



TUALATIN CITY COUNCIL

Monday, March 24, 2014

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS 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 day of the meeting at www.tualatinoregon.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, partitions and architectural review.

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

TIME LIMITS FOR PUBLIC HEARINGS

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

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: 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) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring the Week of April 21 - 26, 2014 as "National Community Development Week" in the City of Tualatin
2. Announcement and Proclamation Declaring April 6 – April 12, 2014 Arbor Week in the City of Tualatin
3. Proclamation Declaring March 30 - April 5, 2014 as Volunteer Appreciation Week in the City of Tualatin
4. New Employee Introduction- Tami Bergeron, Human Resource Specialist
5. Update on Location of City Services

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

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

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 10, 2014
2. Consideration to Authorize the City Manager to execute the Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement and Withdraw from the Existing Agreement.

3. Consideration of Resolution No. 5177-14 Approving a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)
4. Consideration of Approval of 2014 Liquor License Renewals Late Submittals
5. Consideration of Approval of a New Liquor License Application for Grampys Inc.

E. SPECIAL REPORTS

1. Tualatin Planning Commission 2013 Annual Report
2. Tualatin Heritage Center 2013 Annual Report

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

1. Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway
2. Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01)

H. GENERAL BUSINESS

1. Consideration of Resolution 5186-14 authorizing execution of an Annexation Agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17685 and 17985 SW Pacific Highway (Tax Map 2S1 15C Tax Lots 2191, 2202, and 2300).
2. Consideration of Ordinance No. 1370-14 Allowing Small-Scale Mixed Uses and Mobile Food and Flower Vendors in Industrial Areas; and Amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69 (PTA-14-01).

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. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 03/24/2014

ANNOUNCEMENTS: Proclamation Declaring the Week of April 21-26, 2014 as “National Community Development Week” in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring the Week of April 21 - 26, 2014 as “National Community Development Week” in the City of Tualatin

Proclamation

Proclamation

Proclamation Declaring the Week of April 21-26, 2014 as "National Community Development Week" in the City of Tualatin

WHEREAS the week of April 21-26, 2014 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and

WHEREAS the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and sanitary housing, a suitable living environment and economic opportunities to low-and moderate-income people; and

WHEREAS the HOME Investment Partnerships (HOME) Program provides funding to local communities to create decent, safe, affordable housing opportunities for low-income persons. Nationally, over one million units of affordable housing have been completed using HOME funds; and

WHEREAS since the program's inception, our community has received a total of \$1,466,617 in CDBG funds;

NOW, THEREFORE BE IT PROCLAIMED that the City of Tualatin designates the week of April 21-26, 2014 as National Community Development Week in support of these two valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community.

BE IT FURTHER PROCLAIMED that this community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in FY 2015.

INTRODUCED AND ADOPTED this 24th day of March, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 2.

Meeting Date: 03/24/2014

ANNOUNCEMENTS: Arbor Week Proclamation

ANNOUNCEMENTS

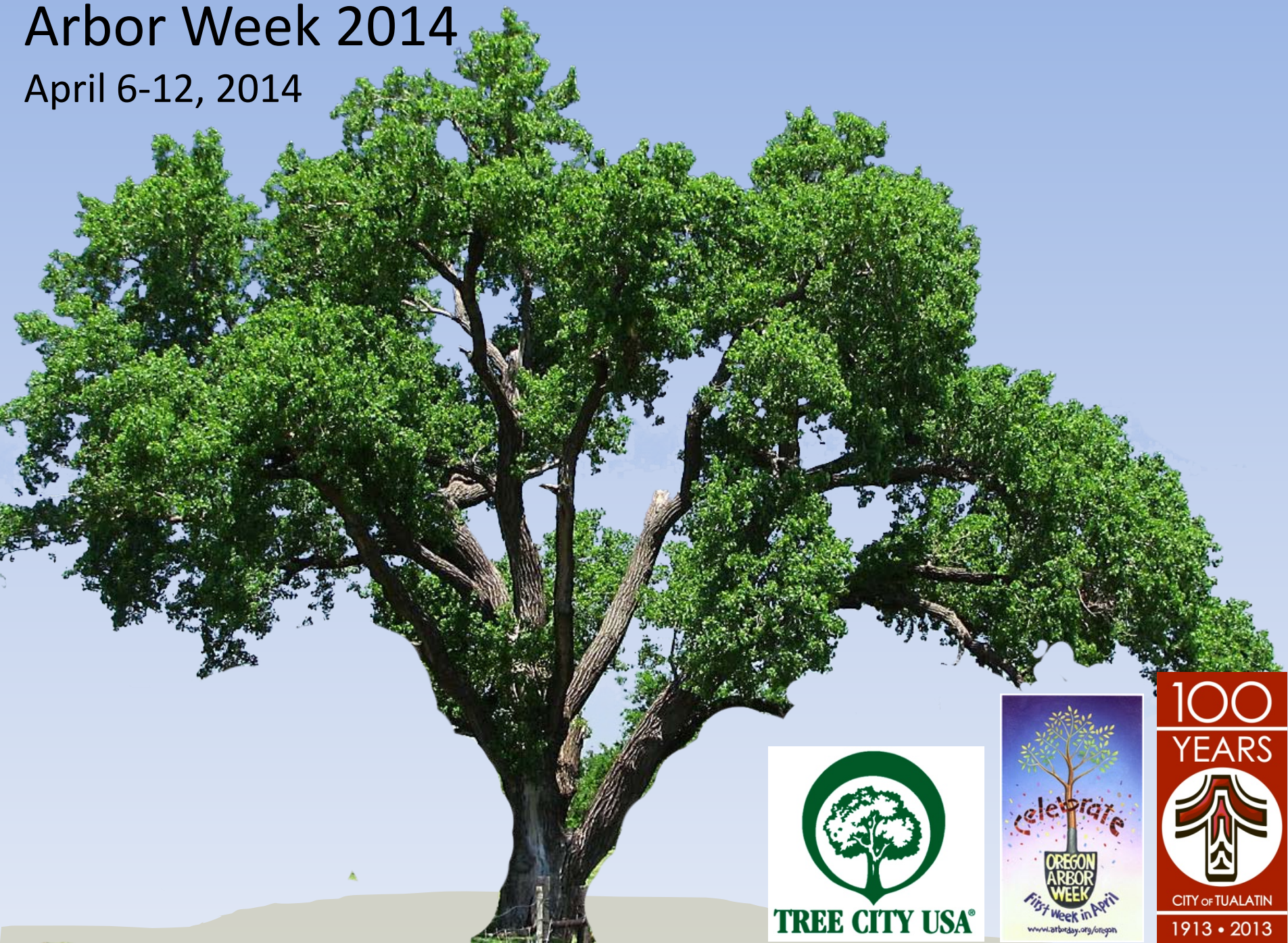
Announcement and Proclamation Declaring April 6 – April 12, 2014 Arbor Week in the City of Tualatin

A. Arbor Week 2014 announcement

B. Arbor Week 2014 Proclamation

Arbor Week 2014

April 6-12, 2014



Purpose of Arbor Week

Tualatin recognizes the first full week in April as **Arbor Week** to celebrate the many contributions that trees make to our lives and community.

A few of the many benefits of trees include:

- Environmental Benefits
- Economic Benefits
- Social Benefits
- Community Benefits



Arbor Week Events

Community:

- 5th Grade Poster Contest
- Photo Contest
- Arbor Week Proclamation
- Bird and Nature walk at the Tualatin Heritage Center
- Wetlands Work Party at the Tualatin Nyberg Marsh
- Tree themed story times at the Tualatin Public Library
- Flying of Tree City USA Flags and City offices and schools.
- Putting Down Roots tree planting event – April 12
- Naturalist Elaine Murphy will do a presentation with the theme “We All Need Trees” during the tree planting event.

Home:

- Plant a tree
- Read a book about trees. Learn to identify trees in your yard and neighborhood.
- Enjoy the outdoors. Visit a local park or take a nature hike.
- Attend a class on tree and plant care.

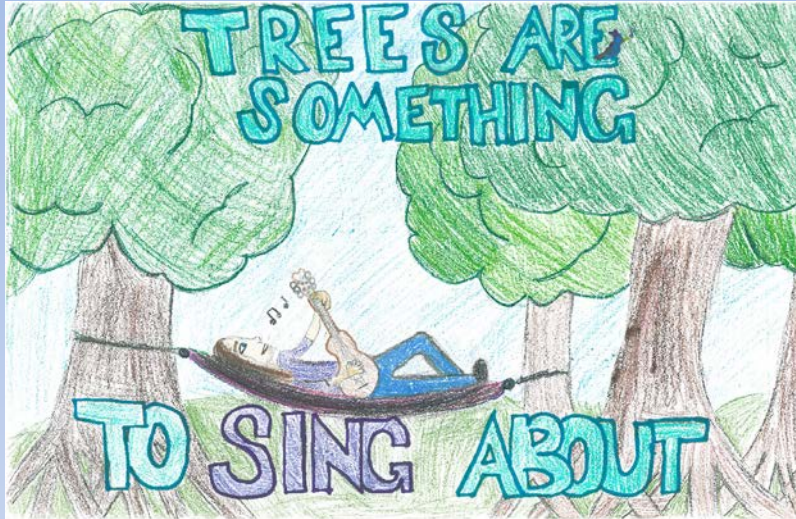


Arbor Week – April 6-12, 2014



5th Grade Poster Contest

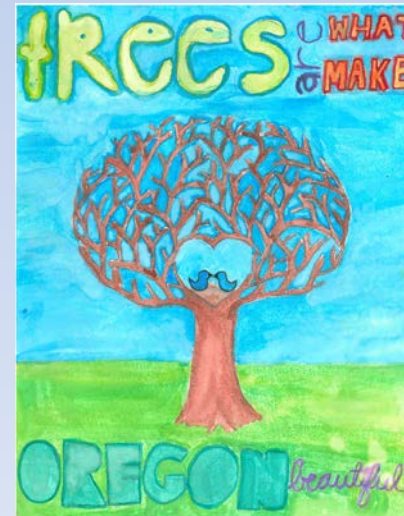
Theme "Trees Are _____"



Overall 1st Place Winner
Katie, Tualatin Elementary



Overall 2nd Place Winner
Isabella, Bridgeport Elementary



Overall 3rd Place Winner
Cate, Byrom Elementary



5th Grade Poster Contest

Theme "Trees are _____".

Bridgeport Elementary School

1st Place
Marcell



2nd Place- Sophia



3rd Place- Julz



2nd Place- Krista



3rd Place- Emma

Byrom Elementary School



1st Place- Sierra



2nd Place-Megan

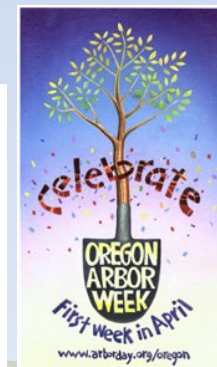


3rd Place- Claire

Tree City USA

- Awarded by the National Arbor Day Foundation in cooperation with the National Association of State Foresters, US Forest Service, US Conference of Mayors, and the National League of Cities.
- Recognize communities that have proven their commitment to an effective, ongoing community forestry program.

Tree City USA for a 27th consecutive year.





Proclamation Declaring
April 6 – April 12, 2014
Arbor Week in the City of Tualatin



Proclamation

Proclamation Declaring April 6 - April 12, 2014 Arbor Week in the City of Tualatin

WHEREAS Arbor Day is a celebration observed throughout the nation and the world in which individuals and groups are encouraged to plant, care for, and celebrate the many values of trees, and Arbor Day is observed in the State of Oregon during the first full week of April, which this year will be April 6 - 12, 2014; and

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

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

WHEREAS 2014 marks the 27th consecutive time the City of Tualatin has been certified as a Tree City USA by the National Arbor Day Foundation for following best-practices in urban forestry management and Tualatin has received the Tree City USA Growth Award 12 times for outstanding achievement in strengthening its tree care program.

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

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

Section 2. The citizens of the City of Tualatin support the Oregon Department of Forestry and the National Arbor Day Foundation in their recognition of the value of trees and forests by proclaiming April 6 - 12, 2014, as Arbor Week in Tualatin.

INTRODUCED AND ADOPTED this 24th day of March, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 3.

Meeting Date: 03/24/2014

ANNOUNCEMENTS: Volunteer Appreciation Week Proclamation

ANNOUNCEMENTS

Proclamation Declaring March 30 - April 5, 2014 as Volunteer Appreciation Week in the City of Tualatin

Volunteer Appreciation Week Proclamation

Proclamation

Proclamation Proclaiming March 30-April 5, 2014 as "Volunteer Appreciation Week" in the City of Tualatin

WHEREAS the foundation of a humane and just society is the people's willingness to work together for the common good; and

WHEREAS 1,845 volunteers contributed 28,800 hours of their time, in 2013, an equivalent of about 14 full time employees, to the betterment of our community; and

WHEREAS volunteers give freely of their time, energy, and ingenuity, and ask only for a thank you for their countless hours of service; and

WHEREAS it has been a long standing tradition in our community for individuals and families to volunteer to improve our community; and

WHEREAS it is fitting to recognize our volunteers for their service;

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

Section 1. The week of March 30-April 5, 2014, to be proclaimed "Volunteer Appreciation Week" in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their dedicated, selfless, and compassionate efforts; they are truly our treasure!

INTRODUCED AND ADOPTED this 24 day of March, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/24/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 10, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of March 10, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minutes for March 10, 2014
City Council Meeting Minutes for March 10, 2014



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MARCH 10, 2014

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

Absent: Councilor Joelle Davis

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;
Present: Assistant City Manager Alice Cannon; Planning Manager Aquilla Hurd-Ravich;
Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris;
Human Resources Manager Janet Newport

CALL TO ORDER

Council President Beikman called the meeting to order at 6:30 p.m.

1. ***Recommendations for 2013 Outstanding Volunteers.***

City Manager Sherilyn Lombos and Human Resources (HR) Manager Janet Newport presented the nominations for the 2013 Volunteer of the Year award. HR Manager Newport stated that there were 18 nominations across 5 categories. A selection committee comprised of 2 city staff and Council President Beikman met to rank each nominee based on set criteria. The Council discussed nominations and agreed on which nominees would receive the awards.

HR Manager Newport invited the Council to attend the Volunteer Appreciation event on April 3 at 6pm.

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

Council President Beikman asked for an update on HB 1531 from City Attorney Sean Brady. City Attorney Brady briefed the Council on the changes made to HB 1531. City Manager Lombos said staff will present additional information at the March 24 work session.

Mayor Ogden asked clarifying questions regarding the sunset date on the moratorium that is currently in place. He asked if Council would be interested in extending the sunset date to be consistent with the state.

Councilor Bubenik attended the MITCH Charter School auction on Saturday night. The event was well attended and raised money for new technology in the school.

Councilor Brooksby attended a tour of the MITCH Charter School and met with the principle. The principle expressed interested in working with the city on future events.

Mayor Ogden asked about the potential of rezoning the Mohave Court Industrial Area. He

feels that the area needs a long term vision for commercial businesses in the area. Mayor Ogden asked if Council was interested in having further information brought to a future meeting from staff. Council President Beikman asked that Council have an opportunity to ask questions first. City Manager Lombos stated that the topic will be added to the March 24 meeting for further discussion.

ADJOURNMENT

The work session adjourned at 7:01 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 10, 2014

Present: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden; Councilor Joelle Davis

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;

Present: Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Associate Planner Cindy Hahn; Engineering Manager Kaaren Hofmann; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update

Members of the Youth Advisory Committee (YAC) presented a Power Point on their latest activities and upcoming events. YAC has begun revising and updating curriculum for their annual Project FRIENDS workshop scheduled for May 23. Other upcoming projects include a Youth and Elected Leader Social, Teen Extravaganza, and preparation for the Crawfish Festival and Movies on the Commons. YAC will also be assisting with the Tualatin TRYathlon to be held June 7 at Tualatin High School.

2. Southwest Corridor Open House

Management Analyst Ben Bryant invited the community to the Southwest Corridor Open House on March 20, 6-8pm, at the Tualatin Police Department Training Room. This will be an opportunity for citizens to discuss mass transit in the area.

C. CITIZEN COMMENTS

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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.

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 5 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of February 24, 2014
2. Consideration of **Resolution No. 5158-13** Authorizing a Personal Services Agreement for Final Engineering for the C2 Water Reservoir
3. Consideration of an Intergovernmental Agreement between the City of Portland and the City of Tualatin for Access to the Regional Justice Information Network [RegJIN]
4. Consideration of Approval of 2014 Liquor License Renewals Late Submittals

E. SPECIAL REPORTS

1. Tualatin Riverkeepers Update- Mike Skuja, Executive Director
Tualatin Riverkeepers Executive Director Mike Skuja presented the annual update. The Riverkeepers are preparing for their summer education programs with several children's camps being planned. New partners have been brought on board this year including the Good Neighbor Center and Rumbo al Rio. Several events have been held this year including stormwater reduction awareness and river cleanups. Upcoming events include Discovery Days, the Political Paddle Race, and the Green Heron Gala. Mr. Skuja thanked the City for their contributions to the program.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Plan Text Amendment (PTA) 14-01 Amending Chapters 60, 61, and 62 of the Tualatin Development Code (TDC) to Allow Small-Scale Mixed Uses and Modifications to Chapters 34 and 69 to Implement Recommendations from Linking Tualatin.

Council President Beikman introduced the public hearing for consideration of Plan Text Amendment (PTA) 14-01 amending Chapters 60, 61, and 62 of the Tualatin Development Code (TDC) to allow small-scale mixed uses and modifications to Chapters 34 and 69 to implement recommendations from Linking Tualatin.

Associate Planner Cindy Hahn and Assistant City Manager Alice Cannon presented the staff report. Planner Hahn stated PTA 14-01 will allow more flexibility within manufacturing districts, support transit, and help implement the Linking Tualatin final plan. The proposed code amendments state the primary use in the area must be industrial and limits percentages of mixed uses with 80-foot setbacks to SW Tualatin-Sherwood Road and residential districts

Planning Commissioner Bill Beers presented the Planning Commission's recommendations. The Planning Commission voted to recommend approval with two changes. Changes included allowing mobile food carts and requiring conditional use permits for drive-up or drive through facilities. The commission requested that staff initiate work on a new PTA to include larger dimensions for mobile food carts.

PUBLIC COMMENT

None

COUNCIL QUESTIONS

None

MOTION by Councilor Ed Truax, SECONDED by Councilor Frank Bubenik to adopt Plan Text Amendment (PTA) 14-01 with modifications to the office, retail, and service uses allowing them to be located in a stand-alone building or combined in a building with other permitted uses or separately as a mobile food and flower vendor in conformance with TDC 34.013 and direct staff to initiate work on a subsequent Plan Text Amendment to TDC 34.013 to expand mobile food and flower vendors to include larger dimension mobile carts and pods.

Discussion on the Motion

Councilor Truax explained that he did not include the recommendation for conditional use permits for drive-ups in his motion as he believes that this will not be a problem in the area.

Councilor Bubenik asked for clarification regarding what the restrictions are on a drive-up in the area. Planner Hahn stated establishments would have to be less than 5000 square feet.

Vote: 5 - 0 MOTION CARRIED

G. 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.

H. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik invited everyone to attend the annual Vine2Wine fundraiser for the Library Foundation on April 19th, 7pm, at the Library.

I. ADJOURNMENT

Council President Beikman adjourned the meeting at 7:34 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor

City Council Meeting

D. 2.

Meeting Date: 03/24/2014

CONSENT Authorize the City Manager to enter into an IGA with Managing Oregon Resources
AGENDA: Efficiently (MORE)

CONSENT AGENDA

Consideration to Authorize the City Manager to execute the Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement and Withdraw from the Existing Agreement.

SUMMARY

The City of Tualatin utilizes Intergovernmental Agreements (IGA's) with outside agencies to increase efficiency and productivity in completing maintenance tasks. The City previously entered into an IGA with Portland Metropolitan Area Transportation (PMAT) in 2012.

In March, 2013 a replacement IGA was drafted to clarify some minor issues with the PMAT IGA. Some of the areas of clarification included:

- New IGA is more generic in name with no reference to city or region and is more welcoming elsewhere throughout the state.
- Types of agencies has been broadened to include public works, municipal, transportation, engineering, construction, operations, maintenance, service districts, emergency management and related activities.
- The paragraph regarding exchanging equipment catalogs was omitted to alleviate the need for updating catalogs.
- Legal terms and IGA definitions were re-worked and simplified.
- The new IGA is now on the web for easier access and allows for a more sustainable future. Partner agencies will be able to go directly to the website and download all signature pages which allows for a more manageable agreement.

The new IGA is titled Managing Oregon Resources Efficiently (MORE) and is available to all public agencies in Oregon and provides for a diversity of services. This new MORE IGA allows public agencies to share resources including equipment, materials and services for public works, engineering, transportation, construction, operations, maintenance, emergency management and related activities. There is no financial cap to this IGA, and there is no expiration date.

In 2012, Operations utilized the PMAT IGA by contracting with Multnomah County for road striping services and saved over \$10,000 on the project.

Staff is requesting that the Council authorize the City Manager to execute the new replacement MORE IGA and withdraw from the previous PMAT IGA.

A - MORE IGA

MANAGING OREGON RESOURCES EFFICIENTLY {**MORE**}

INTERGOVERNMENTAL AGREEMENT for resources and services

This Agreement is made between the SIGNED PARTIES pursuant to the authority provided by ORS Chapter 190 and shall be referred as the **MORE-IGA** {Managing Oregon Resources Efficiently Intergovernmental Agreement} ("**AGREEMENT**").

WHEREAS:

1. Each **PARTY** owns certain equipment and materials, and provides services that may be useful to another **PARTY** for public works, municipal, transportation, engineering, construction, operations, maintenance, service districts, emergency management and related activities; and
2. The **PARTIES** agree that sharing equipment, materials, and services promotes the cost-effective and efficient use of public resources; and
3. The **PARTIES** desire to enter into this **AGREEMENT** to establish procedures for sharing equipment, materials, resources, and services, and defining legal relationships and responsibilities. Therefore, in consideration of the mutual covenants herein, it is

AGREED:

1. The **PARTIES** shall make available to each other vehicles, equipment, machinery, materials, related items ("**EQUIPMENT OR MATERIALS**") and/or services in the manner and on the terms and conditions provided herein. The **PARTY** supplying the services or the **EQUIPMENT OR MATERIALS** shall be designated as the "**PROVIDER**" herein. The **PARTY** receiving the services or assuming the use of **EQUIPMENT OR MATERIALS** shall be designated as the "**USER**" herein.
2. A cost estimate for specific services will be supplied by the **PROVIDER** at the request of the **USER**. Service **PROVIDERS** shall maintain an accurate cost accounting system, track expenditures and provide monthly billing to **USER**. Unless other arrangements are agreed upon by the **PARTIES**, **PROVIDER'S** invoices will be paid by **USERS** in full within thirty (30) days of billing.
3. **EQUIPMENT OR MATERIALS** and/or services shall be provided upon reasonable request at mutually convenient times and locations. The **PROVIDER** retains the right to refuse to honor a request if the **EQUIPMENT OR MATERIALS** are needed for other purposes, if providing the **EQUIPMENT OR MATERIALS** would be unduly inconvenient, or if for any other reason, the **PROVIDER** determines in good faith that it is not in its best interest to provide a particular item at the requested time. **EQUIPMENT OR MATERIALS** shall be returned immediately at **PROVIDER'S** request.
4. The **USER** receiving the **EQUIPMENT OR MATERIALS** shall take proper precaution in its operation, storage and maintenance. **EQUIPMENT OR MATERIALS** shall be used only for its intended purpose. The **USER** shall permit the **EQUIPMENT OR MATERIALS** to be used only by properly trained, properly licensed, and supervised operators. The **USER** shall be responsible for **EQUIPMENT OR MATERIALS** repairs necessitated by misuse or negligent operation and for the maintenance and/or replacement of high wear items (i.e., milling machine teeth, etc.). The **USER** shall not be responsible for scheduled preventive maintenance (**P.M.**) unless **EQUIPMENT OR MATERIALS** hours used exceeds the **P.M.** schedule periods and has been agreed by the **PROVIDER**. The **USER** shall perform and document required written maintenance checks prior to and after use and shall provide routine daily maintenance of **EQUIPMENT OR MATERIALS** (i.e., fluid checks, lubricating, etc.) during the period in which the **EQUIPMENT OR MATERIALS** is in **USER'S** possession.
5. **PROVIDER** shall endeavor to provide **EQUIPMENT OR MATERIALS** in good working order and to inform **USER** of any information reasonably necessary for the proper operation of the **EQUIPMENT OR MATERIALS**. The **EQUIPMENT OR MATERIALS** are provided "as is", with no representation or warranties as to its condition or its fitness for a particular purpose. **USER** shall be solely responsible for selecting the proper **EQUIPMENT OR MATERIALS** for its needs and inspecting **EQUIPMENT OR MATERIALS** prior to use. It is acknowledged by the **PARTIES** that the **PROVIDER** is not in the

business of selling, leasing, renting or otherwise providing EQUIPMENT OR MATERIALS to others, and that the PARTIES are acting only for their mutual convenience and efficiency.

