- (e) Distillation of oil, coal, wood or tar compounds.
- (f) Fuel storage or distribution facilities.
 - (g) Truck Driving School.
 - (h) Fat rendering.
 - (i) Forge plants.
 - (j) Junk or salvage yard.
- (k) Manufacture of the following products:
 - (i) Acid.
 - (ii) Ammonia.
 - (iii) Bleaching powder.
 - (iv) Celluloid pyroxylin.
- (v) Cement, lime, gypsum and plaster of paris.
 - (vi) Chlorine gas.
 - (vii) Creosote.
 - (viii) Disinfectant.

- (ix) Dye stuffs.
- (x) Explosives.
- (xi) Fertilizer.
- (xii) Herbicides.
- (xiii) Insect poison.
- (xiv) Radioactive materials.
- (xv) Soap.
- (xvi) Sodium compounds.
- (xvii) Tar roofing, water-proofing and other tar products.
 - (I) Rock crushing.
 - (m) Rolling mills.
- (n) Saw mill and rough milling of lumber.
 - (o) Slaughter of livestock or poultry.
- (p) Primary processing of organic materials such as tanning of leather.
- (6) Storage, transferring or processing of hazardous, toxic, or radioactive waste.
- (7) Commercial storage yards, RV storage or mini-storage facilities.
- (8) Parks and recreation facilities. [Ord. 13211-11 §60, 04/25/2011]

Section 64.050 Lot Size for Permitted and Conditional Uses.

- (1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.
- (a) The minimum lot area is 20,000 sq. ft. for parcels not identified in the RSIA on Map 9-5.
- (b) In accordance with the Metro RSIA designation and Metro Ordinance No. 02-969B and No. 02-990A, the minimum lot area for one or more parcels in the RSIA identified on Map 9-5 is 100 acres and 50 acres. When the minimum lot area of one or more Lots of Record in the RSIA is 100 acres, the minimum lot area for one or more lots may be reduced to 50 acres.
- (c) When the minimum lot area requirements for RSIA designated properties

- in (b) are met through a land platting process or established in an Industrial Master Plan process, the minimum lot size for remaining parcels located in the RSIA is 20,000 sq. ft.
- (d) The minimum lot area of a property within the RSIA may be reduced to less than 100 acres or 50 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37,
- (2) The minimum average lot width shall be 100 feet.
- (3) The minimum lot width at the street shall be 100 feet.
- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).
- (5) The minimum lot width at the street shall be 50 feet on a cul-de-sac bulb.
- (6) Lots or remnant areas created by the location of public streets may be less than 100 acres if necessary to create a logical, safe network of streets in the District.
- (7) No minimum lot size, width or frontage requirement shall apply to wetland conservation lots. [Ord. 13211-11 §61, 04/25/2011]

Section 64.055 Industrial Master Plan.

Industrial Master Plans may be approved subject to TDC Chapter 37. [Ord. 13211-11 §62, 04/25/2011]

Section 64.060 Setback Requirements for Permitted Uses.

Except as determined and approved through an Industrial Master Plan in accordance with TDC Chapter 37 or the Architectural Review process in accordance with TDC Chapter 73, which may establish greater minimum setback requirements, the setbacks for permitted uses shall be:

(1) Front Yard. The minimum front yard setback to a public street shall be 30-50 feet.

- (2) Side Yard/Rear Yard. The minimum side and rear yard setbacks shall be 0-100 feet as established in the Architectural Review process.
- (3) For a Corner Lot, the minimum setback shall be 30-50 feet from a public street
- (4) To a private street, the minimum setback shall be 5 feet.
- (5) Off-street parking and vehicular circulation areas shall be set back a minimum of 20-25 feet from any public right-of-way, and a minimum of 10 feet from any other property line.
- (a) No spur rail track shall be permitted within 200 feet of an adjacent residential district.
- (b) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or track.
- (6) No fence shall be constructed within 50 feet of a public right-of-way.
- (7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 20 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet.
- (8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.
 - (a) A portion of the parcel must be:

- (i) in the Natural Resource Protection Overlay District (NRPO), or
- (ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or
- (iii) in a Clean Water Services Vegetated Corridor; and
- (b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:
- (i) be dedicated to the City at the City's option, or
- (ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or
- (iii) be retained in private ownership by the developer. [Ord. 13211-11 $\S63$, 04/25/2011]

Section 64.065 Setback Requirements for Conditional Uses.

Except as otherwise provided, the setback requirements for conditional uses shall be as determined and approved through the Conditional Use Permit process in accordance with TDC Chapter 32 and the Architectural Review process in accordance with TDC Chapter 73. However, no setback greater than 50 feet may be required. [Ord. 13211-11 §63, 04/25/2011]

Section 64.070 Sound Barrier Construction.

- (1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.
- (2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residen-

- tial property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.
- (3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.
- (4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.
- (5) "Straight-line lateral path" means a direct line between two points as measured on a site plan. "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" includes, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.
- (6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.
- (7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with this section, as determined through the

Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section. [Ord. 13211-11 §65, 04/25/2011]

Section 64.080 Structure Height.

- (1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, which shall not exceed 100 feet in height above grade, and except as provided in subsection (2) of this section, the maximum height of any structure is 65 feet.
- (2) The maximum permitted structure height provided in TDC 64.080(1) may be increased to no more than 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure.
- (3) Height Adjacent to a Residential District. Where a property line, street or alley separates MBP land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation set in TDC 64.080(1) and (2). [Ord. 13211-11 §66, 04/25/2011]

Section 64.090 Access.

All lots created after September 1, 1979, shall abut a public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface

Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 13211-11 §67, 04/25/2011].

Section 64.100 Off-Street Parking and Loading.

Refer to Chapter 73. [Ord. 13211-11 §68, 04/25/2011]

Section 64.110 Flood Plain District. Refer to Chapter 70. [Ord. 13211-11 §69, 04/25/2011]

Section 64.120 Environmental Standards.

Refer to Chapter 63. [Ord. 13211-11 §70, 04/25/2011]

Section 64.130 Natural Resources Protection District.

Refer to Chapter 72. [Ord. 13211-11 §71, 04/25/2011]

Section 64.140 Community Design Standards.