6. The PARTIES shall provide EQUIPMENT OR MATERIALS storage to each other, at no charge, upon request when mutually convenient. It is recognized that such storage is for the benefit of the PARTY requesting it. The PARTY storing the EQUIPMENT OR MATERIALS shall be responsible for providing a reasonably safe and secure area and not responsible nor liable for theft or damage.
7. The PROVIDER may require, in its sole discretion, that only PROVIDER'S personnel operate EQUIPMENT OR MATERIALS. In so doing, PROVIDER shall be deemed an independent contractor and PROVIDER'S employees shall not be deemed employees of USER. The PROVIDER'S operator shall perform under the general direction and control of the USER, but shall retain full control over the manner and means of using the EQUIPMENT OR MATERIALS.
8. For the purposes of this AGREEMENT, the PARTIES are independent contractors. Nothing herein shall alter the employment status of any workers providing services under this AGREEMENT. Such workers shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and conditions of their employer. No USER shall be responsible for the direct payment of any salaries, wages, compensation or benefits for PROVIDER'S workers performing services to USERS under this AGREEMENT.
9. Each PARTY shall be solely responsible for its own acts and those of its employees and officers under this AGREEMENT. No PARTY shall be responsible or liable for consequential damages to another PARTY arising out of providing or using EQUIPMENT OR MATERIALS or services under this AGREEMENT. PROVIDERS requiring that their personnel operate EQUIPMENT OR MATERIALS shall, within limits of the Oregon Constitution and the Oregon Tort Claims Act, hold harmless, indemnify and defend the USER, its officer, agents and employees from all claims arising solely by reason of any negligent act by persons designated by PROVIDER to operate EQUIPMENT OR MATERIALS. Notwithstanding the above, the USER shall bear sole responsibility for ensuring that it has the authority to request the work, for its designs and for any representations made to the PROVIDER regarding site conditions or other aspects of the project. The PROVIDERS of the EQUIPMENT OR MATERIALS shall adequately insure the EQUIPMENT OR MATERIALS or provide self-insurance coverage.
10. Any PARTY may terminate its participation by providing thirty (30) days written notice to the other PARTIES. Any amounts due and owing by a terminating PARTY shall be paid within thirty (30) days of termination.
11. Nothing herein shall be deemed to restrict authority of any of the PARTIES to enter into separate agreements governing the terms and conditions for providing EQUIPMENT OR MATERIALS or services on terms different than specified herein.
12. Any **OREGON PUBLIC ENTITY** may become a PARTY to this AGREEMENT. Each PARTY in accordance with the applicable procedures of that PARTY shall approve this AGREEMENT. This AGREEMENT will be executed separately by each PARTY and shall be effective as to each PARTY and binding among all the PARTIES that have signed this AGREEMENT on the date of execution and sending a copy of the signed AGREEMENT to the **CONTRACT ADMINISTRATOR**. The current CONTRACT ADMINISTRATOR is:

Don Newell, Marion County Public Works, 5155 Silverton Road NE, Salem, Oregon 97305

Telephone: 503.365.3129, e-mail: DNewell@co.Marion.or.us

A new CONTRACT ADMINISTRATOR may be named at any time with the approval of a majority of the PARTIES.

13. This AGREEMENT may be amended by written amendment signed by all of the PARTIES.

- end of the AGREEMENT narrative -

*Final MORE-IGA narrative revision date: **March 5, 2013** (no changes or additions are allowed to the above)*

MORE-IGA SIGNATURE PAGE

(MANAGING OREGON RESOURCES EFFICIENTLY INTERGOVERNMENTAL AGREEMENT)

IN THE WITNESS WHEREOF, the PUBLIC ENTITY _____ (PARTY) has
caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures below:

Signature of Officer

Date

Officer's title

Signature of Officer

Date

Officer's title

Signature of Counsel

Date

Counsel's title

Name & title of the
**AGENCY'S IGA
OVERSEER:** _____

Address: _____

Office Phone: _____

Cell Phone: _____

E-mail: _____

Optional: Name &
title of Agency's
2nd Contact: _____

Office Phone: _____

Cell Phone: _____

E-mail: _____

1. Mail the **original signed MORE-IGA SIGNATURE PAGE** (this page – *actual hard copy page*) to:
Don Newell, CONTRACT ADMINISTRATOR for distribution to member agencies.
Marion County, 5155 Silverton Road NE, Salem, Oregon 97305 e-mail: DNewell@co.Marion.or.us
Telephone: 503.365.3129 MORE-IGA web site: <http://www.MOREoregon.com>
2. Retain a 2nd **original signed MORE-IGA SIGNATURE PAGE** for your records (a total of 2-sets are required).
3. Send additional agency staff contacts' e-mail addresses to the above CONTRACT ADMINISTRATOR.
4. Copy other PARTIES' **MORE-IGA SIGNATURE PAGES** for your agency's records from the above MORE-IGA web site.



INSTRUCTIONS FOR THE MORE-IGA

(MANAGING OREGON RESOURCES EFFICIENTLY INTERGOVERNMENTAL AGREEMENT)

*“Doing **MORE** with less!”*

The following is directed to officials of local and state governments that may want to participate in the accompanying **MORE-IGA** [AGREEMENT]. There are four pages to the MORE-IGA:

- The MORE-IGA narrative – pages 1-2
 - **MORE-IGA SIGNATURE PAGE** – page 3
 - **INSTRUCTIONS FOR THE MORE-IGA** (this page) – page 4
- a. The purpose of the MORE-IGA is for to exchange EQUIPMENT OR MATERIALS or services between OREGON PUBLIC ENTITIES.
 - b. All PARTIES, who sign the AGREEMENT, must honor the AGREEMENT entirely.
 - c. Each PUBLIC ENTITIES shall identify an AGENCY’S IGA OVERSEER which will process, file and will receive and maintain IGA documents.
 - d. Don Newell of Marion County has agreed to act as the CONTRACT ADMINISTRATOR. The CONTRACT ADMINISTRATOR will notify all the AGENCY’S IGA OVERSEERS for all PARTIES. The CONTRACT ADMINISTRATOR will not resolve any disputes of the AGREEMENT PARTIES, nor would Marion County or its employees be liable for any damages sought between any two other PARTIES.
 - e. Each new PARTY shall execute the **MORE-IGA SIGNATURE PAGE** in two original sets: One shall be filed with the CONTRACT ADMINISTRATOR for approval, filing and distribution, and the second for the PARTY entity’s records.
 - f. Each AGENCY’S IGA OVERSEER will receive digital copies of the **MORE-IGA SIGNATURE PAGE** from the web site: <http://www.MOREoregon.com> for their records. The CONTRACT ADMINISTRATOR will directly inform the AGENCY’S IGA OVERSEERS of new Agencies signers by e-mail.
 - g. After the signature and approval process is completed, any PARTY may directly approach any other PARTY for exchange of equipment, materials, resources, and services. There is no need to coordinate requests amongst other PARTIES or with the CONTRACT ADMINISTRATOR.
 - h. It is important to note paragraph 3 (page 1): “The PROVIDER retains the right to refuse to honor a request”.
 - i. The CONTRACT ADMINISTRATOR maintains two-e-mail lists: 1) Each PUBLIC ENTITIES’ AGENCY’S IGA OVERSEERS; 2) other PUBLIC ENTITIES’ staff that want to be informed of MORE members’ news, announcements, and activities. MORE members will schedule and host meetings 3-times a year to discuss joint issues.
 - j. An optional 2nd agency contact person can identify on the **MORE-IGA SIGNATURE PAGE** which will also receive direct ongoing correspondence of MORE’s activities or of its members.
 - k. The IGA, list of PUBLIC ENTITIES with agencies’ contacts, digital file copies of **MORE-IGA SIGNATURE PAGES**, meeting announcements, and members’ news are found on <http://www.MOREoregon.com>

Questions or concerns may be addressed to:

Don Newell, CONTRACT ADMINISTRATOR.

Marion County, 5155 Silverton Road NE, Salem, Oregon 97305

Telephone: 503.365.3129;

e-mail: DNewell@co.Marion.or.us

History: An original joint agency IGA for shared services was originally signed by Multnomah County, the City of Gresham and Oregon Department of Transportation in 1996. By the provision of a 1999 ADDENDUM, other parties agreed to sign the agreement. The IGA was revised in July 2002 and was named PMAT-IGA (PORTLAND METROPOLITAN AREA TRANSPORTATION CO-OPERATIVE INTERGOVERNMENTAL AGREEMENT) with 33-signing agencies. In February 2013 the MORE-IGA, with a more statewide focus, was crafted in tandem to eventually replaced PMAT-IGA.

A second ODOT IGA (OMAT), which allows agencies work with ODOT, can be obtained by contacting:

Rita Gill, OMAT Administrator, Oregon Department of Transportation, Region 1-Contracts & Agreements Unit;

123 NW Flanders Street, Portland, OR 97209-4012;

Telephone: 503-731-8548; e-mail: Syreeta.Gill@ODOT.state.or.us



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 03/24/2014

SUBJECT: Consideration of Resolution No. 5177-14 Approving a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)

ISSUE BEFORE THE COUNCIL:

Council will consider Resolution No. 5177-14 to approve a conditional use permit to allow rental and leasing of autos and light trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05).

RECOMMENDATION:

Staff recommends that Council consider Resolution No. 5177-14 granting CUP-13-05.

EXECUTIVE SUMMARY:

Council held a quasi-judicial hearing on February 10, 2014, and continued on February 24, 2014, to decide whether to grant a conditional use permit to U-Haul International/AMERCO Real Estate Co., to allow rental and leasing of autos and light trucks in the Light Manufacturing (ML) Planning District. On February 24, 2014, at the conclusion of the public hearing, Council voted unanimously to approve the conditional use permit with conditions, adopted the findings in the Staff Report, and directed staff to return with a resolution approving CUP-13-02 with conditions.

Attachments: Resolution
Exhibit 1 - Analysis and Findings

RESOLUTION NO. 5177-14

RESOLUTION APPROVING WITH CONDITIONS A CONDITIONAL USE PERMIT FOR U-HAUL TO ALLOW RENTAL AND LEASING OF AUTOS AND LIGHT TRUCKS IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT FOR U-HAUL AT 7100 SW MCEWAN ROAD (TAX MAP 2S1 13DD, TAX LOTS 900, 1000, 1100, 1200, 1600, AND 1700, AND TAX MAP 2S1 24AA, TAX LOT 5500) (CUP-13-05)

WHEREAS, U-Haul International / AMERCO Real Estate Co., submitted an application for a conditional use permit to allow rental and leasing of autos and light trucks in the Light Manufacturing (ML) planning district;

WHEREAS, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on February 10, 2014, and continued to February 24, 2014, upon the request of the applicant; and

WHEREAS, the City provided notice of CUP-13-05 pursuant to the Tualatin Development Code - TDC 31.077; and

WHEREAS, the City Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing, the Council voted unanimously to approve the application.

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

Section 1. The City Council approves the Conditional Use Permit with the following Conditions:

- A. The applicant must operate the use consistent with all application materials submitted to the City on November 27, 2013, and revised December 12, 2013, and February 12, 2014, unless otherwise directed by another condition of approval.
- B. Truck rental cannot commence until there is compliance with Conditions C(1) and (2).
- C. The applicant must comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC 63.

- (1) The applicant must provide site perimeter landscaping by planting trees, shrubs, lawn and live groundcover in yards along SW McEwan Road and the entire adjacent segment of I-5 in compliance with TDC 73.240(9).
 - (2) The applicant must provide site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC 73.340(2)(a)(i-iv) and in compliance with comply with TDC 73.340(2).
- D. The applicant must screen any outdoor storage with dense evergreen landscaping along the west/northwest boundary of the subject property along I-5 pursuant to TDC 73.160(4)(b) and 73.260(1)(b) and (c). Any shrubbery proposed for such screening shall be at least a gallon in size.
- E. Prior to issuance of a building permit, the applicant must provide a landscaping plan.
- F. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, the applicant must install all landscaping according to the approved landscaping plan.
- G. The applicant must comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC 60.041 and indicate compliance on a site plan submitted prior to issuance of any building permits.
- H. The applicant must, separately from this CUP approval, submit sign permit applications and receive approval from the City for any proposed signage.
- I. The approval period shall be pursuant to TDC 32.090 - Automatic Termination of Conditional Use as follows:
 - (1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted, unless one of the following events occur:
 - (a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.

- (b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.
- (2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection A above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.
- J. This CUP approval excludes approval of any site improvements as described in TDC 73.040(1). Any such site improvements that the applicant might propose shall be subject to all applicable TDC policies and regulations.
- K. The applicant must comply with all applicable TDC policies and regulations.

Section 2. The City Council adopts as its Findings and Analysis the findings set forth in "Exhibit 1," which is attached and incorporated by reference.

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

CUP-13-05 ATTACHMENT 101C:

ANALYSIS AND FINDINGS

The issue before the City Council is consideration of a conditional use permit to allow rental and leasing of autos and light trucks with incidental sale of vehicles for U-Haul.

In order to grant the proposed Conditional Use Permit, the request must meet the approval criteria of [Tualatin Development Code \(TDC\) Section 32.030](#). The applicant prepared a narrative that addresses the criteria, which is within the application materials (Attachment 101B), and staff has reviewed this and other application materials and included pertinent excerpts below:

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

The subject property, which comprises Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500, is within the Light Manufacturing (ML) Planning District. "Rental and leasing of autos and light trucks, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)" is a conditional use within the ML Planning District pursuant to TDC [60.040](#)(1)(p), and the subject property is not subject to the Special Commercial Setback pursuant to TDC [Map 9-5](#).

The criterion is met.

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

Size: The minimum lot size within the ML Planning District is 20,000 square feet (s.f.), approximately 0.46 acres. The site is approximately 10.08 acres and is developed with four industrial buildings vacated by NW Natural [Gas]. The tax lot exceeds the minimum lot size requirement.

The site size is suitable for the proposed use.

Shape: The site is a triangular composition of lots with access from and frontage along SW McEwan Road. The site abuts I-5 to the west/northwest and the Portland & Western Railroad (PNWR) to the south/southeast.

The lot shape is suitable for the proposed use.

Location: The site is located within the ML Planning District with access from SW McEwan Road.

The location is suitable.

Topography: According to City Geographic Information System ([GIS](#)) contour data, the developed site has negligible slope. The site generally slopes downward from north/northeast to south/southwest.

The topography would not interfere with the proposed use.

Improvements: The site is developed with four industrial buildings vacated by NW Natural [Gas]. The applicant proposes to re-use and convert the site and existing buildings into a self-storage, warehouse, and truck/equipment rental facility for U-Haul.

Of the adjacent public street, the Engineering Division Memorandum (Attachment 101D) identifies no needed improvements.

Asbuilts show existing sanitary sewer and water laterals to City systems. The existing water meter is in need of replacement. A replacement water meter is scheduled to have been completed by January 17, 2014. The sanitary sewer and water needs are met.

Natural Features: Staff visited the site on January 10 and 24, 2014. The developed site has several mature trees, with many in a park-like area in the northerly middle of the site, between the buildings and the northernmost parking. The applicant stated during the neighborhood/developer meeting on November 20, 2013 that there was no intention to redevelop this area.

The criterion is met.

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

The following information is reproduced from the Engineering Division Memorandum (Attachment 101D):

Transportation: The site is east of I-5 and southwest of SW McEwan Road. The applicant has submitted a Traffic Information Report from Mackenzie dated December 12, 2013. As the Institute of Transportation Engineers (ITE) Trip Generation Manual does not have a use similar to U-Haul, a survey of a larger active U-Haul site was counted for comparison.

TABLE 2 –U-HAUL TRIP GENERATION CHARACTERISTICS				
Time Period	Weekday (Tues-Thurs)		Weekend	
	Peak Hour	ADT	Peak Hour	ADT
Peak	44 (16% in/84% out)	365	39 (54% in/46% out)	327
Average	33 (50% in/50% out)	332	28 (60% in/40% out)	218

Weekdays yielded higher overall peak trip generation and average peaking characteristics than the weekend days. Weekday peak and Average Daily Traffic (ADT) surpassed weekend peak and ADT, therefore weekday trip rates were evaluated to determine potential trip increases that might result in higher level of service (LOS).

TABLE 4 – NET SITE TRIP GENERATION						
Time Period	Weekday Midday Peak Hour Trips			Weekday PM Peak Hour Trips		
	Entering	Exiting	Total	Entering	Exiting	Total
Proposed Site	17	16	33	10	21	31
Existing Site	19	22	41	10	21	31
Net Trip Impact	-2	-6	-8	0	0	0

Based on Table 4, the U-Haul development will not increase trips on the adjacent street system, and there will be no change in traffic operation during peak hours and a decrease during midday, therefore no impact to LOS at nearby intersections.

Sanitary Sewer, Stormwater, & Water: Asbuilts show existing sanitary sewer and water laterals to City systems. The existing water meter is in need of replacement. A replacement water meter is scheduled to be completed by January 17, 2014. The sanitary sewer and water needs are met.

No stormwater lines are available. Stormwater from this site will need to be addressed during redevelopment through infiltration or construction of new public stormwater lines.

Criterion 3 is met.

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

The subject property is in the ML Planning District. Surrounding land uses by cardinal direction and planning district include:

N:	CG	SW McEwan Road, Legacy Medical Group
E:	ML	SW McEwan Road, North to south: Public Storage, Oswego Storage, and Puremist Corp.
S:	n/a	Portland & Western Railroad (PNWR); outside city limits, in Lake Oswego: industrial businesses
	RMH	Portland & Western Railroad (PNWR), Piper's Run Subdivision (residential, mostly duplexes)
W:	CG	I-5, Providence Bridgeport medical facility, Claim Jumper restaurant

The proposed use can be conditioned to be compatible with surrounding uses including a rail line and mostly industrial businesses. The site lacks screening of outdoor storage and the west/northwest yard does not currently meet perimeter landscape standards, and a condition addresses this. Piper's Run Subdivision, across the PNWR, had co-existed with the developed industrial site, vacated by NW Natural [Gas], and can co-exist with the proposed use provided that the applicant complies with the conditions of approval. With applicant compliance with the conditions of approval, staff finds that the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.

The following are conditions of approval to meet Criterion 4:

3. Condition 3: Landscaping & Outdoor Storage Screening

(a) Provide site perimeter landscaping by planting trees, shrubs, lawn and live groundcover in yards along SW McEwan Road and the entire adjacent segment of I-5 in compliance with TDC [73.240](#)(9). Additionally, the applicant shall provide site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC [73.340](#)(2)(a)(i-iv) and in compliance with comply with TDC [73.340](#)(2). Prior to issuance of a building permit, provide a landscaping plan. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, the applicant shall install the landscaping.

This condition keeps from harming surrounding properties the subject property that is subject to these landscaping standards. This condition is necessary because the site currently lacks perimeter landscaping.

(b) Screen any outdoor storage with dense evergreen landscaping along the west/northwest boundary of the subject property along I-5 pursuant to TDC [73.160](#)(4)(b) and [73.260](#)(1)(b) and (c). Any shrubbery proposed for such screening shall be at least a gallon in size. Prior to issuance of a building permit, provide a landscaping plan. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, the applicant shall install the landscaping.

This condition keeps from harming surrounding properties the subject property that is subject to the screening standard. The condition is necessary because the site currently lacks adequate screening from public right-of-way (ROW).

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the ML Planning District include TDC:

- Chapter 7 “Manufacturing Planning Districts”, Section 7.030 “Objectives”;
- Chapter 32 “Conditional Uses”, Section 32.030 “Conditional Uses – Siting Criteria”;
- Chapter 38 “Signs”;
- Chapter 60 “Light Manufacturing Planning District (ML)”, Sections 60.010 “Purpose” and 60.041 “Restrictions on Conditional Uses”;
- Chapter 63 “Environmental Regulations”; and
- Chapter 73 “Community Design Standards”, Sections 73.040(1), 73.050(4), 73.160(3)(c) and (4)(b), and 73.380(6).

TDC [7.030](#) states that “the following are general objectives used to guide the development of the Plan and that should guide implementation of the Plan's recommendations: ... (2) Provide increased local employment opportunity.”

The proposal is for truck rental use by U-Haul, a business new to Tualatin and new to the developed site that was vacated by NW Natural [Gas], and would allow for a number of jobs greater than the zero that presently exist on site, mitigating erosion of employment opportunity.

This Analysis & Findings (Attachment 101C) examines the five conditional use siting criteria within TDC 32.030, and this section addresses Criterion 5.

TDC [60.010](#) states that “The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. ... The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke.”

The proposal is for truck rental use by U-Haul, a use that, having both commercial and industrial character, fits well with the ML Planning District meant as a buffer or transitional district adjacent to commercial and residential districts. As examined above for Criterion 4, surrounding land uses including the commercial Legacy Medical Group site to the north and the residential Piper’s Run Subdivision of mostly duplexes to the south across the Portland & Western Railroad (PNWR). The proposal threatens no inherent, imminent, or great hazard or conflict with surrounding uses, particularly none of the nuisance kind that the general public might associate with industry such as undue

amounts of noise, dust, odor, vibration, or smoke. As listed in Criterion 4, surrounding uses include a mini storage use similar to the U-Haul proposal.

TDC [60.041](#) establishes retail restrictions on conditional uses:

The following restrictions shall apply to those uses listed as conditional uses in TDC 60.040:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on [Map 9-4](#) shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on [Map 9-4](#) shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this sub-section:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on [Map 9-5](#), and as specified in TDC [60.035](#).

(ii) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter [69](#).
[Ord. 1212-06, 06/26/06]

The application materials don't suggest an inherent conflict with or inability to comply with the restrictions, but because it's unclear if the applicant is aware of and would comply with the restrictions and for other reasons examined below, the staff report lists a condition of approval referencing these restrictions, which is reproduced and examined below.

The following are conditions of approval to meet Criterion 5.

1. *Condition 1: Application: The applicant shall operate the use consistent with all application materials submitted to the City on November 27, 2013 and revised*

December 12, 2013 and February 12, 2014 unless otherwise directed by another condition of approval. Truck rental cannot commence until there is compliance with Conditions 3(a) and (b).

This condition ensures compliance with the TDC.

2. *Condition 2: Environmental Regulations: The applicant shall comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC [63](#).*

This condition ensures compliance with the TDC by the subject property, which is subject to these standards, and draws the applicant's attention to them.

4. *Condition 4: Restrictions on Conditional Uses: The applicant shall comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC [60.041](#) and indicate compliance on a site plan submitted prior to issuance of any building permits.*

The proposed use is by a business of commercial character selling goods and service related to the uses of mini storage and truck rental, meaning that there will be retail with U-Haul and its land uses. Notation on the preliminary site plan also indicates square footage allocations for retail. This condition confirms that the subject property is subject to the retail restrictions and draws the applicant's attention to them in order to comply with them and indicate compliance on a revised site plan to be submitted.

5. *Condition 5: Signage: The applicant shall separately from this CUP approval submit sign permit applications for any proposed signage.*

The condition is necessary to make explicit that approval of a CUP does not automatically approve any related signage.

6. *Condition 6: Approval Period: The approval period shall be pursuant to TDC [32.090](#) Automatic Termination of Conditional Use as reproduced:*

(1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:

(a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.

(b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year. [Ord. 743-88, 3/28/88; Ord. 1333-11 §2, 9/12/11]

This confirms an implicit assumption for the subject property that is subject to the approval period restrictions and draws the applicant's attention to them. It would also be useful if the City later revised TDC 32.090 because it would be clear what approval period regulations applied at the time of approval of the conditional use.

7. *Condition 7: Site Improvements: This CUP approval excludes approval of any site improvements as described in TDC [73.040](#)(1). Any such site improvements that the applicant might propose shall be subject to all applicable TDC policies and regulations.*

The condition is necessary to make explicit that approval of a CUP does not automatically approve any related site improvements.

8. *Condition 8: General: The applicant shall comply with all applicable [TDC](#) policies and regulations.*

This condition ensures compliance with the TDC.

The proposal including conditions of approval satisfies those objectives and policies of the TDC that are applicable to the proposed use.

The proposal including conditions of approval is consistent with plan policies.

Based on the application, the conditions of approval, and the above analysis and findings, U-Haul (CUP-13-05) meets the criteria of TDC [32.030](#).

For administrative reference, the conditions of approval are reproduced below in numerical order:

1. Application: The applicant shall operate the use consistent with all application materials submitted to the City on November 27, 2013 and revised December 12, 2013 and February 12, 2014 unless otherwise directed by another condition of approval. Truck rental cannot commence until there is compliance with Conditions 3(a) and (b).

2. Environmental Regulations: The applicant shall comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC [63](#).
3. Landscaping & Outdoor Storage Screening:
 - (a) Provide site perimeter landscaping by planting trees, shrubs, lawn and live groundcover in yards along SW McEwan Road and the entire adjacent segment of I-5 in compliance with TDC [73.240](#)(9). Additionally, the applicant shall provide site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC [73.340](#)(2)(a)(i-iv) and in compliance with comply with TDC [73.340](#)(2). Prior to issuance of a building permit, provide a landscaping plan. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, the applicant shall install the landscaping.
 - (b) Screen any outdoor storage with dense evergreen landscaping along the west/northwest boundary of the subject property along I-5 pursuant to TDC [73.160](#)(4)(b) and [73.260](#)(1)(b) and (c). Any shrubbery proposed for such screening shall be at least a gallon in size. Prior to issuance of a building permit, provide a landscaping plan. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, the applicant shall install the landscaping.
4. Restrictions on Conditional Uses: The applicant shall comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC [60.041](#) and indicate compliance on a site plan submitted prior to issuance of any building permits.
5. Signage: The applicant shall separately from this CUP approval submit sign permit applications for any proposed signage.
6. Approval Period: The approval period shall be pursuant to TDC [32.090](#) Automatic Termination of Conditional Use as reproduced:
 - (1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:
 - (a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.
 - (b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void.

The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year. [Ord. 743-88, 3/28/88; Ord. 1333-11 §2, 9/12/11]

7. Site Improvements: This CUP approval excludes approval of any site improvements as described in TDC [73.040](#)(1). Any such site improvements that the applicant might propose shall be subject to all applicable [TDC](#) policies and regulations.
8. General: The applicant shall comply with all applicable [TDC](#) policies and regulations.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/24/2014

SUBJECT: Consideration of Approval of 2014 Liquor License Renewals Late Submittals

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2014. The businesses listed below submitted their 2014 renewal application too late to be included in the renewals approved at the February 24, 2014 Council meeting. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2014:

7 - Eleven

Bambuza Vietnam Grill

Celia's Mexican Restaurant

E. B. Smokeys

EXECUTIVE SUMMARY:

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

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

FINANCIAL IMPLICATIONS:

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

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/24/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for Grampys Inc.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Grampys Inc.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Grampys Inc.

EXECUTIVE SUMMARY:

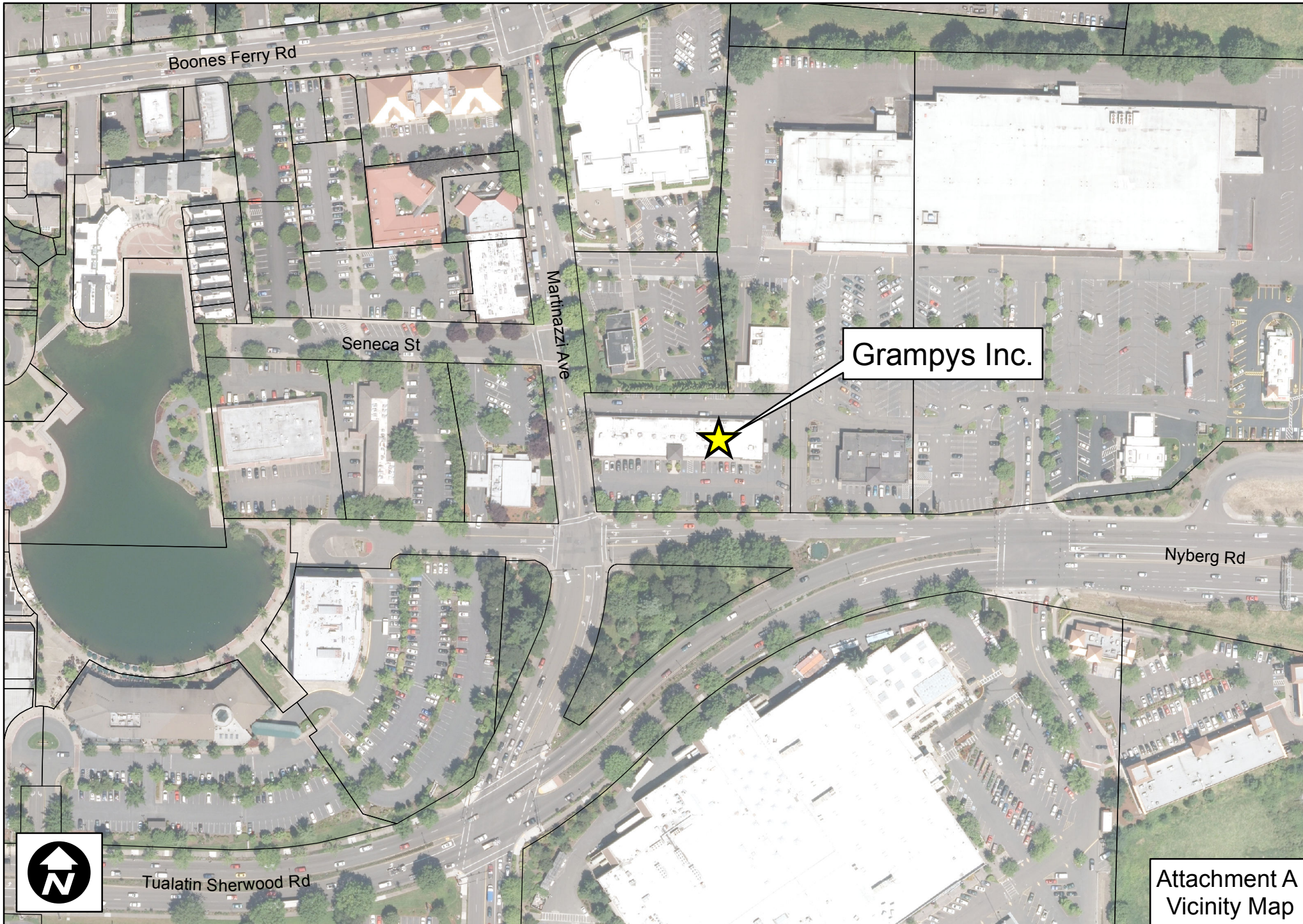
Grampys Inc. has submitted a new liquor license application under the category of full on-premises and off premises sales. This would permit them to sell factory-sealed malt beverages, wine, and cider at retail to individuals in Oregon for consumption on and off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 7935 SW Nyberg Road. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)
[Attachment B- License Types](#)

Attachment C- 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.



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date March 10, 2014

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): Grampys Inc.

Business address 7935 SW Nyberg Rd City Tualatin State OR Zip Code 97062

Mailing address 19363 Willamette Dr #242 City West Linn State OR Zip Code 97068

Telephone # 503-691-2692 Fax # 503-692-6716

Name(s) of business manager(s) First Chris Middle F. Last Somers

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M ☒ F ☐

Home address [REDACTED] City West Linn State OR Zip Code 97068
 (attach additional pages if necessary)

Type of business Deli/Bar/Lottery Retailer

Type of food served Deli sandwiches, soups, snacks

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation M-Th 8:00am to midnight; Fr 8:00am to 2:30am; Sat 9:00am to 1:00 am; Sun 9:00 am to midnight

Food service hours: Breakfast menu served all day Lunch menu served all day Dinner menu served all day

Restaurant seating capacity 30 Outside or patio seating capacity N/A

How late will you have outside seating? N/A How late will you sell alcohol? 15 mins before close

How many full-time employees do you have? 2 Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Grampy's, Inc.

Type of liquor license (refer to OLCC form) Full On-premises; Off-premises

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

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

Full name _____ Date of birth _____

Residence address _____

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

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

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

(a) Name and business address of registered agent.

Full name Christopher Somers

Business address 19363 Willamette Drive #242 West Linn, OR 97068

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

Full name same as above Date of birth _____

Residence address _____

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

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

Full name: _____ Date of birth: _____

Residence address: _____

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

SECTION 4: APPLICANT SIGNATURE

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

Signature of Applicant

Date

3/10/14

For City Use Only

Sources Checked:

☒ DMV by my☒ LEDS by my☒ TuPD Records by my☐ Public Records by _____☐ 0 Number of alcohol-related incidents during past year for location.☐ 0 Number of Tualatin arrest/suspect contacts for _____**It is recommended that this application be:**☒ Granted☐ Denied

Cause of unfavorable recommendation: _____

Signature

Date

3.14.14

Kent W. Barker
Chief of Police
Tualatin Police Department

City Council Meeting

E. 1.

Meeting Date: 03/24/2014

SPECIAL Tualatin Planning Commission Annual Report
REPORTS:

SPECIAL REPORTS

Tualatin Planning Commission 2013 Annual Report

SUMMARY

The Annual Report fulfills the Tualatin Municipal Code requirement to file a report of annual activities no later than April 1 of each year. The report describes the effectiveness of the citizen involvement program as well as suggested refinements. The report also provides a listing of the Commission's actions plus topics that staff brought forward for discussion and input from the Commission. Finally, there is a description of training opportunities that Commissioners have attended.

The Planning Commission met to review the 2013 Annual Report on February 20, 2014 and recommended approval of the with a minor modification to the report.

2013 Tualatin Planning Commission Annual Report



City of Tualatin

2013 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

March 24, 2014

Planning Commissioners:

Mike Riley, Chair
Alan Aplin, Vice Chair
Bill Beers
Jeff DeHaan
Nic Herriges
Steve Klingerman
Cameron Grile

2013 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission formed in 2012 but was formerly the Tualatin Planning Advisory Committee established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2013.

This report will address a section of the Tualatin Municipal Code Chapter 11-1.

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

EFFECTIVENESS OF THE CITIZEN INVOLVEMENT PROGRAM

At each meeting, there is an allotted time for the public to make comments about any topic not related to an agenda item. This opportunity has given members of the public a time to ask TPC to consider other community concerns. Members of the public are also given the opportunity to comment on any action item or staff communication item. In 2013, one example stands out of citizen comment affecting the outcome of decisions. When the Plan Text Amendment to update the Water Master Plan went to the Planning Commission for consideration a citizen from Washington County voiced concerns during public comment about the Master Plan extending to an area outside of the City's present boundary. Upon further review staff corrected the boundary and presented a Master Plan to Council that had been vetted by the public and voted on by the Planning Commission.

In January 2012, the City Council adopted an amendment to change the Tualatin Planning Advisory Committee to the Tualatin Planning Commission. The Planning Commission met for the first time in February 2012 and has purview over certain quasi-judicial land use applications including:

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

The Planning Commission retains the duties of the Advisory Committee, which is to make recommendations to City Council on comprehensive plan amendments including map and text changes. The City did not receive any quasi-judicial applications for the above land use decisions in 2013.

CITIZEN INVOLVEMENT PROGRAM REFINEMENT

In 2013, Community Development Staff arranged for the CIO Land Use Chairs to start meeting just prior to Planning Commission meetings. At the first meeting the Land Use Chairs were introduced to the Planning Commission. This forum serves as an opportunity to bring updates about planning projects in the community to the CIOs. In the upcoming year, 2014, TPC may consider other ways in which to coordinate with the CIO Land Use Chairs and provide more opportunities for more citizens to participate in land use planning in the City. Other opportunities may include member of the Planning Commission participating in the Land Use Chairs meetings or inviting the Land Use Chairs to present updates to the Planning Commission periodically throughout the year.



ACTIVITIES OF THE COMMISSION

During the 2013 Calendar Year TPC met eight times and reviewed three (3) Plan Text Amendments:

PTA-12-02 Transportation System Plan- Amendment to Chapter 12 Transportation of the Tualatin Development Code to include the 2012 Transportation System Plan.

PTA-13-01 Water Master Plan- Amendment Chapter 12 Water Service of the Tualatin Development Code to incorporate the January 2013 Water Master Plan.

PTA-13-02 Chicken Keeping- Amendment to Chapter 40 Low Density Residential Planning District to include chicken keeping as a permitted use in single-family residential areas of the City.

OTHER TPC ACTIVITIES

Staff brought forward several topics for TPC discussion including:

- Presentation on the Capital Improvement Plan
- Preview of a Plan Text Amendment 14-01, a proposed amendment to allow small scale office, retail and service uses in the Light Manufacturing, General Manufacturing and Manufacturing Park Planning Districts.
- A presentation from TriMet Staff on the Southwest Service Enhancement Plan.
- The Planning Commission received updates on two long range planning projects including Basalt Creek/ SW 124th Avenue Alignment and Linking Tualatin.
- The Planning Commission provided feedback and comments to staff on the Southwest Corridor Transit Evaluation Results and Draft Recommendation.
- City staff presented an update on Tualatin Tomorrow.
- Mayor Ogden and Council President Beikman attended a Planning Commission meeting to discuss the Oregon Passenger Rail project and Tualatin's participation.
- At each Plan Text Amendment public hearing before Council, a member of the Planning Commission has presented the Commission's recommendation to City Council. This practice came about from a request by the Mayor and the leadership of Mike Riley, Planning Commission Chair.

COMMISSIONER TRAININGS

- Mr. Grile attended a Planning Commissioner Training hosted by the Oregon City Planning Directors Association in September.
- Mr. Riley attended a training session, Land Use Planning: Building Successful Oregon Communities, hosted by the League of Oregon Cities in April.

City Council Meeting

E. 2.

Meeting Date: 03/24/2014

SPECIAL Tualatin Heritage Center Annual Report
REPORTS:

SPECIAL REPORTS

Tualatin Heritage Center 2013 Annual Report

SUMMARY

The Agreement for Operation of the Tualatin Heritage Center contains a provision that the Tualatin Historical Society provide the City an annual report of its Heritage Center operations. Presentation of the attached report fulfills this obligation.

In 2005, the City of Tualatin, Tualatin Development Commission, and the Tualatin Historical Society partnered to create the Tualatin Heritage Center in the old Methodist Church building which was relocated to the Sweek Pond site and renovated for public use. The partnership with the Tualatin Historical Society has proven to be successful and assisted the Tualatin Historical Society in preserving a historic structure for public use and to provide a venue for historical, cultural, and environmental education, recreation and enrichment, and social gatherings. There are no issues associated with operation of the Heritage Center that currently require Council action.

PowerPoint

2013 Tualatin Heritage Center Annual Report



Hours of operation: 10 a.m. to 2:00 p.m. weekdays and by special arrangement.

Eighth anniversary of a successful City/THS partnership



- THS plays big role in Centennial celebration, capped by Time Capsule burial
- Heritage Center windows receive UV protection, detailed cleaning
- Visitation to Center climbs to 9,435 calendar year 2013, many coming more than once
- Budget remains steady and balanced



Our mission is unchanged

- Education and Lifelong Learning
- Heritage and Cultural Awareness
- Personal Growth and Enrichment
- Civic Engagement
- Environmental Awareness
- Performing and Visual Arts
- Business Functions
- Family Celebrations

Local History and Heritage

- 2013 Centennial of Tualatin's incorporation draws on THS resources.



- Two grants encourage exploration of Tualatin's diversity and historic trends in civil rights.
- Daytime and evening history-oriented programs gain in popularity.

- Dinner recreates historic family celebrations in Tualatin at Christmas.



- Historic buildings in Tualatin recognized with distinctive signs.



Education and Lifelong Learning (Pioneer Days 2013)



- Pioneer Days for all fourth graders in Tualatin public elementary schools
- Centennial Challenge to Discover Tualatin's Heritage
- Bookstore on Tualatin history
- Research and multi-media library

Civic Engagement

- Community meetings
- Neighborhood association meetings
- Kiwanis Club awards dinner
- Tualatin Tomorrow and other city-related meetings

Personal Growth and Enrichment

- Women of Watercolor practice their art together
- Pilates and Yoga classes help participants achieve a healthier lifestyle



Use of Center by Local Business



- Chamber of Commerce hold Friday morning networking sessions several times a year
- Other companies hold seminars and sales meeting when a warm, friendly setting is desired



Environmental Awareness



- Monthly birdwalks around Sweek Pond led by The Wetlands Conservancy

Performing and Visual Arts

- Monthly art classes by popular watercolor artist Linda Aman
- Lumiere Players stage two shows
- Mask and Mirror produces benefit for THS



Family Celebrations

- Birthday Parties
- Anniversaries
- Showers
- Weddings
- Receptions
- Memorial Services
- Holiday Celebrations



Financial Picture

- Total income for FY2013 was somewhat less than FY2012 with \$42,897 in receipts. Slightly lower rental income accounted for the difference. Fund raisers, including the fall auction/wine tasting, totaled \$9,000. The City subsidy of \$7,100; and a \$1,000 grant from the Arts Advisory Committee to help support arts-related activities, still provide a vital underpinning for Center operations.
- Expenditures in FY2013 were \$43,864 which includes a part-time coordinator/manager and related operational expenses such as equipment, supplies, insurance, communication. We still enjoy the assistance of an intern for 18 hours a week, paid through a federal employment training program for older workers.

You Are There! Centennial Play



Present and Previous THS Presidents



Tualatin Historical Society Board and Staff

Board:

Art Sasaki, President

Kurt Krause, Vice-President

Loyce Martinazzi, Secretary

Barbara Stinger, Treasurer

Yvonne Addington, Evie Andrews, Larry McClure,
Norm Parker, Rochelle Smith, Diane Swientek

Staff:

Larry McClure, Tualatin Heritage Center, Director

Lindy Hughes, Tualatin Heritage Center, Assistant Director

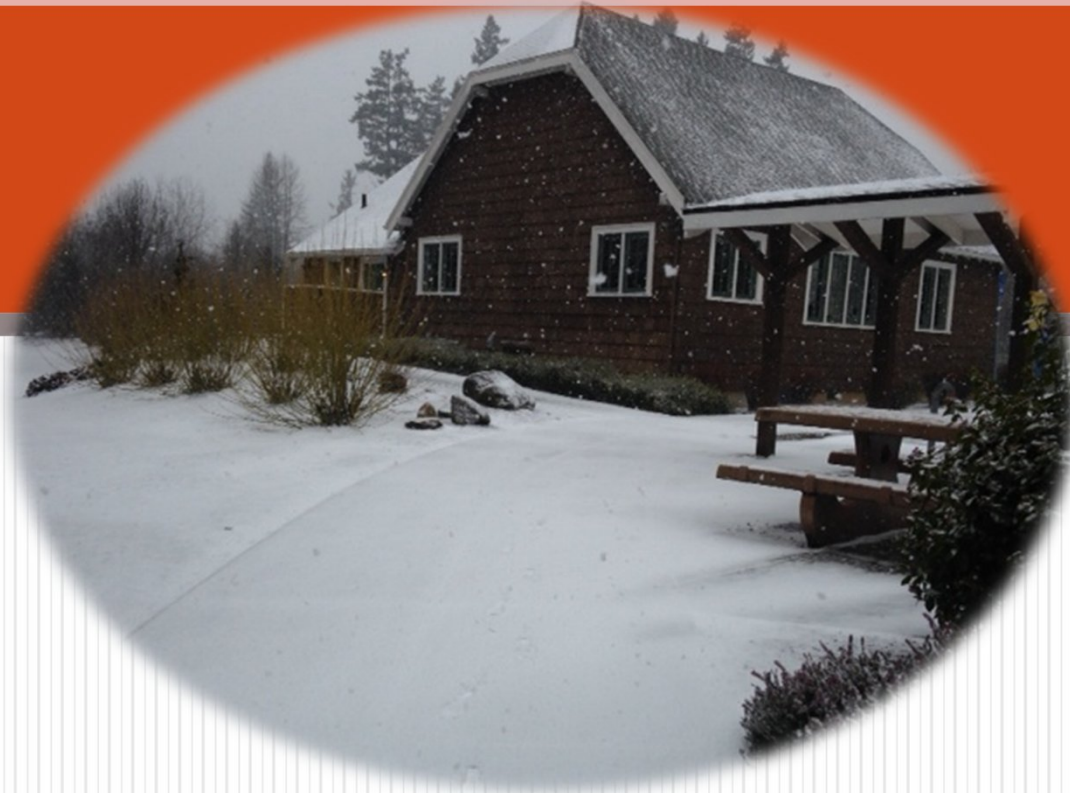
Looking Ahead

- Ice Age Discovery Trail planning continues
- Cabela's to install bronze sculpture of baby mastodon and a child gazing in awe
- THS receives valuable Robbins artifact

The next 100 years now begin!



2013 Tualatin Heritage Center Annual Report



City of Tualatin – Thank you for your support!



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Clare Fuchs, Senior Planner
Alice Cannon, Assistant City Manager

DATE: 03/24/2014

SUBJECT: Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway

ISSUE BEFORE THE COUNCIL:

Council consideration of a petition for annexation of a property known as the Espedal property, tax lots 2203, 2191, and 2300 on Washington County Assessors Map 2S1 15C located at 17865 and 17985 SW Pacific Highway (Highway 99W).

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting ANN-14-01.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing for a petition for an Expedited Annexation. The applicant is Mountain West Investment Corporation. The owners of the three parcels are The Degele Family Trust including Kenneth R. Espedal, Joyce L. Poppert, and Donna Degele. The applicant's materials are included as Attachment 103. The subject property abuts the City of Tualatin on SW Pacific Hwy frontage and on the east and northeast property lines.

The property is occupied by several existing structures (Attachment 102):

1. Five sheds (A, B, C, D, and E) on tax lot 2300.
2. One house on tax lot 2300 (F).
3. One barn on tax lot 2202 (G).
4. Three sheds on tax lot 2202 (H, I, and J).
5. One house on tax lot 2202 (K).
6. 4 rows of foundations on tax lot 2202 (L, M, and N)
7. One wall on tax lot 2191 (O).
8. One existing access on tax lot 2191 (P).
9. Access Q is not a part of the subject site and the subject site does not have physical or legal access to it.
10. One existing access on tax lot 2203 through a recorded easement to tax lot 2202 (R).

11. One existing access on tax lot 2300 (S).

When annexed, tax lot 2202 would automatically become Commercial Recreational (CR), tax lot 2191 would become General Commercial (CG), and tax lot 2300 becomes High Density Residential (RH). However, the applicant and property owners are concurrently applying to amend the planning district map for tax lots 2202 and 2191. The applicants propose that tax lots 2202 and 2191 become High Density Residential.

The Applicant has prepared material that addresses the Annexation approval criteria (Attachment 103). The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045.

Attachment 104 is the Background Information and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 105). Notice was mailed to all surrounding properties for this March 24th hearing in accordance with TDC 31.064(1).

The property owner worked with City staff to prepare an Annexation Agreement that addresses the adequacy and suitability of existing improvements on the Subject Property for existing and future development on the property. The proposed Espedal Property Annexation Agreement will establish the uses and property improvements that upon redevelopment shall be brought into conformance with the Tualatin Development Code and Municipal Code. The Annexation Agreement also establishes future conveyance of property to the City for purposes of establishing the Tualatin River Greenway Trail.

The Espedal Property Annexation Agreement will be considered by the City Council as a General Business item on the March 24, 2014 Meeting Agenda. If approved by the Council and signed by the property owner, the stated terms of Annexation Agreement will apply to the Subject Property when the proposed annexation becomes effective. The Annexation Agreement falls under General Business on the City Council agenda which typically occurs after public hearings. However, staff will ask the Mayor to take the Annexation Agreement item out of order to decide on it first. Staff will then ask the Mayor to hold the public hearing for the Annexation.

The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is within the service boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency.

The applicable policies and regulations that apply to the annexation of a property in the RH Planning District include: TDC 4.050 General Growth Objectives; TDC 5.030 Residential Planning District General Objectives; TDC 31.067 Procedure for Annexing Territory to the City Limits; TDC 54.010 CG Planning District Purpose. The Analysis and Findings (Attachment 105) considers the applicable policies and regulations.