Refer to Chapter 73. [Ord. 13211-11 §72, 04/25/2011]

Section 64.150 Landscape Standards.

Refer to Chapter 73. [Ord. 13211-11 §73, 04/25/2011]

ATTACHMENT D:

PTA-12-01: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 64-Manufacturing Business Park-, is an application by the Community Development Department to add provisions for a "Tonquin Light Manufacturing Overlay" that would apply to certain properties in the Southwest Concept Plan (SWCP) area known as the Tonquin Industrial Group (TIG). The proposed amendment language is shown in Attachment A.

The Tonquin Industrial Group (TIG) includes six (6) business owners located on approximately 50 acres of land in the southeast part of the Southwest Concept Plan area north of SW Tonquin Road and west of the Portland & Western Railroad tracks. (See Attachment B). The TIG and proposed Tonquin Light Manufacturing Overlay properties are identified as Tax Lots:

2S134B 0500 & 0600; 2S124C 0100, 0200 & 0300; 2S134C 0900; 2S134D 3100; 2S134DC 0300

None of the TIG properties are currently annexed to the City and are primarily classified as non-conforming in Washington County. The TIG members participated in the SWCP process and the implementing Plan Map and Plan Text Amendment process to advocate for their concerns about planning and development issues that affect their portions of the SWCP area and the SWRSIA designated by Metro.

Notice of public hearing was given as required under the TDC 1.031 by publication in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit F," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit G," attached and incorporated by this reference; and by mailing a copy of notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit H," attached and incorporated by this reference.

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 be consistent with the Southwest Concept Plan (SWCP) and comply with the Metro requirements for the Southwest Concept Plan area including the Southwest Tualatin Regionally Significant Industrial Area (SWRSIA). This includes meeting large parcel development minimums, allowing a range of

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- industrial uses while limiting commercial activities and ensuring provision of infrastructure such as transportation, sewer, water and stormwater to the manufacturing uses in undeveloped portions of the SWCP area.
- 2) Be consistent with the policies and standards of the SWCP that were implemented in the Tualatin Development Code (TDC) including the Manufacturing Business Park (MBP) Planning District, Community Design Standards and Public Improvement Standards.
- 3) Consideration of the concerns of property owners in residential areas located in the vicinity of the SWCP area. The concerns include noise, dust, odor, screening of outdoor activities and traffic impacts associated with development in the SWCP area.
- 4) Responding to the direction of the City Council to address the concerns of the business and property owners in the TIG relating to allowed uses both in respect to the MBP standards as well as the existing uses on the TIG properties, non-conforming uses, annexation and availability of public facilities in the south portions of the SWCP area.

Public Interest #1.

In the adoption process of the SWCP and approval of Ordinances 1320-11 & 1321-11, the SWCP and its implementing TDC provisions including the Manufacturing Business Park standards in TDC Chapter 64 (PTA-10-04) and the MBP designation (PMA-10-02) were found to be consistent with Metro's Urban Growth Boundary expansion, the SWRSIA designation and the conditions related to the Urban Growth Management Functional Plan (UGMFPlan).

In addition to the standards of the MBP of TDC Chapter 64 and subject to the SWCP and the SWRSIA, the proposed Tonquin Light Manufacturing Overlay in PTA-12-01 applies to the Tonquin Industrial Group (TIG) properties located on the southern portion of the SWCP area. With the proposed PTA-12-01:

- The UGMFPlan/Metro Ordinance and SWCP requirements for one 50 acre and one 100 acre parcels in the SWCPlan area are still in effect. The proposed Overlay has provisions that reinforce the TDC Chapter 64-Manufacturing Business Park- requirement for approval of an Industrial Master Plan when development occurs and adds a requirement for properties in the Overlay to complete an Annexation Agreement with the City of Tualatin when TIG properties are considered for annexation.
- The proposed Overlay adds to the allowed uses of the Manufacturing Business Park in TDC 64.020 and 64.030 the permitted uses in the current Light Manufacturing Planning District (TDC 60.020) and a list of five other uses derived from the ML Planning District as permitted uses and two

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conditional uses. The proposed Overlay uses in TDC 64.036 are consistent with the uses called for in the SWCP and SWRSIA.

 The proposed restaurant as a conditional use in TDC 64.036 will be limited to maximum floor area of 3,000 square feet, consistent with UGMFP Title 11 provisions for commercial service uses in Industrial Areas and the limited industrial-serving commercial activities allowed in the MBP within the designated Commercial Services Overlay (North of SW Blake Street, approximately 2,500 ft. and more from the Tonquin Light Manufacturing Overlay) in TDC 64.035.

The SWCP in accordance with UGMFPlan Title 11, the SWRSIA and the conditions of the Urban Growth Boundary expansion Ordinances addresses infrastructure provision in the MBP standards of TDC Chapter 64 with a requirement for an Industrial Master Plan for development in the SWCP area. The proposed Overlay amendment adds a requirement for properties in the Overlay to complete an Annexation Agreement with the City of Tualatin when TIG properties are considered for annexation. Both the Annexation Agreement and an Industrial Master Plan must address infrastructure planning in terms of needs, design, timing and funding options.

The proposed TDC amendment is consistent with the SWCP, Metro UGMFPlan Titles 4 and 11 and the Metro Urban Growth Boundary decision for the SWCP area. Public Interest #1 is satisfied.

Public Interest #2. The standards and requirements for the Manufacturing Business Park Planning District in Tualatin Development Code (TDC) Chapter 64 apply to the SWCP Area. The proposed PTA-12-01 adds the Tonquin Light Manufacturing Overlay to the MBP provisions in Chapter 64 to allow an expanded list of uses and certain standards for annexation and development on the Overlay properties.TDC Chapter 73 Community Design Standards and Chapter 74-Public Improvement Requirements will apply to development in the SWCP area, including the properties identified as part of the proposed Overlay.

The proposed Overlay adds to the MBP list of light industrial and high-tech uses allowed in TDC 64.020 the permitted uses from the existing ML Planning District (TDC Chapter 60.020) and a list of five permitted uses and two conditional uses that are existing businesses and uses within the TIG properties. The Overlay uses proposed in TDC 64.036 are similar to the MBP industrial uses in terms of the kind of activity and their off-site impacts or have been found to be appropriate in ML Planning Districts for a considerable period of time. For the TIG owners, the Overlay identifies the existing businesses as allowed uses, and avoids the limitations of a non-conforming use status for their financing and growth plans. For the SWCP area,

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the Overlay uses are consistent with the SWCP policy allowing for light-medium manufacturing uses.

The application and requirements of the existing Community Design Standards in TDC Chapter 73 for on-site building and site development improvements and the Public Facilities Requirements in TDC Chapter 74 are unchanged by the proposed Overlay provisions and will continue to apply to development in the SWCP area, within the MBP district and for TIG properties in the Overlay. The requirement for an Annexation Agreement for annexation of Overlay properties and the requirement for an Industrial Master Plan in the MBPark will reinforce TDC requirements when they are adopted and when development in the Overlay is considered in the Architectural Review process.

The proposed amendment PTA-12-01 creating the Overlay with its allowed uses and standards will be consistent with the policies and standards of the SWCP, the MBP Planning District, Community Design Standards and Public Improvement Standards. This satisfies Public Interest #2.

<u>Public Interest #3.</u> The SWCP and the implementing standards and requirements of the MBP in TDC Chapter 64 considered the impacts of industrial development on existing and future residential areas that border the SWCP area on the east. The MBP accomplished this with a list of allowed uses was limited to activities that have little or manageable noise, odor, dust, and traffic impacts that may conflict with residential uses, the MBP requirements for large lots and campus-style development and setting standards for controlling outdoor activities with screening and separation distances.

The proposed Tonquin Light Manufacturing Overlay adds the ML Planning District list of uses and five other Light and General Manufacturing uses from TDC Chapters 60 and 61 to the existing MBP uses in 64.020 and 64.030. As mentioned in Public Interest #2 above, the added ML and Overlay uses are similar to the MBP uses allowed in TDC Chapter 64 and do not represent increased conflicts with residential areas that would be nearby to the Overlay designated TIG properties. All other existing TDC standards for development that can consider residential issues including building design, parking, screening, landscaping access, and public facilities traffic improvements will continue to apply in the Architectural Review process.

The proposed Overlay addresses the concerns for industrial development impacts on residential areas in the vicinity of the SWCP area.

<u>Public Interest #4.</u> The Tonquin Industrial Group business and property owners were active participants during the development and adoption of the SWCP and implementing TDC amendments for the Manufacturing Business Park. The City

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Council heard and addressed the issues and concerns of the TIG during the public process for the SWCP while recognizing that the final adopted plan may not have resolved the TIG concern about non-conforming uses. When Council adopted the SWCP, they directed staff to continue working with TIG to find a way to allow the existing businesses in the TIG properties to annex to the City as conforming uses.

Prior to and following the adoption of the SWCP and the Manufacturing Business Park Planning District provisions in PTA-10-04, the Staff has continued to meet with the TIG group and their consultants to find a solution to their concerns while ultimately achieving the vision and goals of the Southwest Tualatin Concept Plan for the SWRSIA. As a product of the meetings, staff proposed the overlay approach that could address questions of allowed uses and development standards that the TIG agreed would be satisfactory.

The overlay will apply to the TIG properties, recognize the existing uses on the properties and allow for continuance and expansion consistent with existing Light Manufacturing (ML) Planning District standards. It includes means for annexation plans and Master Plans and standards of development that are intended to ensure adequate infrastructure and compliance with Tualatin's development standards. This satisfies Public Interest #4.

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. Following adoption of SWCP and implementing amendments in 2011, the City Council directed staff to work with the Tonquin Industrial Group to find a way to allow the existing businesses in the TIG properties to annex to the City as conforming uses. This step allowed the adoption SWCP to occur in a timely manner while committing to further discussions with TIG about their concerns.

The proposed PTA-12-01 creating a Tonquin Light Manufacturing Overlay in the Manufacturing Business Park Planning District follows the Council's direction while accommodating the TIG interests in a way consistent with the SWCP, Metro requirements and the TDC. This will allow TIG business and property owners to move forward with their annexation and development plans in a way that will be satisfactory to them. At the same time, the standards and requirements will ensure that the intent of the SWCP will be retained and TDC requirements will apply and not be left unresolved due to the timing and circumstances of development.

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Granting the proposed PTA-12-01 Tualatin Development Code amendment at this time will follow the Council's direction to accommodate the needs and timing of TIG development while retaining all SWCP and TDC policies and requirements that are in the public interest.

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 applicable objectives of the Tualatin Community Plan relating to the SWCP, as contained in the Tualatin Development Code (TDC), were considered in PTA-10-04 and PMA-10-02 and adoption of the SWCP and found to have been met. The proposed amendment PTA-12-01 is consistent with the extensive discussion of the objectives relevant to PTA-10-04/PMA-10-02. Specific Objectives relevant to PTA-12-01 are discussed below:

Chapter 4. Community Growth Section 4.050. General Growth Objectives

(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

PTA-12-01 proposes the additional uses and standards for the Tonquin Light Manufacturing Overlay within the SWCP area and Manufacturing Business Park (MBP) Planning District that are intended to minimize conflicts between industrial uses and to residential areas that border the east side of the SWCP area. Overlay is consistent with the MBP district and will limit uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. Coordinated design and development allows for maximized use of public facilities in the area. The objective is met

Chapter 7. Manufacturing Planning Districts Section 7.030. Objectives

(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.

PTA-12-01 proposes additional light manufacturing uses and standards of development for the portion of the SWCP area proposed for an Overlay. The existing MBP designation and development regulations minimize land use conflicts by providing an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee-oriented activity. The district also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or adjacent residential areas of the City. The proposed Overlay will maintain the MBP requirements that protect other uses including residential from adverse environmental impacts. The objective is met

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Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The 431 acre SWCP area and the SWRSIA is bounded on the north and partially on the east by the City of Tualatin. The balance of the area on the east, south and west is bounded by unincorporated Washington County. The area touches SW Tualatin-Sherwood Road and SW Blake Street on the north and SW Tonquin Road on the south. Adjacent land uses include the following: agricultural and newly developing light industrial to the north; rural, forestland, and aggregate extraction to the west; rural, industrial, and aggregate extraction to the south; and rural and residential to the east.