Before granting the proposed annexation, the City Council must find that the annexation conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes [TDC 31.067(5)]. The Analysis and Findings (Attachment 105) examines the application in respect to the requirements for granting an annexation. Staff concludes the proposal meets all TDC objectives and Metro criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The properties are annexed to the City of Tualatin and designated in the Commercial Recreational (CR), General Commercial (CG), and High Density Residential Planning District (HR). Please note with approval of PMA-14-01, all three properties would be designated High Density Residential (RH).
2. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District

Denial of the Annexation petition will result in the following:

1. The properties will remain outside the City of Tualatin and will remain as unincorporated Washington County territory.

ALTERNATIVES TO RECOMMENDATION:

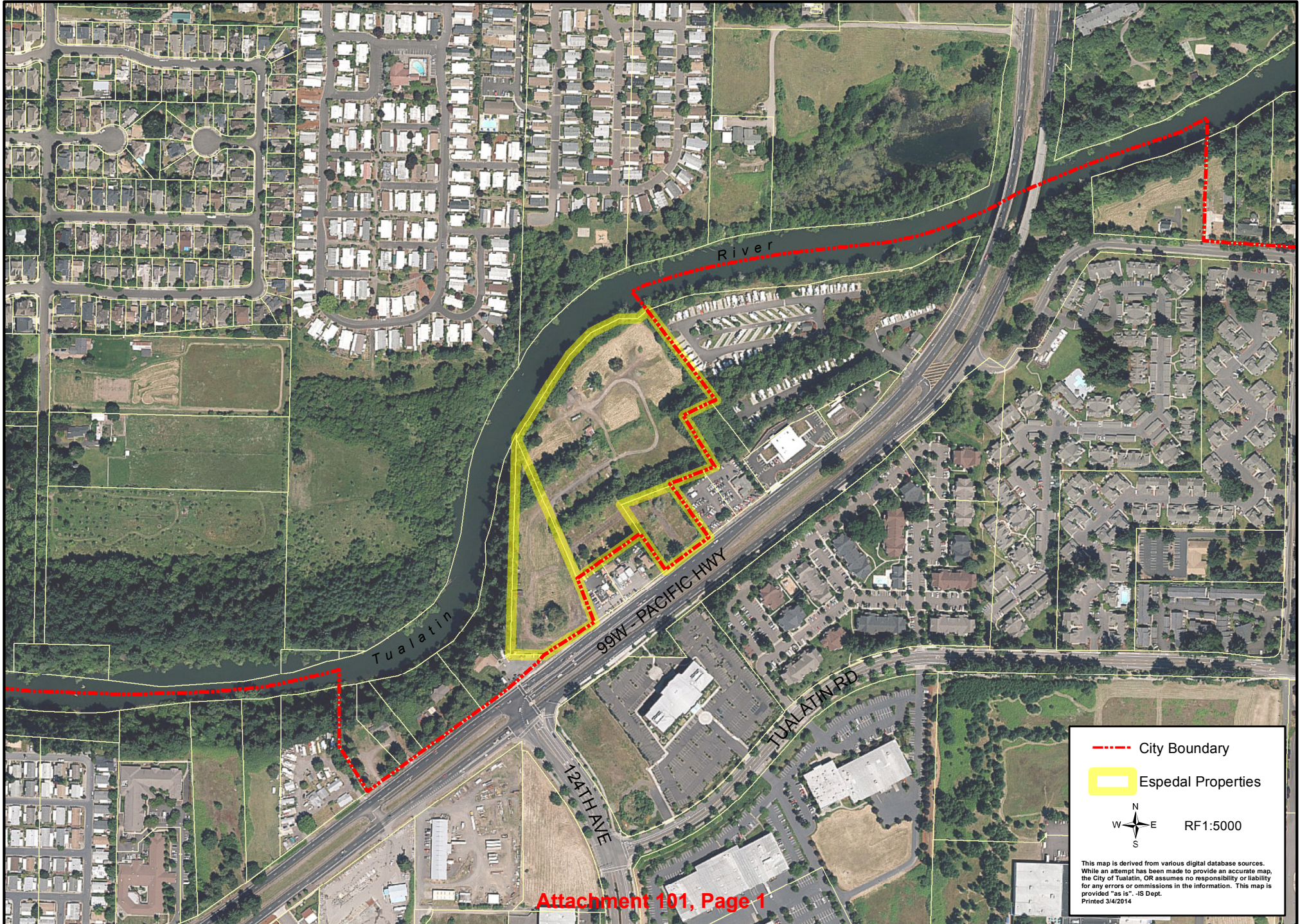
The alternatives to the staff recommendation for the Council are:

- Deny the petition for the annexation.
- Continue the discussion of the annexation and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Approving or denying the annexation will not result in financial outlays by the City of Tualatin. The applicant paid the required application fee.

Attachments: 101- Vicinity Map
 102 - Application Materials
 103- Existing Conditions Aerial Photo
 104 - Background Information
 105 - Analysis and Findings
 106 - Presentation



--- City Boundary
 [Yellow Outline] Espedal Properties

N
 W — E
 S
 RF1:5000

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept. Printed 3/4/2014

***“NECESSARY PARTIES”
MARKED BELOW***

NOTICE OF APPLICATION SUBMITTAL

- ☒ ANNEXATION ☐ CONDITIONAL USE PERMIT ☐ PLAN TEXT AMENDMENT
☐ ARCHITECTURAL REVIEW ☐ PLAN MAP AMENDMENT ☐ OTHER

CASE/FILE: ANN-14-01

(Community Development Dept.: Planning Division)

PROPOSAL	To annex three parcels, known as the “Espedal Property,” into the City of Tualatin for a future apartment complex.
-----------------	--

<div> <div>PROPERTY</div> <div> <input type="checkbox"/> n/a </div> </div>	Street Address	17865, 17985 SW PACIFIC HWY TUALATIN OR, 97062
	Tax Map and Lot No(s).	Tax Map: 2S1 15C Tax Lots: 2191, 2202, and 2300
	Planning Districts	General Commercial (CG), Recreational Commercial (CR), and High Density (RH) respectively
	Related Applications	PMA-14-01 Plan Map Amendment from CG, CR, and RH to RH

DATES	Receipt of application	1/10/2014	CONTACT	Name: Clare Fuchs
	Notice of application submittal	1/30/2014		Title: Senior Planner
	Project Status / Development Review meeting	2/6/2014		E-mail: cfuchs@ci.tualatin.or.us
	Comments due for staff report	2/13/2014		Phone: 503-691-3027
	Public meeting: <input type="checkbox"/> ARB <input checked="" type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a	TBD		Notes:
	City Council (CC) <input type="checkbox"/> n/a			

City Staff

- ☐ City Manager
- ☐ Building Official
- ☐ Chief of Police
- ☐ City Attorney
- ☐ City Engineer
- ☐ Community Dev. Director
- ☐ Community Services Director
- ☐ Economic Dev. liaison
- ☐ Engineering Associate
- ☐ Finance Director
- ☐ GIS technician(s)
- ☐ IS Manager
- ☐ Operations Director
- ☐ Parks and Recreation Coordinator
- ☐ Planning Manager
- ☐ Street/Sewer Supervisor
- ☐ Water Supervisor

Neighboring Cities

- ☐ Durham
☒ King City Planning Commission
☐ Lake Oswego
☐ Rivergrove PC
☐ Sherwood Planning Dept.
☐ Tigard Community Dev. Dept.

- ☐
- Wilsonville Planning Div.

Counties

- ☐ Clackamas County Dept. of Transportation and Dev.
☒ Washington County Dept. of Land Use and Transportation

Regional Government

- ☐
- Metro

School Districts

- ☐ Lake Oswego School Dist. 7J
☐ Sherwood SD 88J
☒ Tigard-Tualatin SD 23J (TTSD)
☐ West Linn-Wilsonville SD 3J

State Agencies

- ☐ Oregon Dept. of Aviation
☐ Oregon Dept. of Land
Conservation and Development
(DLCD) (via proprietary notice)
☐ Oregon Dept. of State Lands:
Wetlands Program
☒ Oregon Dept. of Transportation
(ODOT) Region 1 Development
Review Program
☐ ODOT Rail Div.

Utilities

- ☒ Republic Services (Allied Waste)
- ☒ Clean Water Services (CWS)
- ☒ Comcast [cable]
- ☒ Frontier Communications[phone]
- ☒ Northwest Natural [gas]
- ☒ Portland General Electric (PGE)
- ☒ TriMet
- ☒ Tualatin Valley Fire & Rescue (TVF&R)
- ☒ United States Postal Service (USPS) (Washington; 18850 SW Teton Ave)
- ☐ USPS (Clackamas)
- ☒ Washington County Consolidated Communications Agency (WCCCA)

Additional Parties

- ☒ Tualatin Citizen Involvement Organization (CIO)
- ☐ PKS

ESPEDAL PROPERTY ANNEXATION APPLICATION

DATE: January 10, 2014

SUBMITTED TO: City of Tualatin, OR
Community Development Dept
18880 SW Martinazzi Ave
Tualatin, OR 97062

PROPERTY OWNERS: Donna J. Degele
16182 Bimini Ln
Huntington Beach, CA 92649

Kenneth R. Espedal, Joyce L. Poppert
11515 SW Hazelbrook Rd
Tualatin, OR 97062

PREPARED FOR: Mountain West Investment Corporation
201 Ferry St SE, # 400
Salem, OR 97301

PREPARED BY: AKS Engineering & Forestry
13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140



13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140
P: (503) 925-8799
F: (503) 925-8969
www.aks-eng.com

ESPEDAL PROPERTY ANNEXATION APPLICATION

TABLE OF CONTENTS

APPLICATION PACKET:

- EXPEDITED ANNEXATION APPLICATION INSTRUCTIONS
- CITY APPLICATION FOR ANNEXATION
- ANNEXATION PROPERTY INFORMATION SHEET
- REQUEST FOR EXPEDITED PROCEDURE FORM
- PETITION TO ANNEX TO THE CITY OF TUALATIN
 - CERTIFICATION OF PROPERTY OWNERSHIP
- LEGAL DESCRIPTION OF ANNEXATION BOUNDARY
 - CERTIFICATION OF LEGAL DESCRIPTION AND MAP
- WASHINGTON COUNTY TAX ASSESSORS MAPS
- LIST OF PROPERTY OWNERS
- NEIGHBORHOOD / DEVELOPER MEETING INFORMATION
- NOTICING – MAILING LABELS
- MEASURE 37 WAIVER OF RIGHTS AND REMEDIES

UNDER SEPARATE COVER:

- CITY OF TUALATIN ANNEXATION APPLICATION FEE
- METRO APPLICATION FEE
- CERTIFICATION OF SIGN POSTING (PER CONVERSATION WITH CITY STAFF ON 1/9/2014, AFFIDAVIT OF SIGN POSTING WILL BE PROVIDED UPON RECEIPT OF CASE FILE NUMBER FROM CITY STAFF)

APPLICATION INSTRUCTIONS



EXPEDITED ANNEXATION APPLICATION INSTRUCTIONS

These are instructions for filing an application for an Expedited Annexation (ANN) to the City of Tualatin (Expedited Annexation and Minor Boundary Change proposals).

Please read all instructions before filing an application with the City.

All steps must be followed whether you are filing an Expedited Annexation (ANN) or a Minor Boundary Change.

✓ Step 1. Pre-application Meeting (Pre-Application Conference held on 10-28-2013)

An optional Scoping Meeting is highly recommended prior to the required Pre-Application meeting. To schedule a [Scoping](#) or a [Pre-Application meeting](#) with the Community Development Department - Planning Division, you may contact (Lynette Sanford, Office Coordinator at 503-691-3026 or lsanford@ci.tualatin.or.us). The pre-application meeting should occur as the earliest step of your project. The application to request a Pre-Application meeting is available on the city website and the fee is \$205.00. Following this meeting, the applicant shall hold a [Neighborhood/Developer meeting](#) pursuant to TDC 31.063.

✓ Step 2. Applications and Fees

The application asks for information concerning the applicant, property owner, and properties to be annexed. Please fill out the following forms completely:

- ✓ Application for Annexation: Sign both the applicant and property owner sections of the application, even if they are the same. If you need assistance identifying the map tax lot number or existing zoning within the County, please check with the Community Development Department - Planning Division at 503-691-3026.
- ✓ Annexation Property Information sheet: This form will be used to complete the Staff Report for this application.
- ✓ Request for Expedited Procedure: Oregon Revised Statutes [\(ORS\) 268.354](#) and [Metro Code 3.09.045](#) allow for an expedited process for annexation requests. This process lessens the time to process a proposal. There are two important conditions with this process. First, the expedited process must be specifically requested by completing the Request for Expedited Procedure for Annexation to the City. Second, the expedited process may be utilized for minor boundary changes where the petition initializing the minor boundary change is accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected property.

The City charges a \$1,425.00 fee for annexations, and Metro also requires a fee for annexations. A separate check made out to "Metro" should be provided to the City when filing the application. Metro's Fee Schedule is attached to the back of this application packet. The City processes the check to Metro for the applicant after the annexation has been approved.

✓ **Step 3. Consent to Annex/Petition to Annex to the City of Tualatin**

Consent to annex is necessary to initiate the annexation proceeding. The consent to annex must be by a property owner/registered voter and is in the form of a petition to the City. Complete the petition as early as possible and check with the appropriate Assessor's Office (Washington or Clackamas County) to determine their lead time. The form is the Petition to Annex to the City of Tualatin and is attached in two pages. To give consent for a particular piece of property, persons who own an interest in the property or who are purchasers of the property on a contract sale that is recorded with the County, must sign the Petition. If more than one person is the recorded owner or contract purchaser, all persons must sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the Petition. To be considered a registered voter, you must be currently registered to vote.

✓ **Step 4. Certification of Property Ownership**

Have the County Elections Department certify the signatures of the property owners and registered voters by completing the attached Certification of Property Ownership and Certification of Registered Voters form.

✓ **Step 5. Legal Description**

The applicant shall provide a legal description of the property to be annexed. See attached Important Information on Annexation Legal Descriptions for more information. NOTE: The legal description should include any abutting public rights-of-way. A legal description of the property to be annexed shall be added to the Petition to Annex to the City of Tualatin. A lot, block and subdivision description may be substituted for the meets and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office. If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

✓ **Step 6. Map**

Submit nine (9) copies of the latest County assessor's map (or maps) which show the tax lot(s) proposed for annexation. Outline the area to be annexed on the map with a red marker. This outlined area should include any abutting rights-of-way. Include nine (9) copies of the subject area and properties within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. Refer to Tualatin Development Code ([TDC](#) [31.064\(1\)](#)).

✓ **Step 7. Certification of Legal Description and Map**

The Certification of Legal Description and Map form needs to be completed by County staff and submitted with the annexation application.

✓ **Step 8. List of Property Owners**

If the proposed annexation involves 10 or fewer property owners/registered voters, complete the Property Owner Information Sheet attached (please print or type).

NOTE: This form is not the “consent to annex” petition. The purpose of this form is to give the City a legible list of names and addresses of all property owners/registered voters in the area to be annexed regardless of whether these owners/voters petitioned for annexation.

✓ **Step 9. Neighborhood / Developer Meeting**

The applicant shall submit the required materials from the [Neighborhood / Developer meeting](#) pursuant to TDC 31.063.

✓ **Step 10. Copies**

Please submit the original and nine (9) copies and an **Electronic Digital CD** (Adobe Acrobat Reader (pdf), or Microsoft Word and Excel are the preferable file types) of the entire Annexation packet and supporting documentation, including drawings to the City of Tualatin Community Development Department - Planning Division.

✓ **Step 11. Noticing**

The Expedited Annexation process set forth in Metro Code 3.09.045 does not require notice to nearby property owners; however, a recent Land Use Board of Appeals (LUBA) decision requires Annexations to provide notification to surrounding property owners. As part of the application submittal, the applicant is required to provide a list of property owners within 1,000 feet of the subject property. The City provides notice to these surrounding property owners, interested parties – which include Necessary Parties – utility companies and City Departments. These Parties have an opportunity to respond and comment.

All parties listed on the application form shall also be included on the address list/ mailing labels. Provide pre-gummed address labels listing the correct names and addresses of all owners of the subject property and of real property within 1,000' of the subject property. If the 1,000-foot area (Ordinance No. 1304-10 page 59 of 61) includes lots within a platted residential subdivision the notice area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. The current assessor's roll shall be used. The Tax Lot number and Assessor's Map number must be included with each name and address. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, registered architect, landscape architect, engineer, surveyor, or attorney. The applicant shall update the list of property owners not less than every 90 days.

✓ **Step 12. Measure 37 Waiver of Rights and Remedies**

The applicant shall complete the Measure 37 Waiver of Rights and Remedies form included in this packet and notarize signature.

Step 13. Sign Posting

Per conversation with City Staff on 1/9/2014,
affidavit of sign posting will be provided upon
receipt of case file number from City Staff.

Include a completed and signed certification of sign posting.

Next Steps

After the application is deemed complete, staff will visit the site and gather materials and comments for the staff report.

The applicant should plan to attend the City Council hearing for the annexation.

A completed annexation agreement may be required.

APPLICATION FOR ANNEXATION



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

Applicant's Name Mountain West Investment Corporation
Applicant's Address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip code)
Applicant is: Owner ☐ Contract Purchaser ☐ Developer ☒ Agent ☐ Other ☐
Applicant Phone Number: 503-584-4592 Applicant Fax Number: 503-581-7041
Applicant Signature: *Jason Tokarski* Date: 1-6-14
Owner's Name Donna Degele Phone
Owner's Address 16182 Bimini Ln., Huntington Beach, CA 92649-2055
(street) (city) (state) (zip code)
Owner Phone Number: Owner Fax Number:
Owner recognition of application:

signature of owner(s) (original required) Date
Assessor's Map Number 2S 1 15C Tax Lot Number(s) 2191, 2202, 2300
Assessor's Map Number Tax Lot Number(s)
Assessor's Map Number Tax Lot Number(s)
Address of Property 17985, 17865 SW Pacific Hwy Lot Area 11.97+/- acres
Current County Zone FD-10 Proposed City Planning District RH
Current Use Vacant Proposed Use Multi-Family Residential
Rights-of-Way to be Included:

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

Name JASON TOKARSKI Date 1-6-14 Phone 503-581-4654
Address 201 Ferry Street SE Ste 400 Salem OR 97301
(street) (city) (state) (zip code)

FOR STAFF USE ONLY:

Case # ANN- Received By
City Filing Fee Receipt #
Date Received Complete Date



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

Applicant's Name Mountain West Investment Corporation
Applicant's Address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip code)
Applicant is: Owner ☐ Contract Purchaser ☐ Developer ☒ Agent ☐ Other ☐
Applicant Phone Number: 503-584-4592 Applicant Fax Number: _____
Applicant Signature: _____ Date: _____
Owner's Name Kenneth Espedal Phone _____
Owner's Address 11515 SW Hazelbrook Rd, Tualatin, OR 97062
(street) (city) (state) (zip code)
Owner Phone Number: _____ Owner Fax Number: _____

Owner recognition of application: _____

Kenneth Espedal
signature of owner(s) (original required)

1-3-14
Date

Assessor's Map Number 2S 1 15C Tax Lot Number(s) 2191, 2202, 2300
Assessor's Map Number _____ Tax Lot Number(s) _____
Assessor's Map Number _____ Tax Lot Number(s) _____

Address of Property 17985, 17865 SW Pacific Hwy Lot Area 11.97+/- acres

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Current Use Vacant Proposed Use Multi-Family Residential

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

Name _____ Date _____ Phone _____

Address _____
(street) (city) (state) (zip code)

FOR STAFF USE ONLY:

Case # ANN- Received By _____
City Filing Fee _____ Receipt # _____
Date Received _____ Complete Date _____



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR ANNEXATION

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Applicant's Name Mountain West Investment Corporation

Applicant's Address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip code)

Applicant is: Owner ☐ Contract Purchaser ☐ Developer ☒ Agent ☐ Other ☐

Applicant Phone Number: 503-584-4592 Applicant Fax Number: _____

Applicant Signature: _____ Date: _____

Owner's Name Joyce Lee Poppert Phone _____

Owner's Address 11515 S.W. Hazel Brook Rd. Tualatin, Or. 97062
(street) (city) (state) (zip code)

Owner Phone Number: _____ Owner Fax Number: _____

Owner recognition of application: _____

Joyce L Poppert 1-3-14
signature of owner(s) (original required) Date

Assessor's Map Number 2S 1 15C Tax Lot Number(s) 2191, 2202, 2300

Assessor's Map Number _____ Tax Lot Number(s) _____

Assessor's Map Number _____ Tax Lot Number(s) _____

Address of Property 17985, 17865 SW Pacific Hwy Lot Area 11.97+/- acres

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

Name _____ Date _____ Phone _____

Address _____
(street) (city) (state) (zip code)

FOR STAFF USE ONLY:

Case # ANN- Received By _____

City Filing Fee _____ Receipt # _____

Date Received _____ Complete Date _____



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

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Applicant's Address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip code)

Applicant is: Owner ☐ Contract Purchaser ☐ Developer ☒ Agent ☐ Other ☐

Applicant Phone Number: 503-584-4592 Applicant Fax Number: _____

Applicant Signature: _____ Date: _____

Owner's Name Donna Degele Phone _____

Owner's Address 16182 Bimini Ln., Huntington Beach, CA 92649-2055
(street) (city) (state) (zip code)

Owner Phone Number: _____ Owner Fax Number: _____

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Donna Degele 1-4-2014
signature of owner(s) (original required) Date

Assessor's Map Number 2S 1 15C Tax Lot Number(s) 2191, 2202, 2300

Assessor's Map Number _____ Tax Lot Number(s) _____

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Address of Property 17985, 17865 SW Pacific Hwy Lot Area 11.97+/- acres

Current County Zone FD-10 Proposed City Planning District RH

Current Use Vacant Proposed Use Multi-Family Residential

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

Name _____ Date _____ Phone _____

Address _____
(street) (city) (state) (zip code)

FOR STAFF USE ONLY:

Case # ANN- Received By _____

City Filing Fee _____ Receipt # _____

Date Received _____ Complete Date _____

PROPERTY INFORMATION SHEET



City of Tualatin

www.ci.tualatin.or.us

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres 11.97 Acres +/-

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

The site is located between the Tualatin River and Hwy 99W near the northwest extent of City limits. It is bound by the Tualatin River to the North and West and by Hwy 99W to the South.

Site topography consists of moderate upland slopes and relatively steep slopes along the bank of Tualatin River.

The site is sparsely vegetated with exception of dense vegetation along Tualatin River bank and property lines of adjoining parcels

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Multi Family Residential

South: 2S122BB TL 100, 2S115C TL 2203, 2200, 2190, 2192-Commercial

2S115CC TL 200-Multi Family Residential

East: 2S115C TL 1800-Multi Family Residential

TL 2000-Commercial

West: 2S115C TL 1400-Residential

2S116D TL 200-Residential

D. EXISTING LAND USE:

No. of single-family units 2 No. of multi-family units 0

No. of commercial structures 0 No. of industrial structures 0

Public facilities or other uses N/A

What is the current use of the land proposed to be annexed: Vacant

E. Total current year Assessed Valuation – Land \$ 889,500 Structures \$

F. Total existing population N/A

G. Is the territory contiguous to the City Limits? Yes

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? Inside

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached “Criteria Guidelines” sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
 5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
 6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
 7. Consistency with other applicable criteria for the boundary change in question under state and local law.
- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City N/A

County Washington County

Highway Lighting District N/A

Rural Fire District TVFR

Sanitary District CWS

Water District City of Tualatin

Grade School District Tigard-Tualatin

High School District Tigard-Tualatin

Library District N/A

Drainage District CWS

Parks & Recreation District N/A

Other Urban Road Maintenance District, Enhanced Sheriff's Patrol District, Chehalem Mountain Ground Water Resource Area

- C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please describe.

The site is located within CWS Service Bounary.

APPLICANT'S NAME Mountain West Investment Corporation

MAILING ADDRESS 201 Ferry St SE, Salem, OR 97301

WORK TELEPHONE 503-584-4592

HOME TELEPHONE _____

REPRESENTING _____

DATE 1/10/2014

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

- 1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

Response: The site is currently located within the CWS Service Boundary.

- 2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

Response: Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County.

- 3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

Response: The area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary; therefore, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).

- 4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

Response: The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.