The TIG properties and proposed Tonquin Light Manufacturing Overlay are located at the southern portion of the SWCP area (Attachment D). The TIG properties are partially developed, have limited structural and site improvements, have a mix of vacant and developed parcels, a mix of cleared ground and of undisturbed areas with trees and occupied by a mix of existing various light industrial businesses. This area is bordered by the large gravel extraction facilities and has been outside the Urban Growth Boundary until 2004.

Trends in land improvement and development.

The proposed amendment responds to the desire of TIG owners to expand their businesses in light of the business growth and opportunity to be eligible for urban development and obtain urban services in an area currently restricted to Washington County zoning. The designation of the SWCP area and TIG properties as a SWRSIA represents a changing trend in the improvement and development of this area. The constraints of the availability and relatively unimproved condition of public facilities in the SWCP area remain a significant factor in development of the area.

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

The proposed amendment considers the needs of business and future development of the SWCP area. The Overlay is intended to provide TIG owners with a way to continue and enlarge their facilities in the promising SWCP area without the constraint of a non-conforming use designation that exists under the current TDC provisions .

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

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The proposed amendment will not affect needed rights-of-way or access in the downtown area.

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.

The proposed Overlay is consistent with the environmental and land use provisions that are in the MBP Planning District standards of TDC Chapter 64 and other TDC Chapters such as 63-Environmental Regulations, Chapter 73 Community Design Standards. The standards are intended to protect the public need for healthful, safe and aesthetic surroundings and conditions.

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.

The Statewide Planning Goals were considered in preparation of the Southwest Tualatin Concept Plan and reviewed as part of PTA-10-04 and PMA-10-02. 12 of the Goals were considered and found to be met.

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In regard to PTA-12-01 as an amendment to the MBPark provisions of TDC Chapter 64, staff determined that it does not affect the Goals in a way different from the findings and conclusions with the amendments of PTA-10-04.

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

The Metro Urban Growth Management Functional Plan (MUGMFP) was approved November 21, 1996, by the Metro Council, and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. The Functional Plan must be addressed when Community Plan Text and Map Amendments are proposed through the quasi-judicial or legislative processes. Specifically, Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan must be addressed, including the applicable Titles.

The UGMFPlan was adequately addressed in the findings and conclusions of PTA-10-04 and PMA-10-02 approving the SWCP and the implementing of the MBP Planning District. The proposed allowed uses (Permitted and Conditional) in PTA-12-01 conform to Title 4 Industrial and Other Employment Areas.

The proposed PTA-12-01 creating the Tonquin Light Manufacturing Overlay in TDC Chapter 64 is consistent with the findings and conclusions for the UGMFPlan in the adoption of PTA-10-04 and PMA-10-02.

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.

TUALATIN PLANNING COMMISSION - MINUTES OF September 4, 2012

TPC MEMBERS PRESENT:

Mike Riley Alan Aplin Steve Klingerman Nic Herriges (*arrived during Agenda Item 2*) Bill Beers Jeff DeHaan (*arrived during Agenda Item 2*) Cameron Grile STAFF PRESENT:
Aquilla Hurd-Ravich
Kaaren Hofmann
Will Harper
Lynette Sanford

TPC MEMBER ABSENT: None

GUESTS: Matt Hastie, Wendie Kellington, Ross Connor, Nick Storie, Steve Titus, Donna Albertson, Bruce Vincent, Mark Brown, Linda Moholt, Howard Stukey

1. CALL TO ORDER AND ROLL CALL:

Chair Riley called the meeting to order at 6:32 pm. Roll call was taken.

2. APPROVAL OF MINUTES:

June 5, 2012 and August 9, 2012

Mr. Riley asked for review and approval of June 5, 2012 TPC meeting minutes. MOTION by Aplin SECONDED by Riley to approve the June 5, 2012 TPC meeting minutes. MOTION PASSED 5-0.

Mr. Riley asked for review and approval of the August 9, 2012 TPC meeting minutes. MOTION by Klingerman SECONDED by Grile to approve the August 9, 2012 TPC meeting Minutes. MOTION PASSED 5-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA): None

4. <u>ACTION ITEMS:</u>

A. Amending the Tualatin Development Code (TDC) Chapter 64-Manufacturing Business Park Planning District-adding provisions for a Tonquin Light Manufacturing Overlay. Adding TDC 64.036. Plan Text Amendment 12-01. This is a legislative action by the City.

Will Harper, Senior Planner, presented the staff report on amending the Tualatin Development Code (TDC) Chapter 64. This is a legislative action by the City and staff recommends the Tualatin Planning Commission consider the staff report and findings and make a recommendation to the Council approving the amendment proposed in PTA-12-01.

In summary, the Tonquin Industrial Group (TIG) includes nine business owners located on eight parcels (approximately 50 acres) in the southeast part of the Southwest Concept Plan (SWCP) area north of SW Tonquin Road and west of the Portland and Western railroad tracks. None of the TIG properties are currently annexed to the City and according to the TIG, several uses are classified as non-conforming in Washington County zoning. The TIG members participated in the SWCP process and the implementing Plan Map and Plan Text Amendment process to advocate for their concerns about planning and development issues that affect their portions of the SWCP area and the SWRSIA designated by Metro.

The overlay proposed in PTA-12-01 will permit the following uses:

- Apply to the TIG properties
- Recognizes the existing uses on the properties and allow for continuance and expansion consistent with existing Light Manufacturing (ML) Planning District standards
- Requires an annexation agreement to ensure adequate infrastructure and compliance with Tualatin's development standards prior to annexation to the City
- Master Planning and Development standards are required in the underlying MBP Planning District that development in the TIG will have to conform to.

Mr. Riley called for public comment.

Bruce Vincent, 416 Laurel Ave #3, Tillamook, OR, stated that he was here to represent Tonquin Industrial Group. Mr. Vincent explained that he has been in the planning consulting business for 25 years and helps businesses through planning and zoning projects. He has a long standing involvement with this group. From the period of 1995-1999 he prepared application filings and prepared county approvals for businesses in the TIG. In 2003-04 he worked with them to include them in the Metro Urban Growth Boundary. Beginning in 2010, he began working on the SWCP and appreciates staff bring this to Council. Mr. Vincent stated that if we didn't have this overlay, TIG businesses will be left as non-conforming uses. Without the proposed overlay, these businesses will stagnate with future viability in jeopardy. He believes that the proposed overlay completes the SWCP and strongly supports it.