- 5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

Response: Access to the site is currently available from Hwy 99W. Sanitary sewer service to the site is available onsite through CWS. Water service to the site is available in Hwy 99W through City of Tualatin. Storm drainage will be provided in accordance with CWS standards.

- 6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;*

Response: Not applicable

- 7. Consistency with other applicable criteria for the boundary change in question under state and local law.*

Response: No other criteria have been determined to be applicable.

REQUEST FOR EXPEDITED PROCEDURE



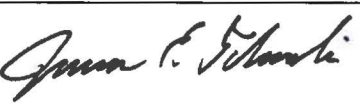
City of Tualatin

www.ci.tualatin.or.us

REQUEST FOR EXPEDITED PROCEDURE FOR ANNEXATION TO THE CITY OF TUALATIN

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

This request is made in addition to and supplements all other requirements for filing an annexation petition.

Signature of Principal Petitioners	Address	Map and Tax Lot Number
1. 	17985, 17865 SW Pacific Hwy	25-1-156: 2191, 2202, 2300
2.		
3.		
4.		
5.		
6.		
7.		

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.

PETITION TO ANNEX



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME TED FOSTER **ANNEXATION CERTIFIED**
TITLE GIS TECH BY VF
DEPARTMENT CARTOGRAPHY JAN 08 2014
COUNTY OF WASHINGTON WASHINGTON COUNTY A & T
DATE 1/8/14 CARTOGRAPHY

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE _____



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

3 Number of signatures of individuals on petition.
1 Number of active **registered voters** within the territory to be annexed.
1 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2S115C002191 _____
2S115C002202 _____
2S115C002300 _____

DIVISION: ELECTIONS
COUNTY: WASHINGTON

DATE: January 7, 2014

NAME: Angie Muller

TITLE: Administrative Specialist II

Angie Muller
(Signature of Election Official)



*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:

17985, 17865 SW Pacific Hwy

Street Address of Property (If address has been assigned)

Subdivision Name, Lot Number(s), Block Number(s)

Map 2S 1 15C, TLs 2191, 2202, 2300

Washington

Map & Tax Lot Number(s)

County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature

Owner initial

Voter initial

Date

Signature

Owner initial

Voter initial

Date

Owner Authorized Signature

Owner initial

Voter initial

Date

17985, 17865 SW Pacific Hwy

Street Address

Phone

Alt Phone

11515 SW Hazelbrook Rd, Tualatin, OR 97062

Mailing Address

City, State, Zip

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective ☒ indefinitely ☐ until _____.

Office Use Only

Date Received _____

Ownership Checked _____

By _____

Signature Kenneth R. Espada Date 1-3-14

Signature

Date

If you have questions, call 503-691-3026.

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

[illegible]

Page _____ of _____

P E T I T I O N T O A N N E X TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:

17985, 17865 SW Pacific Hwy

Street Address of Property (If address has been assigned)

Subdivision Name, Lot Number(s), Block Number(s)

Map 2S 1 15C, T1S 2191, 2202, 2300

Washington

Map & Tax Lot Number(s)

County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature

Owner initial

Voter initial

Date

Signature

Owner initial

Voter initial

Date

Owner Authorized Signature

Owner initial

Voter initial

Date

17985, 17865 SW Pacific Hwy

Street Address

Phone

Alt Phone

16182 Bimini Ln., Huntington Beach, CA 92649-2055

Mailing Address

City, State, Zip

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective ☒ indefinitely [] until _____.

Office Use Only

Date Received _____

Ownership Checked _____

By _____

Signature

Date

Signature

Date

If you have questions, call 503-691-3026.

To the Council of the City of Tualatin, Oregon:

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for the annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS 219.005 regional and local policies prior to approving or denying the request for annexation.

[illegible]

PO: Property Owner
RV: Registered Voter

OV: Property Owner & Registered Voter
T/S: Township & Section

P E T I T I O N T O A N N E X TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:

17985, 17865 SW Pacific Hwy	
Street Address of Property (If address has been assigned)	
Subdivision Name, Lot Number(s), Block Number(s)	
Map 2S 1 15C, TLs 2191, 2202, 2300	Washington
Map & Tax Lot Number(s)	County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature	Owner initial	Voter initial	Date
-----------	---------------	---------------	------

Signature	Owner initial	Voter initial	Date
<i>Joyce L Poppert</i>	<i>JLP</i>		<i>1-3-14</i>
Owner Authorized Signature	Owner initial	Voter initial	Date

17985, 17865 SW Pacific Hwy		
Street Address	Phone	Alt Phone
<i>11515 S.W. Hazelbrook Rd.</i>	<i>Tualatin, Or.</i>	<i>97062</i>
Mailing Address	City, State, Zip	

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective ☒ indefinitely ☐ until _____.

Office Use Only	
Date Received	_____
Ownership Checked	_____
By	_____

<i>Joyce L Poppert</i>	<i>1-3-14</i>
Signature	Date

If you have questions, call 503-691-3026.

Signature	Date
-----------	------

To the Council of the City of Tualatin, Oregon:

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

[illegible]

PO: Property Owner
RV: Registered Voter

OV: Property Owner & Registered Voter
T/S: Township & Section

Page _____ of _____

LEGAL DESCRIPTION



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25115C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 1/8/14

ANNEXATION CERTIFIED

BY TF

JAN 08 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969



**LANDSCAPE ARCHITECTURE
SURVEYING**

AKS Group of Companies:
SHERWOOD, OREGON
SALEM, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

AKS Job #3812

EXHIBIT A

A tract of land located in the Southwest One-Quarter of Section 15, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the southwest corner of said Section 15, thence along the west line of said Section 15 North 00°03'10" East 821.88 feet, more or less, to the center of the Tualatin River; thence along the center of said River North 23°48'30" East 127.36 feet to a point; thence North 34°10'30" East 160.00 feet to a point; thence North 55°11'30" East 250.00 feet to a point; thence North 67°54'41" East 31.35 feet to the northeasterly corner of Parcel 3 of Document Number 2007-033192 and the City of Tualatin city limits; thence along the easterly line of said Parcel 3 of Document Number 2007-033192 and the City of Tualatin city limits South 38°59'30" East 409.52 feet to the southeasterly corner of said Parcel 3; thence along the southeasterly line of said Parcel 3 and 2 of Document Number 2007-033192 and the City of Tualatin city limits South 61°05'52" West 131.30 feet to the northwesterly corner of Parcel 2 of Document Number 2008-048434; thence continuing along said southeasterly line of Parcel 2 of Document Number 2007-033192 and the City of Tualatin city limits South 38°59'30" East 246.26 feet to a point; thence continuing along said southeasterly line of Parcel 2 of Document Number 2007-033192 and the City of Tualatin city limits South 66°15'30" West 173.62 feet to the northwesterly corner of Parcel 1 of Document Number 2008-048434; thence along the westerly line of said Parcel 1 of Document Number 2008-048434 South 38°59'30" East 224.61 feet to a point on the northwesterly right-of-way line of SW Pacific Highway (40.00 feet from southbound centerline); thence along said right-of-way line and the City of Tualatin city limits South 51°04'03" West 179.43 feet to the southwesterly corner of Parcel 1 of Document Number 2007-033192; thence leaving the City of Tualatin city limits along the southwesterly line of said Parcel 1 of Document Number 2007-033192 North 38°59'30" West 149.37 feet to a point on the southeasterly line of Parcel 2 of Document Number 2007-033192; thence along the southeasterly line of said Parcel 2 of Document Number 2007-033192 and the northwesterly line of Document Number 2002-119631 and the City of Tualatin city limits South 51°48'20" West 260.37 feet to the northwesterly corner of Document Number 2002-119631; thence along the westerly line of said Document Number 2002-119631 and the City of Tualatin city limits South 23°45'00" East 154.91 feet to a point on the northwesterly right-of-way line of SW Pacific Highway (40.00 feet from southbound centerline); thence along said right-of-way line South 51°48'20" West 174.66 feet to a point on the south line of said Section 15; thence leaving the City of Tualatin city limits along said south line South 89°55'10" West 143.37 feet to the Point of Beginning.

01/02/2014

The above described tract of land contains 11.97 acres, more or less.

ANNEXATION CERTIFIED

BY TF

JAN 08 2014

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
WASHINGTON COUNTY, OREGON

ANNEXATION CERTIFIED

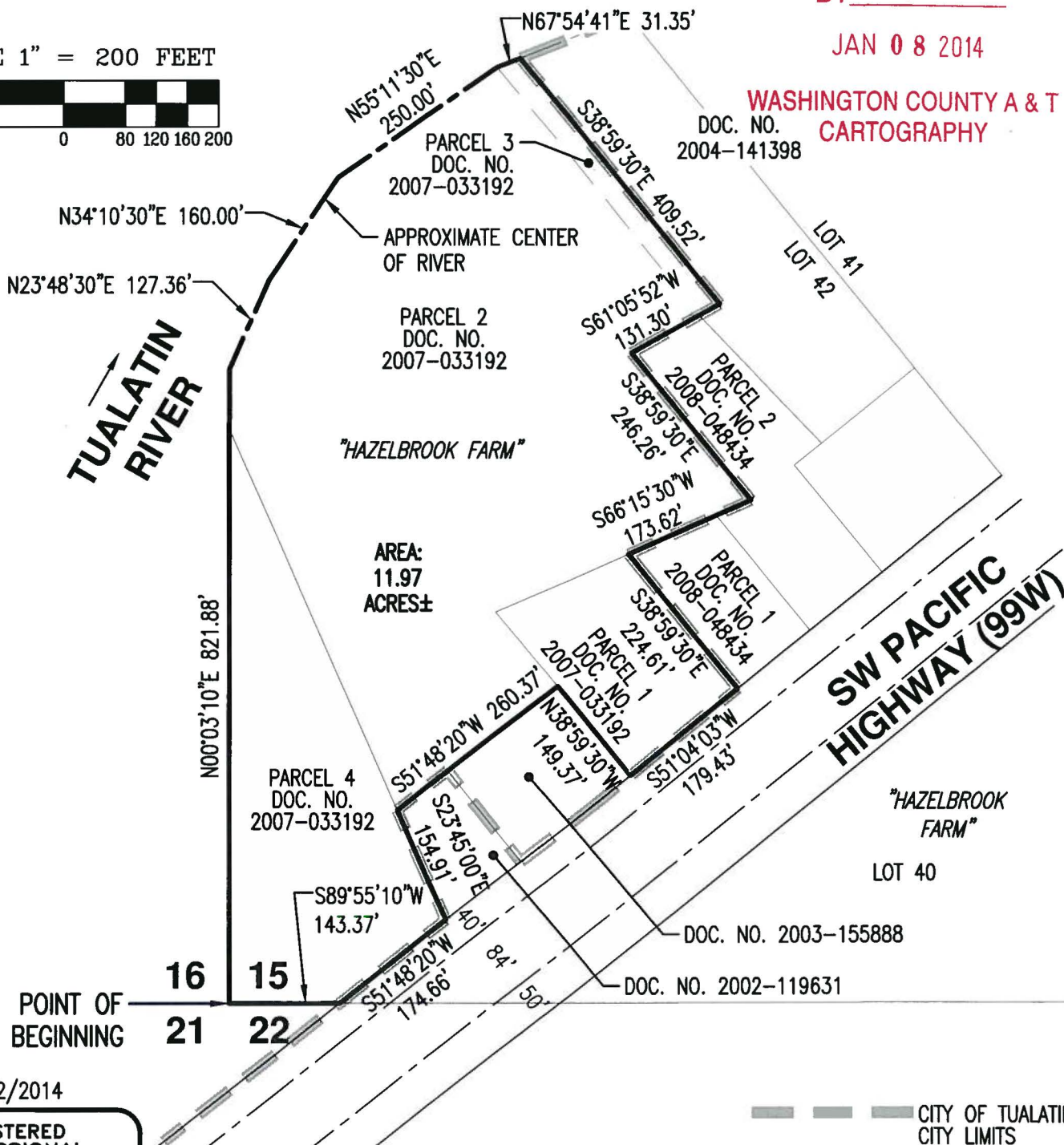
BY 

JAN 08 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

DOC. NO.
2004-141398

SCALE 1" = 200 FEET
200 0 80 120 160 200



POINT OF
BEGINNING

01/02/2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/14

PREPARED FOR

HILL ARCHITECTS
1914 WILLAMETTE FALLS DR,
SUITE 280
WEST LINN, OR 97068

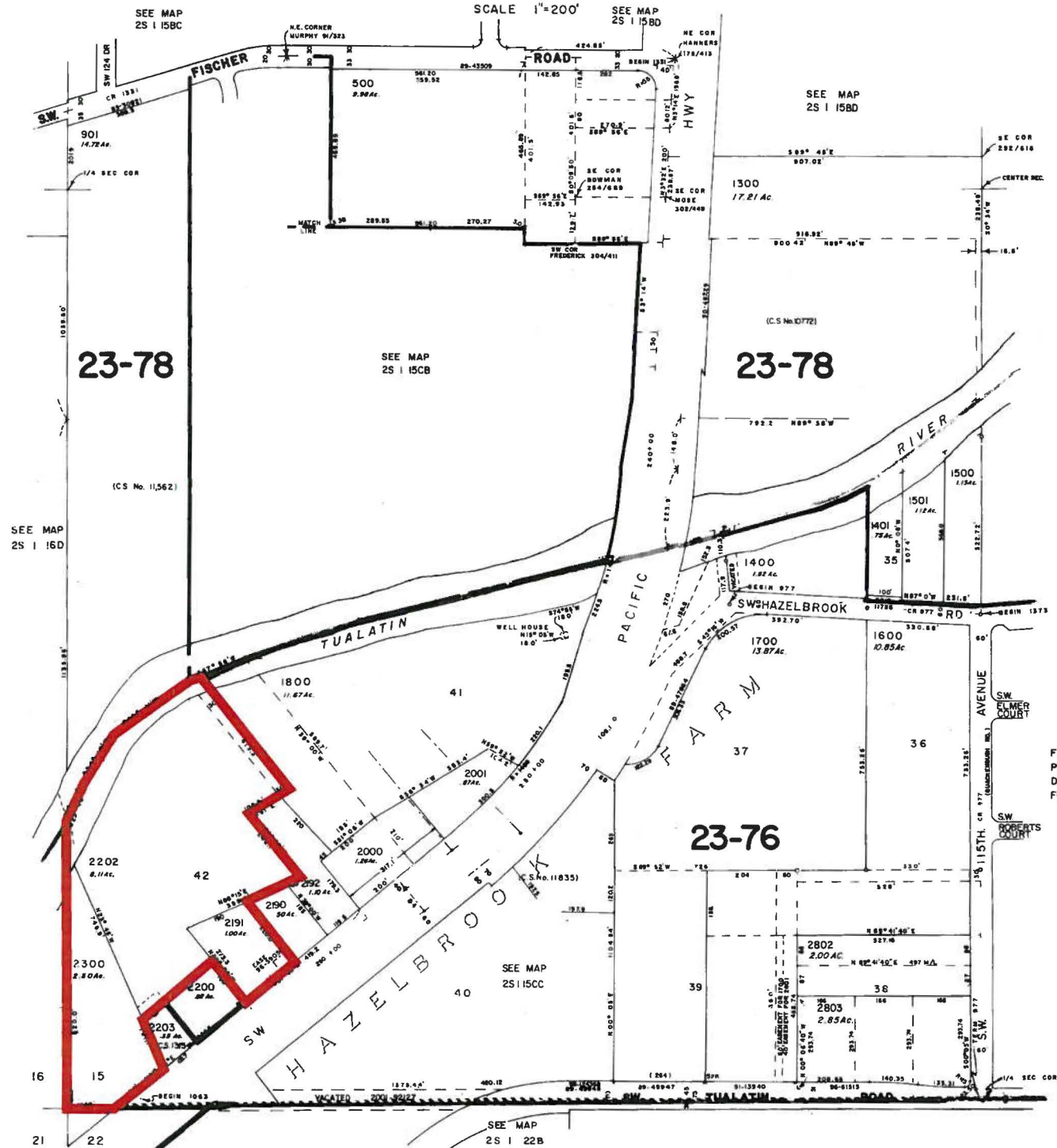
ESPEDAL PROPERTY, TUALATIN

DRAWN BY:MSK|CHECKED BY:NSW|DWG:3812 010214 ANNEX JOB: 3812

AKS ENGINEERING & FORESTRY, LLC
13910 SW GALBREATH DR SUITE 100
SHERWOOD, OR 97140 www.aks-eng.com
PHONE: 503.925.8799 FAX: 503.925.8969



CANCELLED TAX LOTS
2700, 704, 702, 1102, 800,
700, 701, 703, 708, 706, 707,
708, 709, 802, 200, 300, 400,
1000, 1701, 2500, 2601, 2800,
1900, 2002, 2100, 1101, 1301,
100, 2801, 2804, 3000, 1100, 1200,
1801, 1702, 2400, 2401, 2200-AI.



TUALATIN
2S 1 15C



00160021200201196310020020

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



Title Order No. 02213959
Escrow No. 21-22962

Tax Account No.

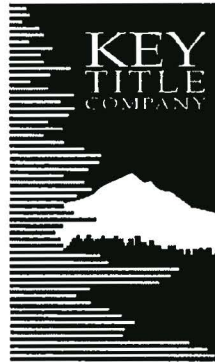
Pacific NW Title
02213959-W
T.O.

After Recording Return To:

Sean P Casey
45617 N State Street
Lake Oswego, OR 97035

Send Tax Statements To:

Sean P Casey
45617 State Street
Lake Oswego OR 97035



WARRANTY DEED
(ORS 93.850)

Emilia P Camara, an estate in fee simple, Grantor, conveys and warrants to Sean P Casey, an estate in fee simple, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$223,000.00.

Dated this 10th day of OCTOBER, 2002

Emilia P Camara



WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
\$ 223.00
FEE PAID DATE 10-11-02

State of OR, County of Washington)ss.

This instrument was acknowledged before me on OCTOBER 10, 2002
by Emilia P Camara.

Notary Public

My commission expires: 6/15/06



Exhibit A

Part of Lot 42, HAZELBROOK FARM, in the County of Washington and State of Oregon, also being a portion of that tract of land conveyed to Angelo Ed Garcia, et ux, by Deed recorded December 10, 1945 in Book 252, Page 545, Washington County, Oregon, Deed Records, more particularly described as follows:

BEGINNING at an iron pipe on the Northwestern right of way line of the West Side Pacific (State Highway), which iron pipe bears North 89°52' East, a distance of 143.4 feet and North 51°48' East, a distance of 175.0 feet from the Southwest corner of Lot 42 and which corner is also the Southwest corner of Section 15, Township 2 South, Range 1 West, of the Willamette Meridian; thence from the described place of beginning, North 51°48' East along the Northwestern line of said highway, a distance of 121.7 feet; thence North 38°12' West, a distance of 150 feet; thence South 51°48' West, a distance of 81 feet, more or less, to the West line of said Garcia Tract; thence South 23°45' East along the West line of said Garcia Tract, a distance of 155 feet, more or less, to the place of beginning.

Subject to:

Statutory powers of the Clean Water Services; Access Restrictions Recorded July 6, 1953, Book 346, Page 464; amended by instrument Recorded 8/8/58; Book 407, Page 626; Easement Recorded 9/22/54, Book 360, Page 616; Easement Recorded 1/10/77, Book 1137, Page 301; Easement Recorded 9/29/78, Fee No. 78043411; Easement Recorded 11/18/81, Fee No. 81038748 .





01082472200700331920050051

I, Richard Hebermicht, Director of Assessment and
Taxation and Ex-Officio County Clerk for Washington
County, Oregon, do hereby certify that the within
instrument of writing was received and recorded in the
book of records of said county.

Richard Hebermicht
Richard Hebermicht, Director of Assessment and
Taxation, Ex-Officio County Clerk

AFTER RECORDING, RETURN TO:

John H. Rosenfeld
Tonkon Torp LLP
888 SW Fifth Avenue, Suite 1600
Portland, OR 97204-2099

UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:

No Change Requested

BARGAIN AND SALE DEED

Joyce Lee Poppert, Donna June Degele and Kenneth Russell Espedal, successor Trustees of the Espedal Family Trust U/T/A dtd 3/18/93, Grantor, conveys to Kenneth R. Espedal, Joyce L. Poppert and Donna J. Degele, Trustee of the Degele Family Trust U/T/A dtd 1/19/93, each as to an undivided one-third interest, Grantees, that certain real property located in Washington County, Oregon, and more particularly described on the attached Exhibit "1."

The true consideration for this conveyance is property or value other than money.

By reason of the deaths of Helen L. Espedal (on 10/2/05) and Russell M. Espedal (on 2/18/06), Joyce Lee Poppert, Donna June Degele and Kenneth Russell Espedal are the successor co-Trustees of the Espedal Family Trust. This Deed represents a distribution from the Espedal Family Trust.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE

ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER
ORS 197.352.

DATED: February 4 26, 2007.

GRANTOR:

ESPEDAL FAMILY TRUST U/T/A
DTD 3/18/93

Joyce Lee Poppert
Joyce Lee Poppert, Trustee

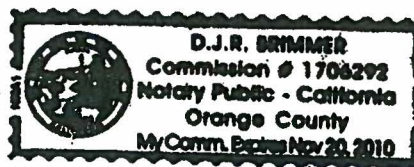
Donna June Degele
Donna June Degele, Trustee

Kenneth Russell Espedal
Kenneth Russell Espedal, Trustee

CALIFORNIA
STATE OF OREGON)
) ss.
County of Orange)

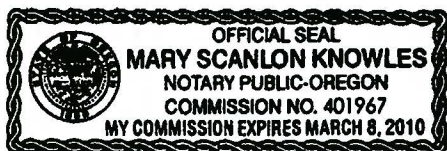
The foregoing instrument was acknowledged before me on the 26 day of February, 2007, by Joyce Lee Poppert, co-Trustee of the Espedal Family Trust U/T/A dtd 3/18/93.
Donna June Degele

[Signature]
Notary Public for Oregon CALIFORNIA
My commission expires: Nov 20, 2010



STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on the 1st day of March, 2007, by Joyce Lee Poppert, co-Trustee of the Espedal Family Trust U/T/A dtd 3/18/93.



Mary Scanlon Knowles
Notary Public for Oregon
My commission expires: 3-8-10

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on the 1st day of March, 2007, by Kenneth Russell Espedal, co-Trustee of the Espedal Family Trust U/T/A dtd 3/18/93.



Mary Scanlon Knowles
Notary Public for Oregon
My commission expires: 3-8-10

50551-1/744294

EXHIBIT "1" (Page 1 of 2)

PARCEL I

A portion of that tract of land in Lot 42, HAZELBROOK FARM, Washington County, Oregon, conveyed to Percy Howarth by deed recorded March 24, 1958, in Book 403, page 242, Washington County, Oregon Deed Records, more particularly described as follows: BEGINNING at the most southerly corner of said Howarth tract, which is on the Northerly boundary line of the West side Pacific (State) Highway; thence North $51^{\circ} 05'$ East along said highway boundary line 180 feet; thence North $39^{\circ} 00'$ West a distance of 220 feet, more or less, to the Northerly line of said Howarth tract; thence South $66^{\circ} 15'$ West along said Northerly line a distance of 190 feet, more or less, to the most westerly corner of said Howarth tract; thence South $39^{\circ} 00'$ East a distance of 273.3 feet to the point of beginning; subject to a common easement or roadway as described in Suit to Effie Duncan, plaintiff, against Inez I. Duncan, defendant, Register No. 11645, in the Circuit Court of the State of Oregon for Washington County. (Tax Account No. R523473)

PARCEL II

A part of Lot 42, HAZELBROOK FARM, Washington County, Oregon, lying Westerly of the tract conveyed to C. W. Ryder et ux by deed recorded in Book 252, Page 545, described as follows: Beginning at an iron pipe on the Northwesterly right of way line of the West Side Pacific (State) Highway, which iron pipe bears North $89^{\circ} 52'$ East 143.4 feet and North $51^{\circ} 48'$ East 175.0 feet from the Southwest corner of Lot numbered Forty-two, is also the Southwest corner of Section 15, Township 2 South Range 1 West, W.M.,; thence from the described place of beginning North $23^{\circ} 45'$ West 564.0 feet to an iron pipe; thence continuing North $23^{\circ} 45'$ West 133.5 feet to a point in the Tualatin River and on the West line of said lot numbered Forty-two; at a distance of 746.9 feet North of the Southwest corner of said lot; thence North on said Lot line 73.1 feet to a point in the center of the Tualatin River at the Northwest corner of said lot; thence North $23^{\circ} 48'$ East in the center of said river; 129.8 feet to a point; thence North $34^{\circ} 10'$ East in the center of said river a distance of 160.0 feet to a point; thence North $55^{\circ} 11'$ East in the center of said river a distance of 250.0 feet to a point; thence South $30^{\circ} 00'$ East parallel to the Easterly line of said lot a distance of 413.3 feet to an iron pipe; thence South $61^{\circ} 00'$ West a distance of 100.8 feet to an iron pipe; thence South $39^{\circ} 00'$ East parallel to the Easterly line of said lot a distance of 246.1 feet to an iron pipe; thence South $66^{\circ} 15'$ West a distance of 359.6 feet to an iron pipe; thence South $39^{\circ} 00'$ East parallel to the Easterly line of said lot a distance of 273.3 feet to an iron pipe on the Northwesterly right of way line of the West Side Pacific (State) Highway; thence South $51^{\circ} 05'$ West along said right of way line a distance of 50.7 feet to an iron right of way marker at Engineer's Station (Highway) 263+29.7; thence South $51^{\circ} 48'$ West along said right of way line a distance of 250.5 feet to the place of beginning, EXCEPT THAT portion thereof conveyed to the State of Oregon by Deed recorded in Book 346, Page 464,

Exhibit "1" (Page 2 of 2)

ALSO, an easement for road purposes of a strip of land 40 feet in width along the westerly line for egress from and ingress to the hereinabove described property.

EXCEPTING THEREFROM THE FOLLOWING PORTION:

Beginning at the most southerly corner of said premises, thence north $51^{\circ} 48'$ East along the northwesterly line of said highway 250.5 feet; thence North $51^{\circ} 5'$ along said highway 50.7 feet to an angle corner of said premises; thence north $39^{\circ} 00'$ West along the line of said premises 150 feet; thence southwesterly parallel with the northwesterly line of said highway 260 feet more or less to the westerly line thereof; thence south $23^{\circ} 45'$ East 160 feet more or less to the place of beginning. (Tax Account No. R523507).

PARCEL III

Beginning at the most Northerly corner of Lot 42, Hazelbrook Farm; thence South $67^{\circ} 56'$ West 180.9 feet to the place of beginning of the tract to be described; thence South $39^{\circ} 00'$ East 413.3 feet to a point; thence North $67^{\circ} 56'$ East to a point which is 30 feet distant from, when measured at right angles, to the last mentioned line and a Southerly extension thereof; thence North $39^{\circ} 00'$ West, parallel with and 30.0 feet distant from said last mentioned line, 413.3 feet to a point on the Northwesternly line of said Lot 42; thence South $67^{\circ} 56'$ West to the place of beginning, in Washington County, Oregon.

PARCEL IV

A portion of Lot 42, HAZELBROOK FARM, a duly recorded subdivision in T 2S R1W W.M., Washington County, Oregon, more particularly described as follows, to-wit: Beginning at the SW corner of Lot 42, Hazelbrook Farm, which SW corner is also the SW corner of Section 15, T 2S R1W W.M; thence from the described place of beginning N along the W line of said Lot 42 a distance of 634.9 feet to an iron pipe; thence continuing N along said line a distance of 112.0 feet to a point in the Tualatin River; thence S $23^{\circ} 45'$ E 113.5 feet to an iron pipe; thence continuing S $23^{\circ} 45'$ E a distance of 564.0 feet to an iron pipe on the Northwesternly line of the W side Pacific (State) Highway; thence S $51^{\circ} 48'$ W along said Highway right of way a distance of 175.0 feet to a point on the S line of said Lot 42 Hazelbrook Farm; thence S $89^{\circ} 52'$ W along the lot line a distance of 143.4 feet to the place of beginning. Containing 2.586 acres.



01255484200800484340040042

I, Richard Hobemicht, Director of Assessment and
Taxation and Ex-Officio County Clerk for Washington
County, Oregon, do hereby certify that the within
instrument of writing was received and recorded in the
book of records of said county.

Richard Hobemicht, Director of Assessment and
Taxation, Ex-Officio County Clerk



After recording return to:
Reza Lankarani
3944 Croisan Mt. Drive S
Salem, OR 97302

Until a change is requested all tax statements
shall be sent to the following address:
Reza Lankarani
3944 Croisan Mt. Drive S
Salem, OR 97302

File No.: NCS-342689-OR1 (nc)
Date: March 04, 2008

THIS SPACE RESERVED

STATUTORY WARRANTY DEED

ASR, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Reza Lankarani and Farah Pakseresht, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$this deed is being given to amend the vesting only.**
(Here comply with requirements of ORS 93.030)

FAYCO NO 7019-1173962 (NCS-342689)

20
16
36

APN:

Statutory Warranty Deed
- continued

File No.: **NCS-342689-OR1 (nc)**
Date: **03/04/2008**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

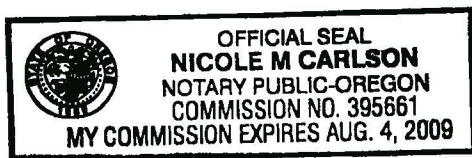
Dated this 28th day of May, 2008.

ASR, LLC, an Oregon limited liability company


By: Reza Lankarani, Managing Member

STATE OF Oregon)
County of Multnomah)ss.

This instrument was acknowledged before me on this 28 day of May, 2008
by Reza Lankarani as Managing Member of ASR, LLC, on behalf of the limited liability company.



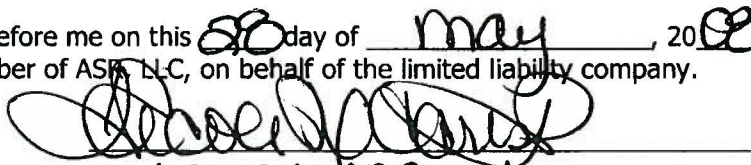

NICOLE M. CARLSON
Notary Public for Oregon
My commission expires: 080409

EXHIBIT A**LEGAL DESCRIPTION:****PARCEL I:**

A PORTION OF THAT TRACT OF LAND IN LOT 42, HAZELBROOK FARM, (PLAT BOOK 2, PAGE 0066) IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, CONVEYED TO ARTHUR J. POULIN, ET UX, BY DEED RECORDED JUNE 03, 1964 IN BOOK 514, PAGE 0344, WASHINGTON COUNTY DEED RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID POULIN TRACT, SAID CORNER BEING ON THE NORTHERLY BOUNDARY LINE OF THE WEST SIDE PACIFIC (STATE) HIGHWAY; THENCE SOUTH 51° 05' WEST ALONG SAID HIGHWAY BOUNDARY LINE A DISTANCE OF 119.5 FEET TO A POINT WHICH IS THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH 51° 05' WEST ALONG SAID HIGHWAY BOUNDARY LINE A DISTANCE OF 119.7 FEET TO THE SOUTHWESTERLY CORNER OF SAID POULIN TRACT; THENCE NORTH 39° 00' WEST ALONG THE WESTERLY LINE OF SAID POULIN TRACT A DISTANCE OF 220.0 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF SAID POULIN TRACT; THENCE NORTH 66° 15' EAST, A DISTANCE OF 121 FEET, MORE OR LESS, TO A LINE BEARING NORTH 30° WEST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 39° EAST A DISTANCE OF 185.0 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL II:

A PORTION OF THAT TRACT OF LAND IN LOT 42, HAZELBROOK FARM, (PLAT BOOK 2, PAGE 0066) IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, CONVEYED TO ARTHUR J. POULIN, ET UX, BY DEED RECORDED JUNE 03, 1964, IN BOOK 514, PAGE 0344, WASHINGTON COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID POULIN TRACT, SAID CORNER BEING ON THE NORTHERLY BOUNDARY LINE OF THE WEST SIDE PACIFIC (STATE) HIGHWAY; THENCE SOUTH 51° 05' WEST ALONG SAID HIGHWAY BOUNDARY LINE, A DISTANCE OF 119.5 FEET; THENCE NORTH 39° 00' WEST A DISTANCE OF 185 FEET, MORE OR LESS, TO THE MOST SOUTHERLY NORTHWESTERLY LINE OF SAID POULIN TRACT; THENCE NORTH 66° 15' EAST ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 40 FEET, MORE OR LESS, TO AN ANGLE CORNER; THENCE NORTH 39° 00' WEST A DISTANCE OF 246.1 FEET TO THE MOST NORTHERLY NORTHWESTERLY CORNER OF SAID POULIN TRACT; THENCE NORTH 61° 00' EAST ALONG THE MOST NORTHERLY NORTHWESTERLY LINE OF SAID POULIN TRACT, A DISTANCE OF 100.8 FEET TO THE MOST NORTHERLY CORNER OF SAID POULIN TRACT; THENCE SOUTHEASTERLY ALONG THE NORTHWESTERLY LINE OF POULIN TRACT, A DISTANCE OF 220 FEET, MORE OR LESS, TO A POINT ON THE NORTHWESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO S.H. JOSEY, ET UX, BY DEED RECORDED IN BOOK 143, PAGE 0072, WASHINGTON COUNTY DEED RECORDS; THENCE SOUTH 51° 06' WEST ALONG THE NORTHWESTERLY LINE OF SAID JOSEY TRACT, A DISTANCE OF 45 FEET TO THE MOST WESTERLY CORNER OF SAID JOSEY TRACT; THENCE SOUTH 39° 00' EAST ALONG THE SOUTHWESTERLY LINE OF SAID JOSEY TRACT, A DISTANCE OF 179.3 FEET TO THE POINT OF BEGINNING.

APN:

Statutory Warranty Deed
- continued

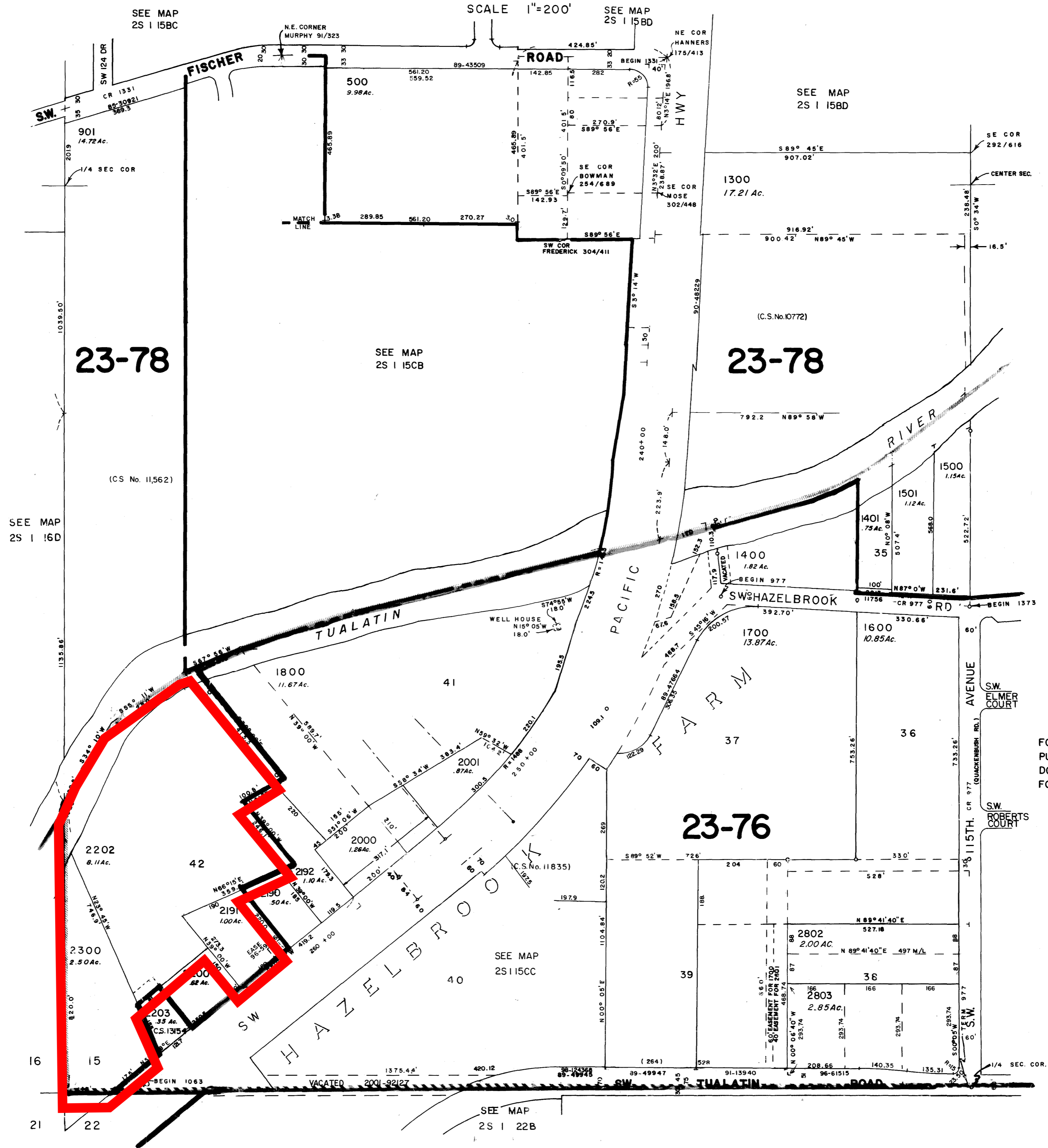
File No.: **NCS-342689-OR1 (nc)**
Date: **03/04/2008**

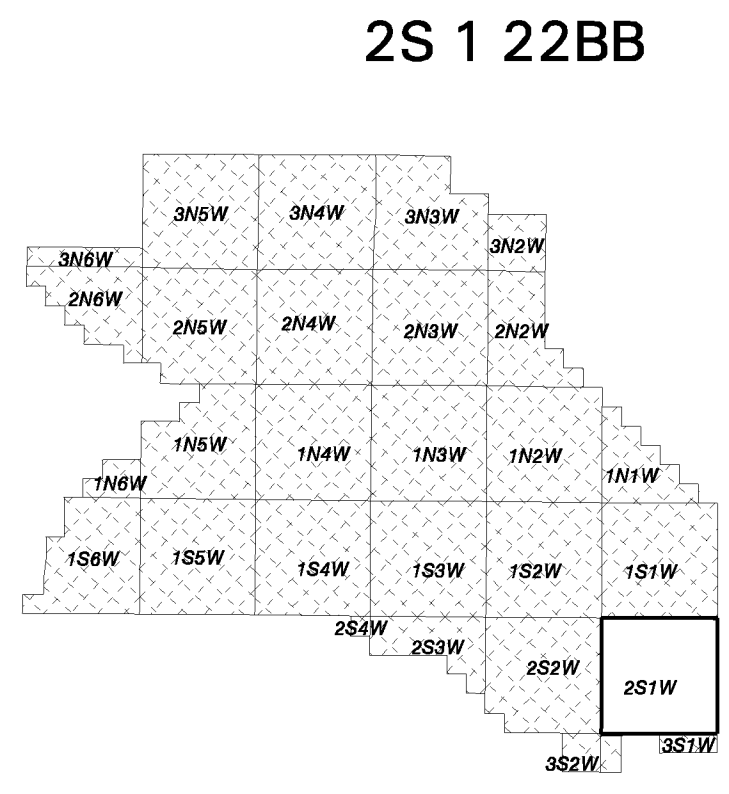
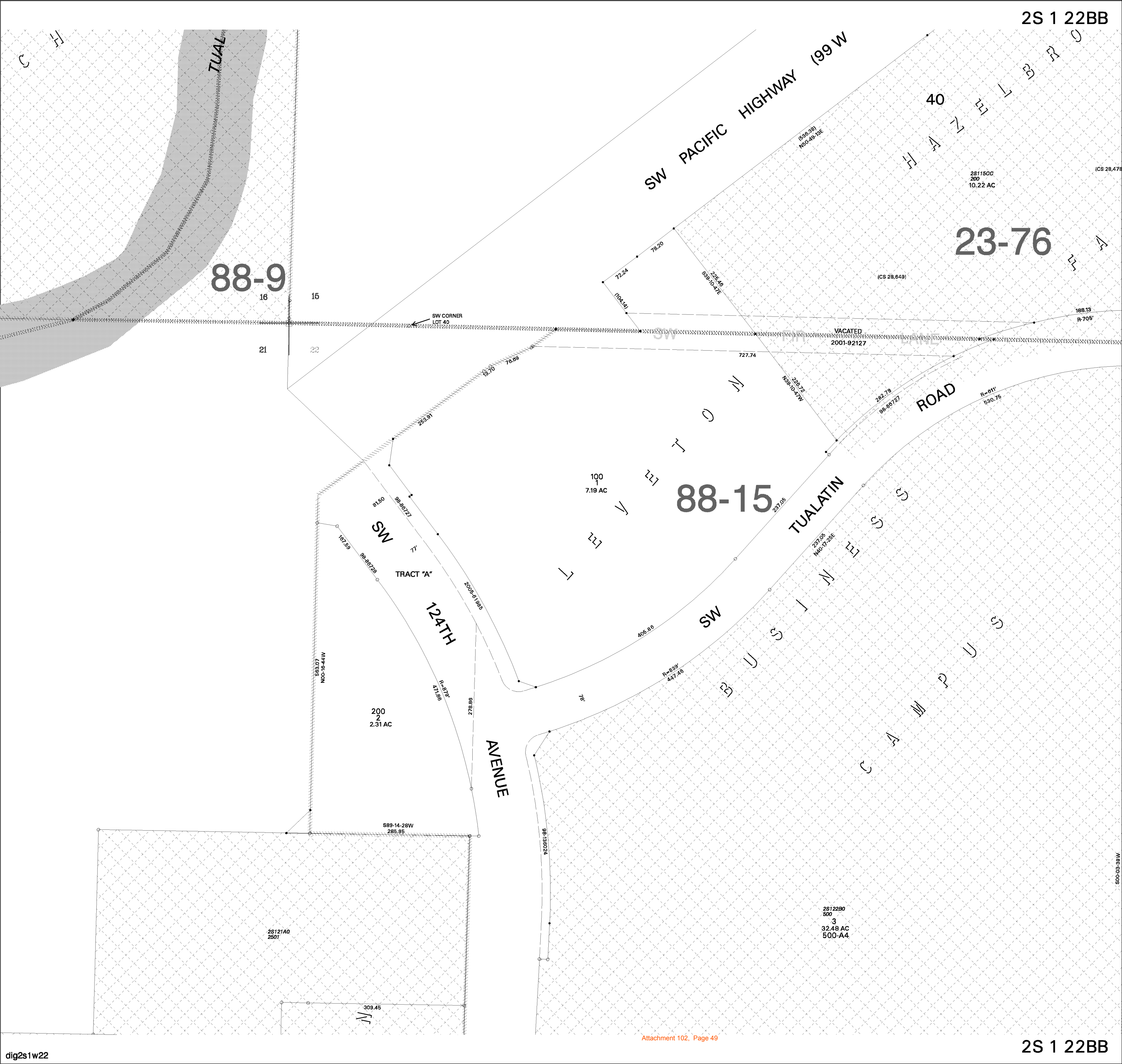
THE LEGAL WAS CREATED PRIOR TO JANUARY 01, 2008

TAX ASSESSOR'S MAPS

WASHINGTON COUNTY OREGON

CANCELLED TAX LOTS
2700, 704, 702, 1102, 600,
700, 701, 703, 705, 706, 707,
708, 709, 902, 200, 300, 400,
1000, 1701, 2600, 2601, 2800,
1900, 2002, 2100, 1101, 1301,
100, 2801, 2804, 900, 1100, 1200,
1601, 1702, 2400, 2401, 2200-A1,





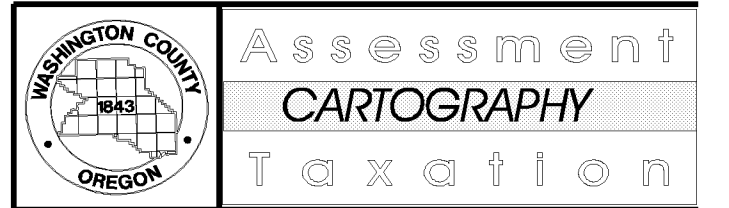
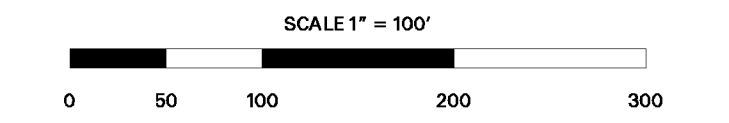
WASHINGTON COUNTY OREGON
NW1/4 NW1/4 SECTION 22 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
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36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

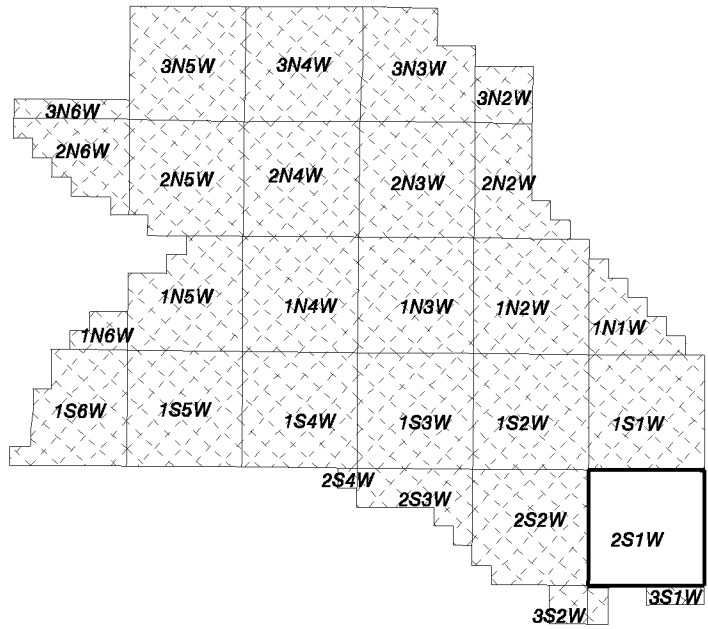
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
B	BD	AC	AD
BC	CA	DB	DA
C	CD	DC	DD

SECTION 22



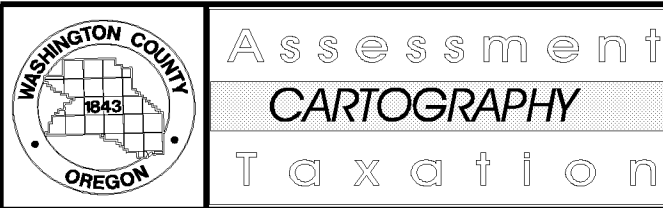
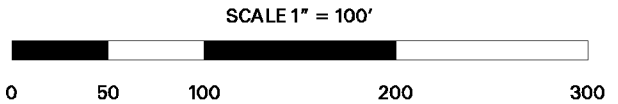
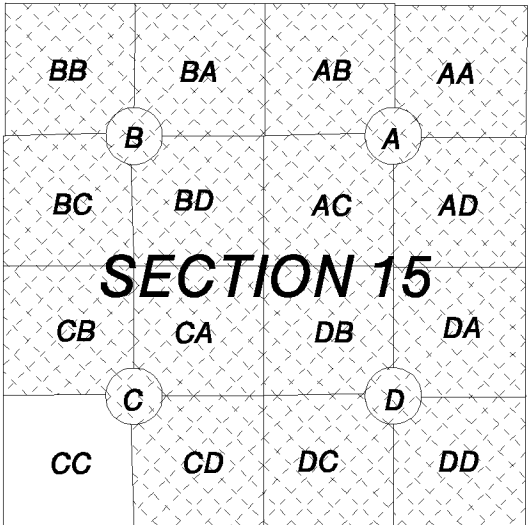
PLOT DATE: June 25, 2010
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



WASHINGTON COUNTY OREGON
SW1/4 SW1/4 SECTION 15 T2S R1W W.M.
SCALE 1" = 100'