Ross Connor, 8923 SE Emily Parkway, Happy Valley, OR, stated that he is a principal real estate broker and has been a reference for the business owners on how this will affect their properties. Mr. Connor acknowledged that it's evident that the owners want to continue to grow and operate. This overlay will facilitate the financing of new capital and jobs around the area. If this isn't zoned correctly, the prospect for growth will be severely limited. As a planning perspective, there is a lack of industrial land and rail in the Portland Metro area. Rail access is important and the overlay will facilitate this. In conclusion,

TIG will continue to contribute to the City and the overlay is important. Mr. Riley asked if the owners currently use the rail line. Mr. Connor responded that they are not currently, but it can be advantageous in the future.

Hank Stukey, PO Box 3616, Portland, OR lives on Parrot Mountain and currently owns eleven plus acres near TIG. He employs 21 people out of the facility and all earn a family wage job. Mr. Stukey stated that they have been in limbo for several years since they were put in the FD 20 zoning pending future annexation in the City.

When the SWCP was developed, it had gone from industrial zoning to more of a white glove Manufacturing Business Park. Mr. Stukey added that it makes their businesses non-conforming and difficult to grow and add jobs. They worked out the agreement with the City Council to support the SWCP providing the overlay will allow them to maintain and grow their businesses. Mr. Klingerman asked if the TIG started with these businesses or did they form the group. Mr. Stukey responded that the group formed in 2004 to be included in the Urban Growth Boundary and wanted to be a significant industrial area. Mr. Riley asked if the overlay is about the future operation of this business. Mr. Stuky responded that this allows their uses to be conforming under the SWCP and increase their opportunities.

Wendie Kellington, PO Box 159, Lake Oswego, OR addressed the issue of non-conforming uses. Ms. Kellington stated that there are three problems with any business being labeled as a non-conforming use. The first is regulatory, the second is market, and the third is financing. If a business is a non-conforming use, it's very difficult to acquire money for new equipment, technology, and obtain mortgages. Mr. Herriges inquired about the status of the north side of Basalt Creek. Ms. Hurd-Ravich responded that the concept planning in terms of land use is yet to begin.

Nick Storie, 7503 SE Holgate, Portland, OR. Mr. Storie stated that he owns a heavy construction business with property by the railroad tracks. He acknowledged that he employs many people with a decent wage. They would like to be part of the SWCP and overlay. Mr DeHaan asked if any of the nine properties/businesses are listed for sale. Mr. Storie responded that they are not for sale. Discussion continued regarding setbacks and the railroad.

Mark Brown, PO Box 1166, Tualatin, OR. Mr. Brown said that his company, Brown Transfer, serves Tualatin businesses and submitted letters of support to City Council for the overlay. He can't see any reason to decline the overlay. Mr. Brown added that all of the businesses in the 50 acres work together and share costs. Mr. DeHaan inquired about the annexation agreement and what is accomplished by it. Mr. Harper responded that the Manufacturing Business Park requires a Master Plan prior to development and improvements. Annexation may precede development that requires improvements and brings up all the questions of infrastructure such as storm water, provisions, sewer,

roads, and who's going to pay.

Mr. Stukey added that an annexation agreement was discussed early in this process and they determined that it was too premature to discuss this without having the overlay in place. The other issue is since they're on the south end; it was assumed we would be the last to receive services, so they were reluctant to pay for the whole area.

Steve Titus, 10170 SW Sedlak Ct, Tualatin, OR, became interested in this when the SWCP appeared to be a conflict with Metro. The Council was clear with their intentions to create an overlay. He's here tonight to offer support and make sure this gets accomplished.

Linda Moholt, from the Tualatin Chamber of Commerce, agrees with the previous testimonies. She believes that the nine separate business owners had a courageous vision of placing their businesses here. Due to their choices, we now have access to the third largest industrial zoned land in the Metro region. She appreciates the time the staff has spent to have this done correctly and believes this will provide the jobs we need in the future.

Jan Giunta, 17655 SE Shawnee Trail, Tualatin, OR is an Officer of the CIO program and one of the co-founders. She has made two site visits to TIG, and has also spoken with the neighbors. Neither neighbor nor CIO member had any concerns. From the CIO point of view, they have no concerns with this and encouraged the Commission members to adopt this amendment.

MOTION BY Klingerman SECONDED by Aplin to recommend approval of the amendment proposed in PTA-12-01. MOTION PASSED 7-0.



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR SEPTEMBER 24, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank

Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Attorney Sean Brady; Police Chief Kent Barker; Operations Director Dan

Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Senior Planner Will Harper; Deputy City Recorder Maureen Smith

1. CALL TO ORDER

Council President Monique Beikman called the work session to order at 5:32 p.m.

2. Update on a Proposed Tonquin Light Manufacturing Overlay in the Southwest Concept Plan Area and Proposed Plan Text Amendment PTA-12-01

Planning Manager Aquilla Hurd-Ravich and Senior Planner Will Harper presented an update of the Tonquin Industrial Group (TIG) overlay in the Southwest Concept Plan area, proposed Plan Text Amendment PTA-12-01.

Senior Planner Harper reviewed key points and background of the proposed overlay. Council direction was to find a way to allow the existing businesses to annex to the City as conforming uses. He explained how the overlay would work with the surrounding areas and additional uses that the overlay will allow. Property owners of TIG are eligible for the overlay. A map was shown indicating where the overlay would be with respect to the Southwest Concept Area.

Questions were asked and answered about if property owner sells before the Southwest Concept Plan occurs, the overlay carries over to the *property*, and Tualatin's standards/regulations would apply with regards to clean-up of a particular property. It was asked about allowing for certain restaurant types such as drive-ups in the northern portion of the area. Senior Planner Harper explained how the issue came about. Brief discussion followed.

Staff will follow-up on the issue of drive-up restaurants, and will be back before Council on October 8, 2012 with a public hearing.

3. Update on Juanita Pohl Center Management Transition



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109 Phone: 503-684-0360 Fax: 503-620-3433 E-mail: legals@commnewspagers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of The Times (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin Notice of Public Hearing/PTA12-01 TT11718

A copy of which is hereto annexed, was published in the entire issue of said newspaper for

week in the following issue: September 20, 2012

Charlotte Allsop (Accounting Mahager) Subscribed and sworn to before me this September 20, 2012.

NOTARY PUBLIC FOR OREGON
My commission expires Reb 20 2011a

Acct #109400

Acct #108462

Attn: Lynette Sanford

City of Tualatin, Planning Department

18880 SW Martinazzi Ave

Tualatin, OR 97062

Size: 2 x 4.75"

Amount Due: \$85.97* *Please remit to the address above.



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, October 8, 2012 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

Plan Text Amendment (PTA) 12-01 Amending the Tualatin Development Code (TDC) Chapter 64-Manufacturing Business Park Planning District- adding provisions for a Tonquin Light Manufacturing Overlay and adding a definition of "call center or customer service center". Adding TDC 64.036 and Amending TDC 31.060-Definitions.

The proposal would create an overlay for the Tonquin Industrial Group (TIG) properties located in the Southwest Concept Plan (SWCP) area and designated in the Manufacturing Business Park (MBP) Planning District. The overlay allows certain uses that are consistent with the Light Manufacturing (ML) Planning District as permitted or conditional in respect to the existing uses on properties in the TIG and provide standards for development consistent with the MBP Planning District and the Regional Significant Industrial Area.

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

You are invited to attend and participate in the public hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

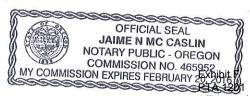
Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

To view the application materials visit www.ci.tualatin.or.us/landusenotices. This meeting and any materials being considered can be made accessible upon request. For additional information, contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON

Publish 09/20/2012.

TT11718





AFFIDAVIT OF POSTING

| STATE OF OREGON)) SS |
|---|
| COUNTY OF WASHINGTON) |
| I, Lynette Sanford , being first duly sworn, depose and say: |
| That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted three copies of the Notice of Hearing on the13 day ofSeptember 2012, a copy of which Notice is attached hereto; and that I posted said copies in three public and conspicuous places within the City, to wit: |
| City of Tualatin – Council Building |
| 2. City of Tualatin – Development Services Building |
| 3. City of Tualatin - Library |
| Dated this13 day ofSeptember, 2012 Lynette Sanford |
| |
| Subscribed and sworn to before me this 19th day of September, 2012. |
| OFFICIAL SEAL LINDA KAY ODERMOTT NOTARY PUBLIC - OPEGON |
| COMMISSION NO. 437926 WY COMMISSION EXPIRES MARCH 30 3032 My Commission expires: |

RE: PLAN TEXT AMENDMENT (PTA) 12-01 AMENDING THE TDC CHAPTER 64-MANUFACTURING BUSINESS PARK PLANNING DISTRICT. ADDING TDC 64.036 AND AMENDING TDC 31.060-DEFINITIONS.



City of Tualatin

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The proposal would create an overlay for the Tonquin Industrial Group (TIG) properties located in the Southwest Concept Plan (SWCP) area and designated in the Manufacturing Business Park (MBP) Planning District. The overlay allows certain uses that are consistent with the Light Manufacturing (ML) Planning District as permitted or conditional in respect to the existing uses on properties in the TIG and provide standards for development consistent with the MBP Planning District and the Regional Significant Industrial Area.

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

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CITY OF TUALATIN, OREGON

NOTICE TO THE TUALATIN TIMES: Please publish on September 20, 2012



AFFIDAVIT OF MAILING

| STATE OF OREGON)) ss |
|--|
| COUNTY OF WASHINGTON) |
| |
| I, <u>Lynette Sanford</u> , being first duly sworn, depose and say: |
| That on the 21st day of September 2012, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Land Use Notice, marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon. |
| Signature Sauful 9-25-12 Date |
| |
| SUBSCRIBED AND SWORN to before me this 25th day of September, 2012. |
| Lender K Odernott |
| OFFICIAL SEAL Notary Public for Oregon Notary Public - OREGON COMMISSION NO. 437926 Notary Public for Oregon My commission expires: March 30, 2013 |

RE: PLAN TEXT AMENDMENT (PTA) 12-01. AMENDING THE TDC CHAPTER 64-MANUFACTURING BUSINESS PARK PLANNING DISTRICT-ADDING PROVISIONS FOR A TONQUIN LIGHT MANUFACTURING OVERLAY. ADDING TDC 64.036 AND AMENDING TDC 31.060.



City of Tualatin

www.ci.tualatin.or.us

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Plan Text Amendment (PTA) 12-01 Amending the Tualatin Development Code (TDC) Chapter 64-Manufacturing Business Park Planning District- adding provisions for a Tonquin Light Manufacturing Overlay and adding a definition of "call center or customer service center". Adding TDC 64.036 and Amending TDC 31.060-Definitions and Amending TDC Map 9-5.

The proposal would create an overlay for the Tonquin Industrial Group (TIG) properties located in the Southwest Concept Plan (SWCP) area and designated in the Manufacturing Business Park (MBP) Planning District. The overlay allows certain uses that are consistent with the Light Manufacturing (ML) Planning District as permitted or conditional in respect to the existing uses on properties in the TIG and provide standards for development consistent with the MBP Planning District and the Regional Significant Industrial Area.