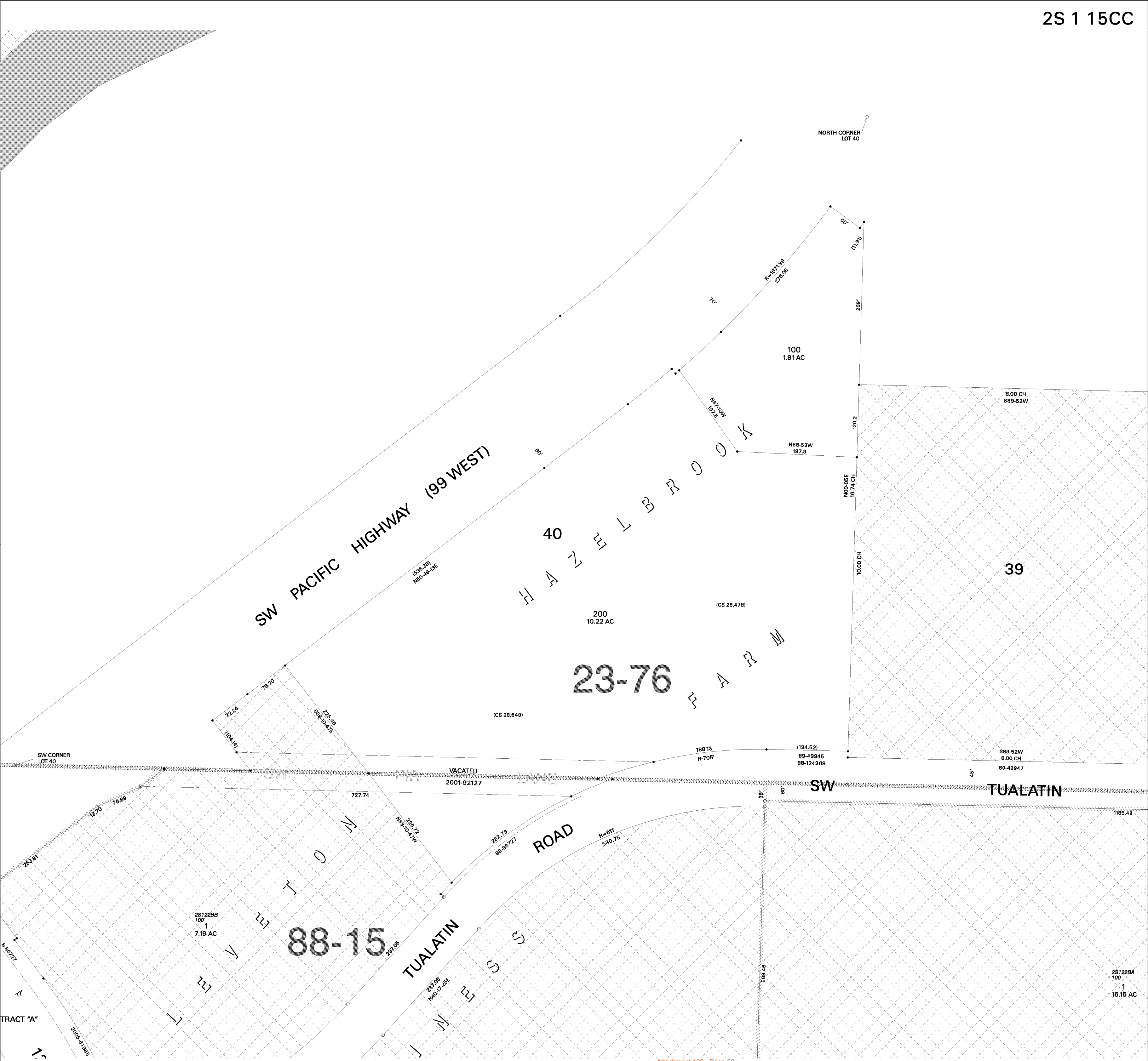
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24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



PLOT DATE: June 25, 2010
FOR ASSESSMENT PURPOSES
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Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



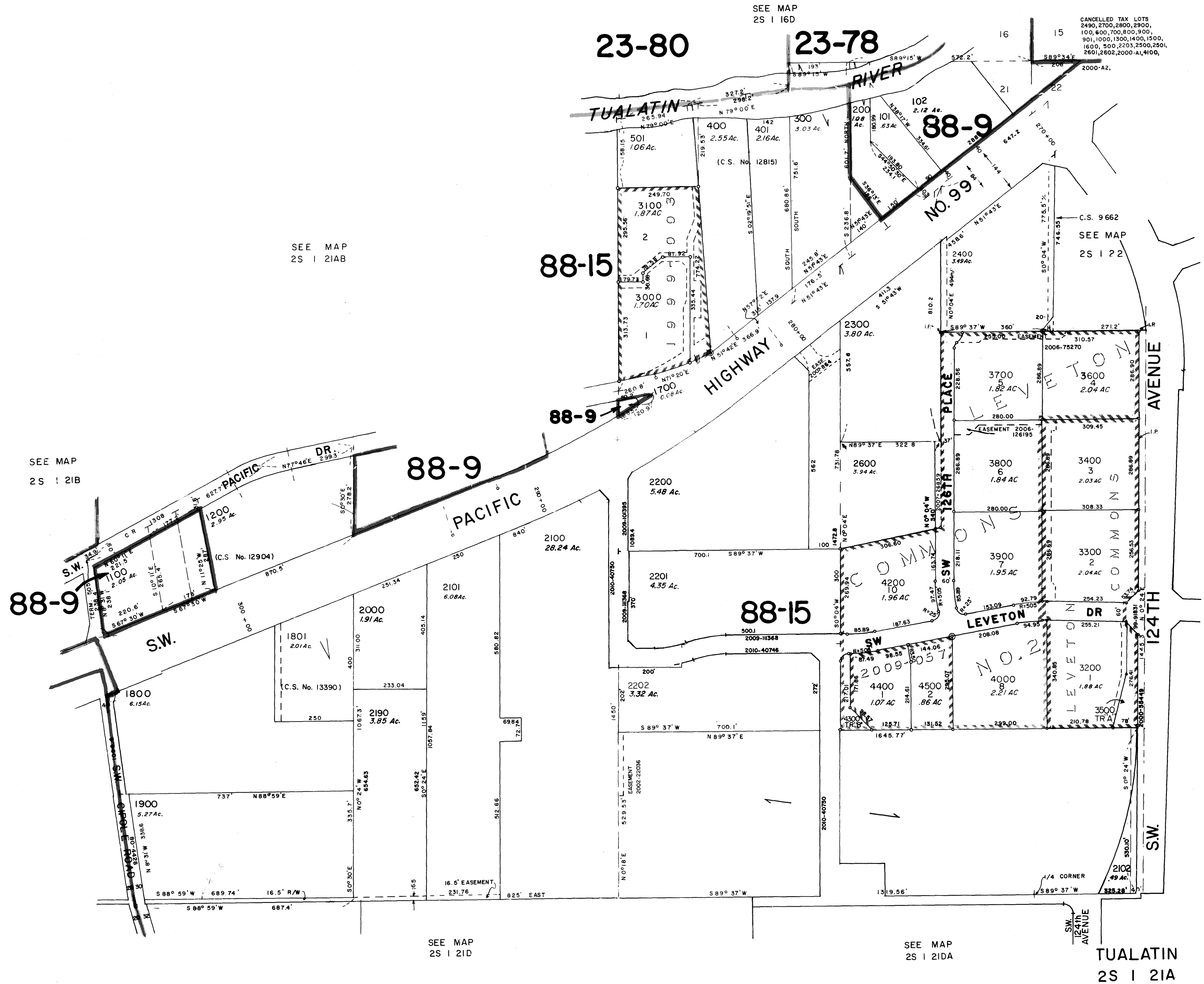
NE 1/4 SECTION 21 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

2S 1 21A

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE



SE 1/4 SECTION 16 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

2S 1 16D

SEE MAP
2S 1 15BC

SEE MAP
2S 1 16AD

S.W. 126TH AVE.

ROAD

S.W. 125TH PL.

1/4 CORNER

S.W. 1331

200
43.84 Ac.

L A M B E R T ' S

SEE MAP
2S 1 16DA

CANCELLED TAX LOTS
100,101,400,500,300,390,
501,303,302,601,1800,1802,
1803,1801,1900,2000,2002,
2001,2100,2200,2300,201,
301,304,305,701,800,700,
900,1000,1100,1500,1501,1502,
1600,1700,600,

8
A D D I T I O N
23-78

C.S.13,819

T O

SEE MAP
2S 1 15C

P E A C H V A L E

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE

88-9

1400
2.15 AC.

16

15

21

22

SW. PACIFIC HWY.

SW. BRADLEY LN.

SW. 128th AVE.

SW. BEDFORD ST.

SEE MAP
2S 1 16DC

SEE MAP
2S 1 16DD

1200
4.88 Ac.

33

1301
4.64 Ac.

35

1300
10.82 Ac.

37

WEST

39

NE COR. BEGAN
217/485

TUALATIN

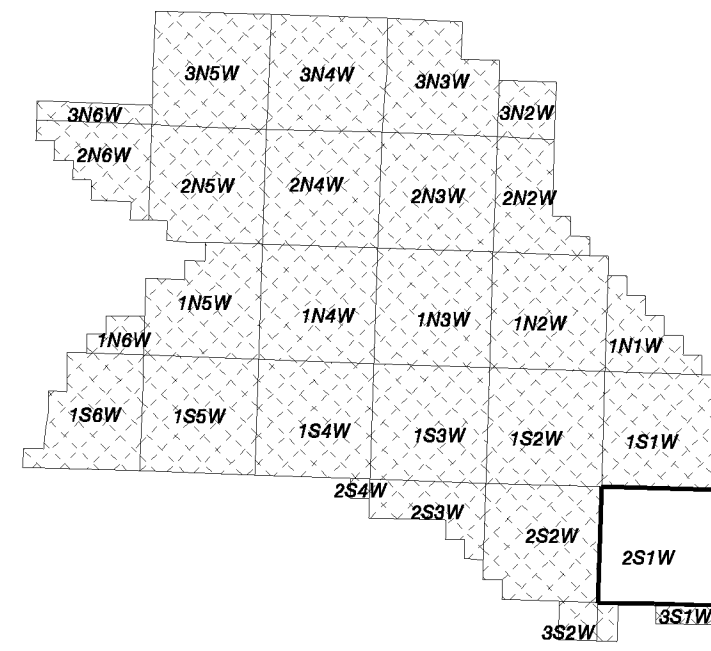
SEE MAP

2S 1 21A

2S 1 16D


SEE MAP
2S 1 16DC

1/4 COR.



36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
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1	6	5	4	3	2	1	6

SECTION 16

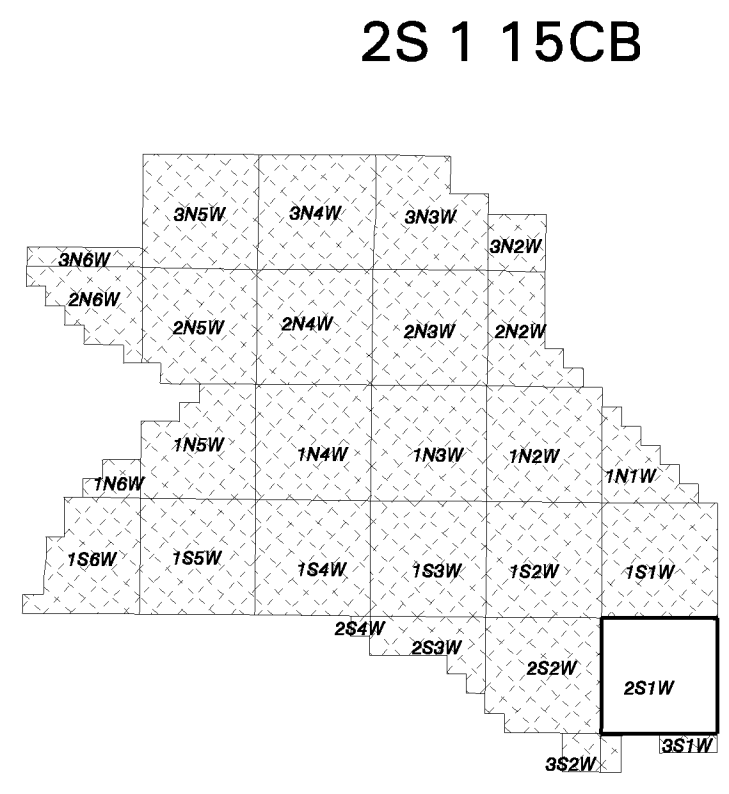


Assessment

CARTOGRAPHY

Taxation

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



WASHINGTON COUNTY OREGON
NW1/4 SW1/4 SECTION 15 T2S R1W W.M.
SCALE 1" = 100'

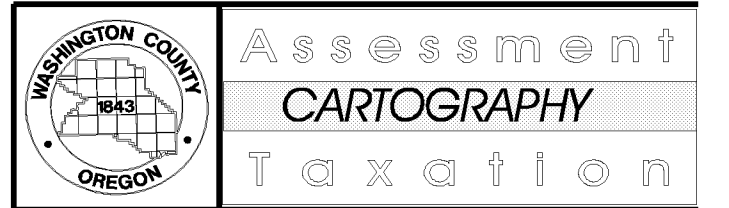
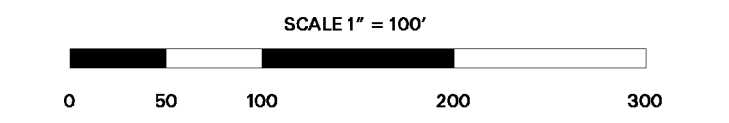
36	31	32	33	34	35	36	31
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13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
B		A	
BC	BD	AC	AD
CB	CA	DB	DA
C		D	
CC	CD	DC	DD

SECTION 15

Cancelled Taxlots For: 2S115CB
500,100-C1,4200-C1,



PLOT DATE: November 27, 2012
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

LIST OF PROPERTY OWNERS



City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township & Range)

2S-1-15C: 2191, 2202, 2300
(1) Kenneth Espedal 11515 SW Hazelbrook Rd Tualatin 97062

(2)

(3)

(4)

(5)

(6)



City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township & Range)

		28-1-15C: 2191, 2202, 2300
(1)	Joyce & Poppert	11515 S.W. Hazelbrook Rd Tualatin, Or. 97062
(2)		
(3)		
(4)		
(5)		
(6)		



City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number,
Township & Range)

Donna J. Degele

25-1-15C:2191,2202,2300

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

NEIGHBORHOOD MEETING INFORMATION

December 23, 2013

James & Kathleen Hennessy
12882 SW BEDFORD ST
TIGARD, OR 97224-1802

Re: Notice of Neighborhood/Developer Meeting for the property located at 17985 SW Pacific Hwy, Tualatin, OR.

Dear James & Kathleen,

You are cordially invited to attend a meeting on January 9, 2014 at 6:00 pm at the Juanita Pohl Center, located at 8513 SW Tualatin Road. This meeting shall be held to discuss a proposed project located at 17985 SW Pacific Hwy, Tax Map 2S115C Tax Lots 2191, 2202 and 2300. The proposal is to annex the above mentioned property into City limits and to change the planning district designation from commercial to multi-family residential.

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

Regards,



Brian Moore

Mountain West Investment
(503) 581-4654
Brian@mwinv.com

201 Ferry Street SE, Ste. 400
Salem, Oregon 97301

p (503)581-4654 f (503)581-7061

www.mwinv.com

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

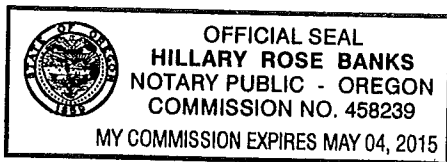
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Brian Moore, being first duly sworn, depose and say:

That on the 23 day of Dec, 2013, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Brian Moore
Signature

SUBSCRIBED AND SWORN to before me this 23 day of December, 2013.



Hillary Banks
Notary Public for Oregon
My commission expires:

RE: _____

Letterhead (if available)

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

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

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

Regards,

(Your name)

(Company name)

(Contact phone number and email)

As the applicant for the Tualatin annexation/plan amendment project, I hereby certify that on this day, Dec. 23, 2013 notice of the Neighborhood / Developer meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Brian Moore
(PLEASE PRINT)

Applicant's Signature: Brian Moore

Date: 12.23.13

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

As the applicant for the

17865 and 17985 SW Pacific Hwy (2S 1 15C tax lot 2191, 2202, 2300)

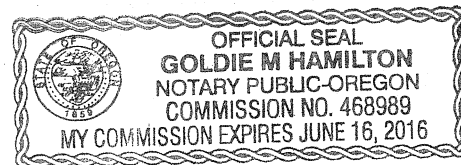
project, I

hereby certify that on this day, Dec 23, 2013 sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code
and the Community Development Department - Planning Division.

Applicant's Name: Rockelle Wasula
(PLEASE PRINT)

Applicant's Signature: R Wasula

Date: Dec 23, 2013



Goldie M Hamilton

Subscribed and sworn to or affirmed, before me this

23 day of December, 2013

Notary Public for the State of Oregon

County of Washington

My Commission expires: 6-16-2016

Re: 17985 SW Pacific Hwy

01/09/2014

6:00 PM

Juanita Pohl Center

8513 SW Tualatin Road

NAME

PLEASE PRINT CLEARLY

STREET ADDRESS

PHONE/EMAIL

- | | | | |
|----|---|-----|--|
| 1. | Robert Osborne
18031 SW Pacific Hwy
503-538-7754 | 8. | |
| 2. | Jay Popper
11515 SW Rayburn Rd
Tualatin 503-692-1548 | 9. | |
| 3. | 11 11 11
Kenny Esqueda | 10. | |
| 4. | Steve Heine
17725 SW Pacific Hwy
Tualatin, OR 97062 | 11. | |
| 5. | Dawn O'Leary
21487 SW Roellich Ave
Sherwood, OR 97140 | 12. | |
| 6. | Rhonda Barber
10909 SW 60th
Port OR 97219 | 13. | |
| 7. | Evan Landling
12997 SW Timara Ln
Timara, OR 9724 | 14. | |

January 9, 2014 – 6:00 PM
Juanita Pohl Center
8513 SW Tualatin Road
Tualatin, OR 97062

RE: Neighborhood Meeting – “Espedal Property” (17985 SW Pacific Highway) Annexation and Plan Map Amendment Applications

Dear Neighbors:

Thank you for attending our neighborhood meeting for the project located on the “Espedal Property” located at 17985 SW Pacific Highway. The purpose of tonight’s meeting is to introduce the project team, briefly discuss the site, the project, and City of Tualatin process. Please recognize that tonight’s meeting is preliminary in nature and is the first step in the City land use process. We hope that the conversation tonight is informative and helpful to understanding the project and process.

Meeting Agenda:

- I. Introduction
- II. Site Information
- III. Application Details
- IV. Questions and Answers

Thank you for again for your attendance and participation in tonight’s meeting.

Sincerely,
AKS Engineering & Forestry, LLC



Chris Goodell, AICP, LEED^{AP}
Associate

Comments

Thank you for your attendance this evening. In the space below, please provide any comments you may have along with any suggestions for a neighborhood project.

- I would like see the general commercial zoning remain at least near the highway so the Frontage remains contiguous with the rest of the commercial properties.
- They could still build multi-story units ~~and~~ but with apartments on the upper floors.
- would like to see Natural gas to the site (to the North side of the highway).
- would like to see the access to the site from the 124th Avenue intersection. I understand you don't own that property though!

Name* Steve Heino Contact Information* modernclassics68@gmail.com

*Not required

503-783-6444

ANN-14-01

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

Neighborhood/Developer Meeting Summary:

17985 SW Pacific Hwy, Tax Map 2S115C Tax Lots 2191, 2202 and 2300

Date: January 9, 2014

Time: 6:00 PM

Location: Juanita Pohl Center, 8513 SW Tualatin Road

The following serves as a summary of the primary subjects covered at the Neighborhood/Developer Meeting. Business cards with contact information, a meeting agenda, and comment cards were provided. In addition, an attendance sheet was also made available for attendees to sign. This documentation is included in the application materials.

General discussion of proposed project:

- Discussion of applicant's company
- Property description, location, surrounding land uses
- Current zones and surrounding zones of the subject site and those around it
- A summary of the annexation and map amendment process
- Anticipated construction schedule of project
- Entering and exiting the property – ODOT access
- ADT of commercial land uses verses residential land uses
- Traffic flow, traffic density and sight distance (u-turns and signals)
- Possibility of natural gas being brought to the vicinity
- Mixed use zoning
- Parking
- Number of proposed units, size of units, and number buildings and number of stories
- Rental rates, comparative properties, area demand for multi-family projects
- Affected schools
- Schedule of upcoming notifications and meeting dates

The meeting went well and the attendees were interested in being part of the process.

AKS ENGINEERING & FORESTRY, LLC



Chris Goodell, AICP

WAIVER OF RIGHTS AND REMEDIES

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Kenneth R. Espada ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9 day of January, 2014

<p><u><i>Kenneth R Espedal</i></u> (signature)</p> <p>Petitioner Name: <u><i>Kenneth R Espedal</i></u></p> <p>Date Signed: <u><i>1-9-14</i></u></p>	<p>_____ (signature)</p> <p>Petitioner Name: _____</p> <p>Date Signed: _____</p>
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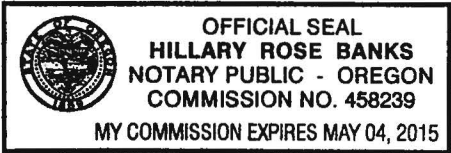
Petitioner (corporation, etc.) Name: Kenneth R Espedal
 By: Kenneth R Espedal
 Name of Signor: _____
 Office/Title of Signor: Property owner

State of Oregon _____
 County of Marion _____

On this 9 day of January, 2014, before me the undersigned
 Notary Public, personally appeared

Kenneth Espedal
 (Name of Petitioners signing; not Notary name)

- ☐ Personally known to me
☒ Proved to me on the basis of satisfactory evidence
To be the person who executed the within instrument
☒ As owner or on behalf of the entity therein named, pursuant
 to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <u>Hillary Banks</u> Notary name (legible): <u>Hillary Banks</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,

- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Joyce L. Popper ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9 day of January, 2019.

<u>Joyce L. Popper T</u> (signature)	 (signature)
Petitioner Name: <u>Joyce L. Popper T</u>	Petitioner Name:
Date Signed: <u>1-9-14</u>	Date Signed:

Petitioner (corporation, etc.) Name: Joyce L. Popper T
 By: Joyce L Popper T
 Name of Signor: _____
 Office/Title of Signor: Property owner

State of Oregon _____)
 County of manion)

On this 9 day of January, 2014, before me the undersigned
 Notary Public, personally appeared

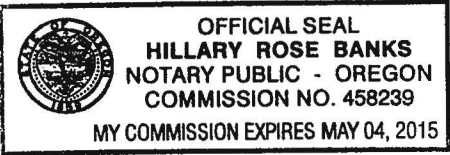
Joyce Popper T

(Name of Petitioners signing; not Notary name)

- ☐ Personally known to me
☒ Proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument

- ☒ As owner or on behalf of the entity therein named, pursuant
 to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <u>Hillary Banks</u> Notary name (legible): <u>Hillary Banks</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,

- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____ _____	

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Donna Degele ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.


Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9th day of January, 2014.

 (signature)	 (signature)
Petitioner Name: <u>Donna J. Degele</u>	Petitioner Name:
Date Signed: <u>1-9-2014</u>	Date Signed:

Petitioner (corporation, etc.) Name: Donna J Degele

By: _____

Name of Signor: Donna Degele

Office/Title of Signor: property owner

State of Oregon _____)

County of _____)

On this _____ day of _____, _____, before me the undersigned
Notary Public, personally appeared

(Name of Petitioners signing; not Notary name)

- ☐ Personally known to me
- ☐ Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument**
- ☐ As _____ or on behalf of the entity therein named, pursuant
to authority, and acknowledged to me the execution hereof.