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CITY OF TUALATIN, OREGON

NOTICE TO THE TUALATIN TIMES: Please publish on September 20, 2012

2S134C000900 2S134C000901 2S134C000800 MORSE BROS INC TONQUIN INDUSTRIAL LLC **CLAY LLC** 32260 OLD HWY 34 PO BOX 3616 17010 SW MEIR RD TANGENT, OR 97389-9770 PORTLAND, OR 97208-3616 BEAVERTON, OR 97007 2S134C000500 2S134C000401 2S134C000400 **TIGARD SAND & GRAVEL CO INC** ROGERS CONSTRUCTION INC **RUKKE LESLIE D** PO BOX 4810 PO BOX 4810 **PO BOX 144** TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 **WILSONVILLE, OR 97070-0144** 2S134C000300 2S134C000200 2S134C000100 CARL H JOHNSON FAMILY L P IV MCCAMMANT PROPERTIES INC ALBERTSON ROBERT G & DONNA K c/o JOHNSON CARL H TRS PO BOX 1166 PO BOX 1329 8965 SW BURNHAM TUALATIN, OR 97062-1166 SHERWOOD, OR 97140-1329 TIGARD, OR 97223-6102 2S134B000800 2S134B000700 2S134B000600 **TIGARD SAND & GRAVEL CO INC** OREGON ASPHALTIC PAVING CO MCGUIRE BROS LLC PO BOX 4810 PO BOX 4810 BY MCGUIRE BEARING CO TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 947 SE MARKET ST PORTLAND, OR 97214-3556 2S134B000500 2S134B000400 2S134B000300 **TIGARD SAND & GRAVEL CO INC** ALBERTSON TRUCKING INC **TIGARD SAND & GRAVEL CO INC** PO BOX 1329 PO BOX 4810 PO BOX 4810 SHERWOOD, OR 97140-1329 TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 2S134B000200 2S134B000100 2S127DC02700 **TIGARD SAND & GRAVEL CO INC TIGARD SAND & GRAVEL CO INC** TIGARD SAND & GRAVEL CO INC PO BOX 4810 PO BOX 4810 PO BOX 4810 TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 2S127C000900 2S127C000800 2S127C000701 **TIGARD SAND & GRAVEL CO INC** OREGON ASPHALTIC PAVING CO ITEL KENNETH E 12155 SW TUALATIN-SHERWOOD RD PO BOX 4810 PO BOX 4810 TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 TUALATIN, OR 97062-6828 2S127C000700 2S127C000500 2S127C000401 DTI PROPERTIES LLC ASHWOOD CONSTRUCTION INC ITEL KENNETH E BY DAYNE BARRETT INGRAM 12155 SW TUALATIN-SHERWOOD RD **PO BOX 580** 15836 SW MADRONA LN TUALATIN, OR 97062-6828 SHERWOOD, OR 97140-0580 SHERWOOD, OR 97140-9578 2S127C000400 2S127C000300 2S134AC00100 **TIGARD SAND & GRAVEL CO INC TIGARD SAND & GRAVEL CO INC** MCGUIRE BROS LLC PO BOX 4810 PO BOX 4810 BY MCGUIRE BEARING CO TUALATIN, OR 97062-4810 TUALATIN, OR 97062-4810 947 SE MARKET ST PORTLAND, OR 97214-3556

2S134AB04200

PO BOX 4810

TIGARD SAND & GRAVEL CO INC

TUALATIN, OR 97062-4810

2S134AB04300

PO BOX 4810

TIGARD SAND & GRAVEL CO INC

TUALATIN, OR 97062-4810

Attachment H PTA 1201 Affidavit of Mailing

TIGARD SAND & GRAVEL CO INC

TUALATIN, OR 97062-4810

2S134AB04100

PO BOX 4810

Easy Peel® Labels
Use Avery® Template 5160®

2S134DC00300 EMJ PROPERTIES LLC 7503 SE HOLGATE BLVD PORTLAND, OR 97206-3359 Feed Paper

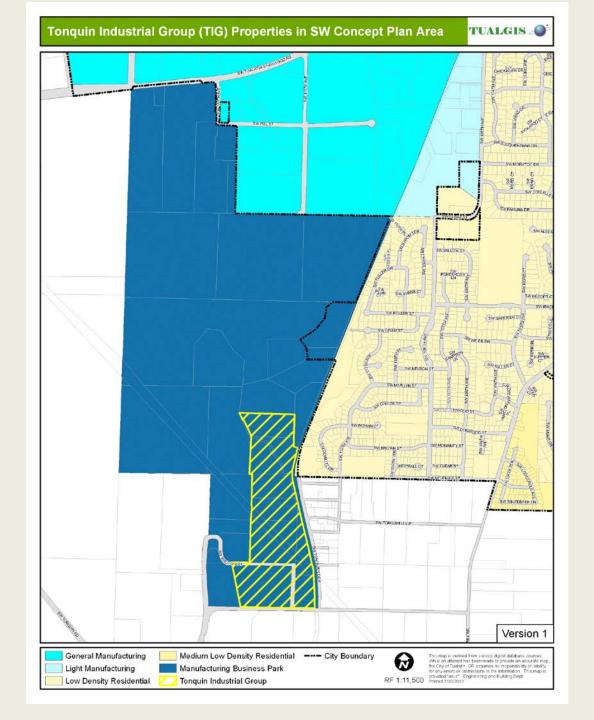
Bend along line to expose Pop-up Edge™



2S134DB03100 EMJ PROPERTIES LLC 7503 SE HOLGATE BLVD PORTLAND, OR 97206-3359

Plan Text Amendment PTA-12-01 Tonquin Light Manufacturing Overlay October 8, 2012







Amends TDC Chapter 64 -Manufacturing Business Park-

- Applies to Tonquin Industrial Group (TIG) properties located in the Southwest Concept Plan Area and designated in the Manufacturing Business Park (MBP) Planning District.
- Adds TDC 64.036 creating the Tonquin Light Manufacturing Overlay with certain allowed uses and standards.
- Amends TDC Map 9-5 to show Overlay.



- The proposed Overlay would add to the allowed uses listed in the MBP Planning District in 64.020 the following:
 - Permitted uses in the ML (Light Manufacturing) Planning District TDC 60.020.



- The proposed Overlay would add to the allowed uses listed in the MBP Planning District in 64.020 the following:
 - <u>Permitted uses</u> in the Tonquin Light Manufacturing Overlay:
 - (1) Contractor's shop & equipment storage,
 - (2) Machine shop including automotive and truck machine shop,
 - (3) Cold storage warehouse,
 - (4) Motor Freight facility, and
 - (5) Caretaker residence



- The proposed Overlay would add to the allowed uses listed in the MBP Planning District in 64.020 the following:
 - Conditional uses:

Restaurant (without drive-thru or drive-up, limited to maximum 3,000 sq. ft.) and

Industrial card lock fueling facility in TDC 64.036(4)(a, b).



- Annexation Agreement is required for Overlay properties.
- Amendment includes a Definition of "call center or customer service center" (currently allowed as a conditional use in the MBP)
- Planning Commission voted 7-0 recommending Council approve PTA-12-01.



The Tualatin Planning Commission Recommendation:
 At the September 4, 2011 TPC Meeting, a 7-0 Vote recommending Council approve PTA-12-01.



Council Discussion

Wendie L. Kellington Attorney at Law, P.C.

P.O. Box 159 Lake Oswego Or 97034 Phone (503) 636-0069 Mobile (503) 804-0535 Facsimile (503) 636-0102 Email: wk@wkellington.com

October 5, 2012

Via Electronic Mail Honorable Mayor Members of the City Council City of Tualatin Tualatin, Or

RE: October 8, 2012 Council Hearing on TIG Overlay

Dear Mayor and Members of the Council:

Thank you for this opportunity to comment on the proposed Overlay for the TIG area. We greatly appreciate the work of your staff and their elegant draftsmanship for the Overlay. Over the past many months we have collaboratively worked with staff to resolve many concerns and potential problems. In the spirit of collaboration, we reinforce below our understanding about the staff report, how the TIG overlay works and the Overlay's scope. If we misunderstand anything, please let us know as the below are fundamentally important to TIG.

- While there are statements in the packet documents that could be read otherwise, we understand that there is no current plan to apply new residential zoning to the area adjacent to the TIG properties. We agree with what we understand the staff report to be getting at: that the proposal is consistent with the SWCP as well as existing planning programs in the area regarding residential zoning. However, the TIG owners and operators are very sensitive to the suggestion that new residential zoning might be applied adjacent to their properties. This is why we write. You may know that it has been very important to the nine (9) TIG owners and operators to maintain the potential for a rail spur. TDC 64.060(5)(a) allows a spur unless "within 200 feet of an adjacent residential district." With the exception of perhaps one parcel to the northeast of the TIG area, there is no residential district "adjacent" to the TIG area at present. So, at present a spur is a reality when TIG property is annexed to the city. The TIG owners are participating in the Basalt planning effort to make clear the importance of not placing any residential district near them that introduces conflicts, but especially to oppose the same within 200 feet of their property lines. TIG's belief is that there is no Metro or other requirement that a residential district be established "adjacent" to the TIG area and they don't expect this to happen. While we don't think any of this needs to be resolved here, it is important to flag that we do not understand the Overlay agenda documents to be endorsement or foretelling of, residential zoning being applied adjacent to the TIG area.
- 2. Staff has assured the TIG owners that the Overlay as they drafted it allows the following uses and that the Overlay language need not be clarified to so state:

- a. Distribution center staff advises this will be allowed under the Overlay under TDC 60.020(20).
- b. The allowed warehousing, distribution and outdoor storage uses including heavy beams, trusses, concrete barriers, and the like coming in via rail or otherwise, being stored in and around a warehouse and then distributed to the ultimate destination.
- c. The outdoor storage screening requirement in TDC 73.160(4)(b) applies only to new outdoor storage uses. Further, that the requirement for a "sight obscuring fence" is designed to require new outdoor storage uses to have reasonable and practicable sight obscuring fencing, berming or landscaping or a combination. In other words, a new or expanded TIG use would not be denied merely because someone, somewhere, could see new outdoor storage. In this regard, we understand the city's view is that "obscure" implies an effort to screen to the extent it is reasonably practical to do, but does not mean "impossible to see". This is important given topography in the area and the types of storage associated with industry can make reasonable and practical obscuring options quite limited.
- d. Equipment storage allowed in new TDC 63.36(1)(c) may be indoors or out. If screening is sought by the city, it would be reasonable and practical, recognizing the size and mobility of equipment and topography of the area make screening options limited.
- e. The uses in TDC 60.020(9) are allowed and none of the TIG properties are within the Special Commercial setback referenced on Attachment C (TDC 60.020(9)) nor are they planned by the city to be.
- 3. The Overlay allows any property in the TIG area to develop or redevelop with any of the uses listed in the Overlay.
- 4. Each TIG property owner may develop their property and are not limited to developing only if aggregated with other property in (or outside of) the TIG area. There are no "large parcel development minimums" that apply to the TIG area, since there are no "large parcels" (defined as 50 acres or more) in the TIG area. See Attachment D Staff Report p 1.¹
- 5. Related to the above, the Industrial Master Plan is not written in the city code as a requirement other than for a land division. *See* Attachment D Staff Report p 2-4. Since the Industrial Master Plan requirement exists to maintain a 50 acre and a 100 acre parcel in the SWCP area, parcels that start off less than 50 acres that seek development approval, if they have

¹ While we understand that TIG could aggregate parcels and could then potentially develop as a single 50 acre parcel and thus supply the 50 acre (but not 100 acre) large lot site, nothing requires the TIG area to do so, since it does not even start off with this size.

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to submit an Industrial Master Plan, would only have to submit something general. In other words, if they don't start out at 50 acres or more, they can't promise how they will develop at 50 acres or more.

- 6. Individual TIG property owners are free to annex their individual properties and enter into annexation agreements there is no requirement that the TIG area annex as a whole or sign on to annexation agreements as a group.
- 7. We wish to clarify that the TIG uses are not all now considered nonconforming by the county. Several of them have conditional use permits as "Contractors' Establishments" which are now allowed in the county's FD-10 district. However, most if not all, would be nonconforming under the MBP zone without the overlay, were they to annex.
- 8. TIG does not object to a drive through window as the Mayor and council member suggested they would like to see. For what it is worth, we don't see a drive through window in this area being a destination for travelers elsewhere. Outside of this area there are many fast food alternatives for the traveling public on I-5 and in the city for example. The idea we thought the mayor and councilor had, was to get as many employees in this area as possible fed without having them needing to drive to some distant location. TIG simply wants you to know its members are neutral on this idea and would not dismiss it out of hand.

Thank you again for the courtesy and effort. We especially wish to thank your staff who have worked very hard to get to this place. We very much look forward to continuing to employ people in the TIG area with solid family wage jobs and be positioned to grow to be a part of a healthy economy for this area of the city and county. Without the Overlay, this would not likely have been possible. Thank you.

Very truly yours,

Wendie

Wendie L. Kellington

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