For Notary Acknowledgment. See Attached Document

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature _____ Notary name (legible): _____	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

City Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On

January 09, 2014

before me,

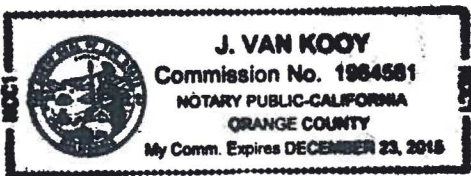
J. Van Kooy, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Donna J. Degele

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

J. Van Kooy

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Measure 37 Waiver Of Rights And Remedies

Document Date:

January 9, 2014

Number of Pages:

4

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,

- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

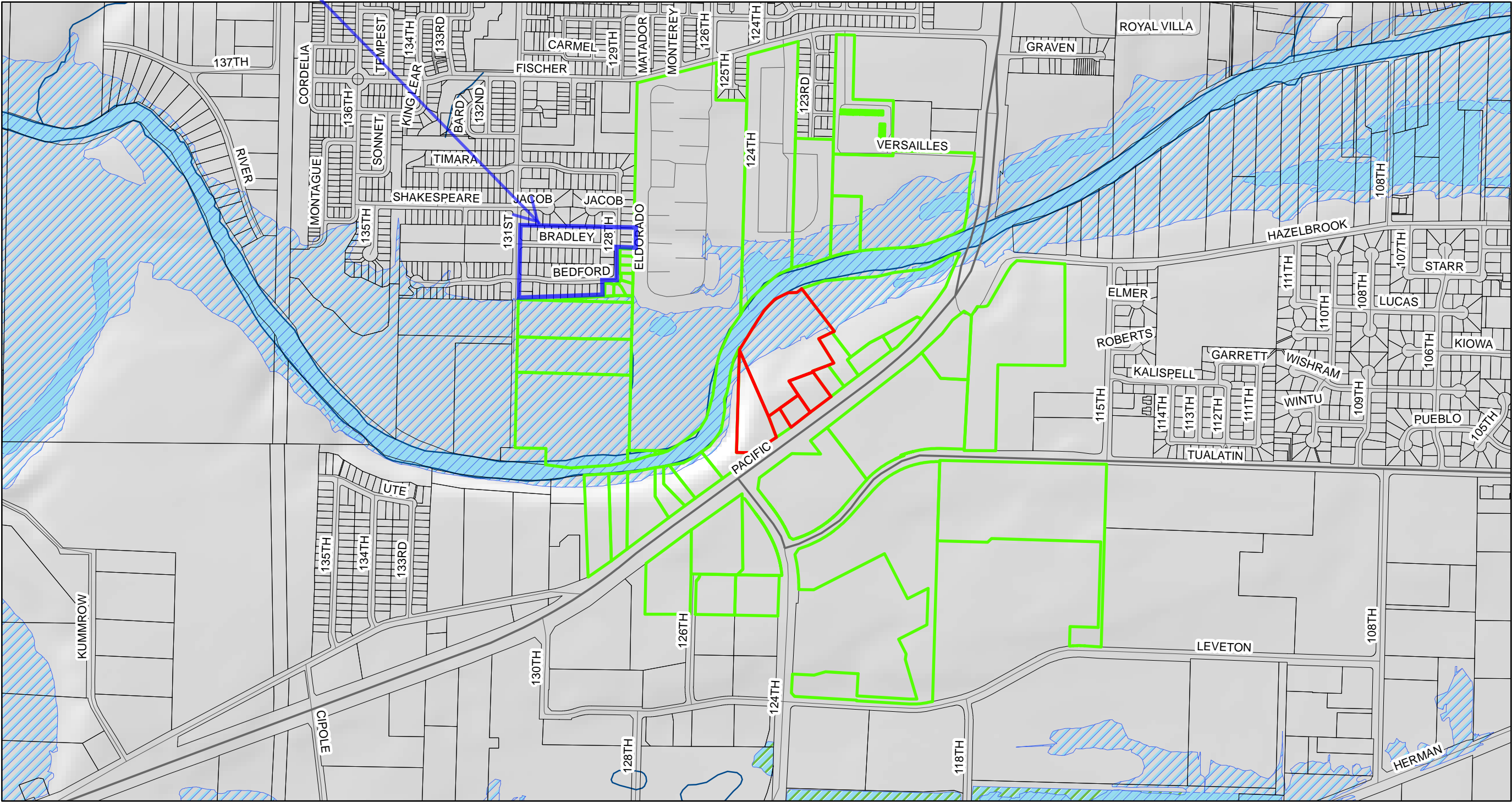
To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

Lots within Bradley Woods and Bedford Park Subdivisions that are included in mailing list/labels.

Floodplain

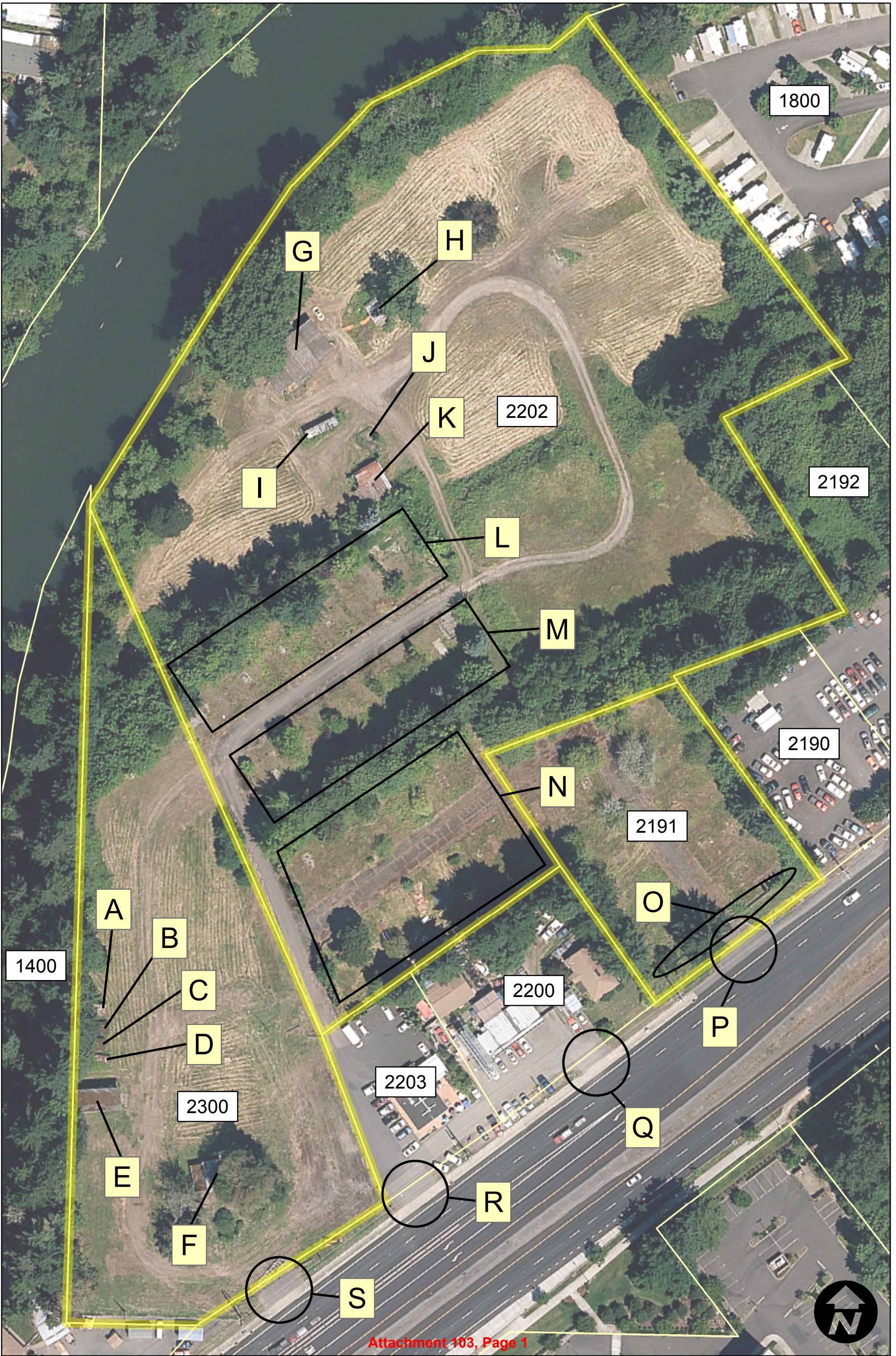
- subject property
- Tax Lots selection
- Streams
- Flood Plain
- Wetlands



Customer Service Department
12909 SW 68th Parkway, Suite 350
Portland, OR 97223
(503) 603-1700 cs@wfgnationaltitle.com

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ATTACHMENT 104

ANN-14-01: BACKGROUND INFORMATION

- I.** Pertinent background information obtained from the submitted application for ANN-14-01 and other supporting documents is summarized in this section.

The subject property, which includes Tax Lots 2191, 2202, and 2300 of Tax Map 2S1 15C, is owned by the Degel Family Trust which includes Kenneth R. Espedal and Joyce L. Poppert and is addressed at 17865 and 17985 SW Pacific Highway (Attachment 101). The property is located adjacent to SW Pacific Highway. Immediately adjacent parcels include:

- A.** Tax Lot 1800 to the northeast (Recreational Vehicle Park) (in City, Commercial Recreational (CR) Planning District);
- B.** Tax Lot 2292, and 2190 to the east (Oregon Auto Center)(in City, General Commercial (CG) Planning District);
- C.** Tax Lot 2200 to the south (Sanchez Towing)(in City, General Commercial (CG) Planning District);
- D.** Tax Lot 2203 to the south (Nacho Mama's)(in City, General Commercial (CG) Planning District);
- E.** Tax Lot 1400 to the west (residence)(in Washington County, Future Development 10-acre Minimum (FD-10) Planning District);

- II.** The subject property is located in unincorporated Washington County and zoned Future Development 10-Acre Minimum (FD-10). When annexed, tax lot 2191 will be in the General Commercial (CG) Planning District. Tax lot 2202 will be in the Commercial Recreational (CR) Planning District. Tax lot 2300 will be in the High Density Residential (HR) Planning District. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.

A Plan Map Amendment is also being processed for tax lots 2191 and 2202. This will convert tax lot 2191 and 2202 to High Density Residential (HR) Planning District.

A Vicinity Map is included as Attachments 101. The applicant's materials are included as Attachment 103.

The property is developed with residential improvements and uses. The following structures, uses, and accesses are currently on the Subject Property (Attachment 102):

A. 11 existing structures:

1. Five sheds (A, B, C, D, and E) on tax lot 2300.
2. One house on tax lot 2300 (F).
3. One barn on tax lot 2202 (G).
4. Three sheds on tax lot 2202 (H, I, and J).
5. One house on tax lot 2202 (K).
6. 4 rows of foundations on tax lot 2202 (L, M, and N)
7. One wall on tax lot 2191 (O).
8. One existing access on tax lot 2191 (P).
9. Access Q is not a part of the subject site and the subject site does not have physical or legal access to it.
10. One existing access on tax lot on tax lot 2203 through a recorded easement to tax lot 2202 (R).
11. One existing access on tax lot 2300 (S).

III. When annexed, the Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the Subject Property upon annexation are as follows:

- A.** Nonconforming Uses, Structures, and Signs (TDC 35);
- B.** Sign Regulations (TDC 38);
- C.** High Density Residential (RH) Planning District (TDC 43);
- D.** Commercial Recreational (CR) Planning District (TDC 52);
- E.** General Commercial (CG) Planning District (TDC 54);
- F.** Community Design (73);
- G.** Public Improvements (TDC 74);
- H.** Access Management (TDC 75).

IV. In respect to the above TDC standards:

- A.** Single family residential homes are not permitted in the Commercial Recreational Planning District, TDC 52. Therefore, the current home on tax lot 2202 will become legal non-conforming.
- B.** Outdoor storage is only allowed as a conditional use as per TDC 54.030 General Commercial Conditional Uses and in conjunction with screening as required by TDC 73.160(4) Community Design Standards for Service, Delivery and Screening.

C. Existing Accesses:

1. Tax Lot 2191's Access P on Exhibit A from Highway 99W does not meet requirements of TDC Chapters 73 Community Design, 74 Public Improvements, and 75 Access Management for paving, access design, access control, access location, and shared access.
2. The subject site does not have physical or legal access to tax lot 2200's Access Q.
3. Tax lot 2203's shared access to the adjoining Tax Lot 2202 does not meet requirements of TDC 73 Community Design, 74 Public Improvements, and 75 Access Management for paving, design, access control, access location, and shared access requirements.
4. Tax lot 2300's access does not meet requirements of of TDC 73 Community Design, 74 Public Improvements, and 75 Access Management for paving, design, access control, access location, and shared access requirements.

- D.** Other design standards will apply when the property is redeveloped including but not limited to TDC 73 that requires pedestrian facilities connecting buildings and Highway 99W. Access standards will be addressed when redevelopment occurs in conjunction with Oregon Department of Transportation review.

- V.** The non-conforming uses and improvements on the property that are listed above are subject to the applicable Non-conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and TDC 35.200. Non-conforming uses, structures and signs are allowed to remain or continue on a property subject to the requirements of TDC Chapter 35.

The City and the property owner have prepared an Annexation Agreement that establishes the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code and Municipal Code.

- VI.** Future Development of Site: Eventual Development of multi-family residential is planned to occur. Applicant states that the intent of the applicant is to develop the properties into a market-rate apartment project.

ATTACHMENT 105

ANN-14-01: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted [TDC 31.067(5)]. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment 102) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states, "To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045." An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

This site is currently located within the Clean Water Services boundary and will remain in the Clean Water Services boundary after annexation. The property will now conform to 2005 Intergovernmental Agreement between Clean Water Services and the City of Tualatin as per the agreement. Current the site is served by a well and septic tanks. The property will now be served by City of Tualatin water and sewer. The site is not currently in a Parks District, but will be served by City of Tualatin Community Services upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City of Tualatin Police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue. This fire service will continue upon annexation. The Tigard-Tualatin School District will continue to serve this property after annexation.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

Annexations within the established Urban Growth Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County. As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. The County has not commented on this annexation. The County has stated in the Urban Planning Area Agreement (UPAA) that the County will not oppose the annexation of and land within Tualatin's Urban Planning Area. Therefore, these criteria have been met. This is consistent with Tualatin's UPAA with Washington County.

In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the General Commercial (CG) Planning District will be automatically applied to tax lot 2191, Commercial Recreational (CR) will be applied to tax lot 2202, and High Density Residential (RH) will be applied to tax lot 2300 on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

The applicant has applied for a plan map amendment for tax lots 2202 and 2191. The applicant request these two tax lot be designated High Density Residential (RH).

The criterion has been met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The applicable standards or criteria in the Tualatin Development Code for boundary changes are 4.050(20) and 4.050(21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The property will be in the General Commercial (CG), Commercial Recreational (CR), and High Density Residential (RD) upon annexation. The property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is currently within the existing Metro Urban Growth Boundary. The requirement has been met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City’s intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City’s intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. As the annexation territory falls within Tualatin's Planning Area which accounts for future growth so considered a long-range growth boundary, the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

The application states: "The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans." Staff agrees with this statement.

The criterion has been met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Access to the site is currently available from Highway 99W. Sanitary sewer service to the site is available on-site through Clean Water Services. Water service to the site is available in Highway 99W through the City of Tualatin. Storm drainage will be provided in accordance with Clean Water Services standards.

The criterion has been met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro Urban Growth Boundary. The criterion has been met.

ORS 222.111(1) states, “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

The subject property is not currently within a city. The property proposed for annexation is contiguous to Tualatin on two sides.

This criterion has been met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property (2S1 15C Tax Lot 2101, 2202, and 2300 and adjoining SW Pacific Highway ROW) is currently within Metro’s Urban Growth Boundary at the time the petition for annexation was filed on January 10, 2014.

The criterion has been met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.

Annexation and Annexation Agreement ANN-14-01

Espedal Property

March 24, 2014

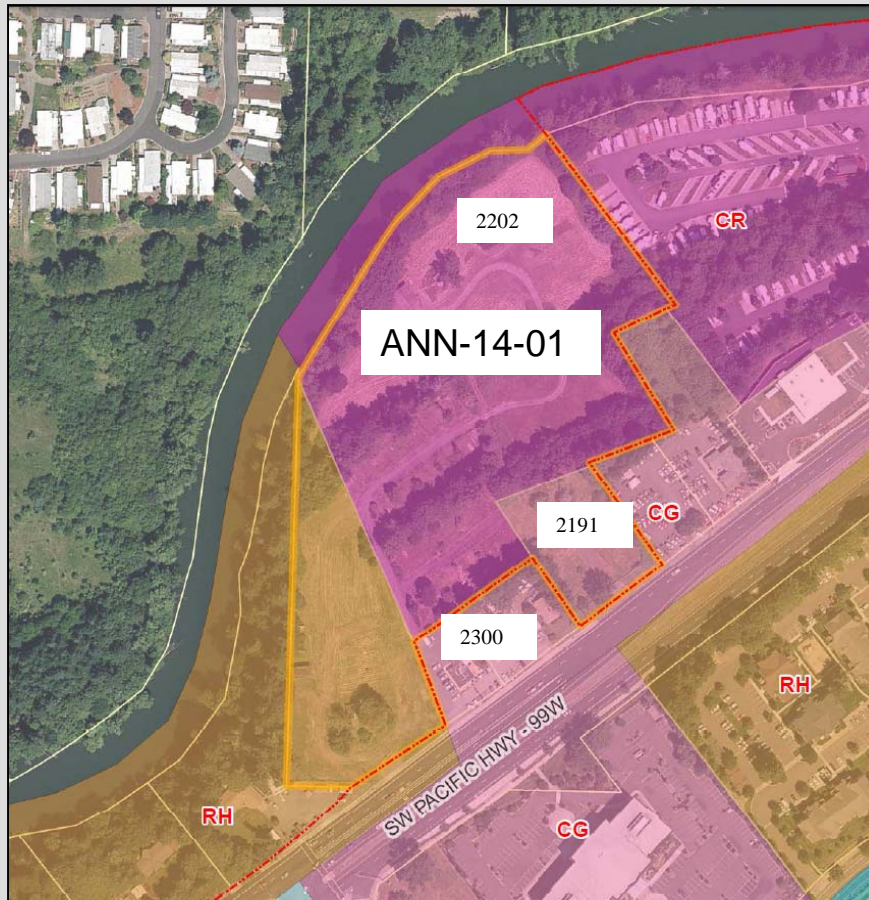


Attachment G





Current Planning District Map



*Recreational
Commercial (CR) =*



*General Commercial
(CG) =*



*High Density
Residential (RH) =*



March 24, 2014

City of Tualatin

3



PMA-14-01 Oblique View



March 24, 2014

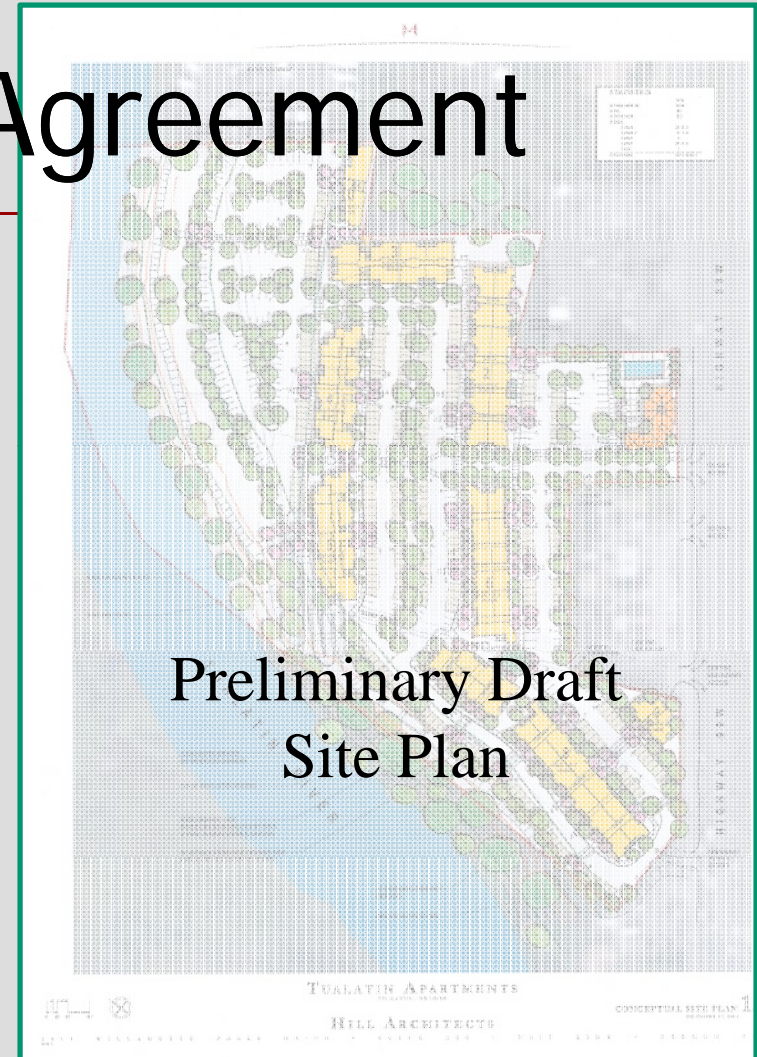
City of Tualatin

4



Annexation Agreement

- Existing non-conforming uses, structures, accesses, and paving.
- Identifies the standards and requirements.
- Future property development
- Tualatin River Greenway Trail





Conclusion & Questions

- Analysis and Findings show the Degele Family Trust Petition meets Annexation requirements TDC 31.067.

Questions?

Clare Fuchs, Senior Planner, 503-691-3027
cfuchs@ci.tualatin.or.us



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Aquilla Hurd-Ravich, Planning Manager
Clare Fuchs, Senior Planner

DATE: 03/24/2014

SUBJECT: Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01)

ISSUE BEFORE THE COUNCIL:

Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway.

RECOMMENDATION:

Staff recommends that the Council consider the staff report, analysis and findings, application materials and proposed maps and provide direction to staff.

EXECUTIVE SUMMARY:

Project Description

This matter is a quasi-judicial plan amendment that was reviewed by the Planning Commission on March 6, 2014.

The City has received an application requesting a Plan Map Amendment changing the planning designations of two tax lots, one is designated General Commercial (2S1 15C 2191) and another is designated Recreational Commercial (tax lot 2202), to High Density Residential (RH). The applicant proposes to annex to the City the two tax lots located at 17865 SW Pacific Hwy plus a third tax lot (2300) which is already designated High Density Residential located at 17985 SW Pacific Hwy. The applicant, Mountain West Investment Corporation, submitted application materials included as Attachment 101 Application Materials.

The subject site of this amendment is comprised of two tax lots which total 9.39 acres. The General Commercial tax lot (2191) is approximately 1.02 acres and the Recreational Commercial tax lot (2202) is approximately 8.37 acres. The proposed amendment will also change the Planning Designation of approximately 0.28 acres of right-of-way on 99W adjacent

to the General Commercial tax lot (2191). Attachment 102 Background provides a general overview of the project.

Changing these two tax lots to the High Density Residential Planning District will allow for up to 25 units per acre. These two tax lots are under the same ownership, as well as a tax lot to the south of the subject property which is currently designated High Density Residential. The three lots combined can support multifamily residential. If the two properties are rezoned, the City's housing capacity will increase by approximately 234 units. The City's total dwelling unit per acre will increase from 8.1 du/acre to 8.2 du/acre. Additionally, the percentage of multifamily dwelling units in the City will increase from 52% to 53% of all total dwelling units in the City. Per OAR 660-007-0035(2) the City of Tualatin is required to provide a net density of eight dwelling units per acre (8 du/ac). Per OAR 660-007-0030 the City is required to provide at least 50 percent of new residential units as attached single family housing or multiple family housing.

Subject Site Description

The site is located on the northwest side of 99W Pacific Highway. It is about 329 feet north of the intersection at 99W and SW 124th Avenue. Land to the north is designated Recreational Commercial and is currently occupied by the Roamers Rest RV Park. The tax lot immediately to the south is designated High Density Residential and is under the same ownership as the subject site. Land south of this tax lot is also designated High Density Residential and is currently occupied by single family homes. The largest of the two tax lots under review, 2202, is separated from 99W by General Commercial land that is currently occupied by a restaurant and a commercial use. Across from the subject site on the south side of 99W Pacific Highway is a multifamily residential development on land designated High Density Residential and to the south of this development is an office building and vacant land on land designated General Commercial. The Tualatin River borders the subject site on the north side of the property. Additionally, the City has identified land on this site for the Tualatin River Greenway Trail. Both tax lots were previously occupied by a manufactured home park, but has been vacant for several years. See Attachments 103 and 104 Existing Plan Designation and Future Plan Designation for reference.

The applicant states that "[t]he site is not well situated for the commercial development, particularly retail development, in light of its one-way access into and out of the site." The present planning designation of General Commercial and Recreational Commercial allow for retail uses. The applicant continues, "[a]ccordingly, the property will likely long-remain vacant under the current commercial planning designations." Planning staff have often received requests for information about this site and the ability to develop all three acres, but the inquiries have not resulted in pursuit of development until this application. The site is constrained by the Tualatin River and associated setbacks imposed by Clean Water Services that include a 125-foot vegetative corridor. A third of the area adjacent to the Tualatin River is covered by the 100-year floodplain and floodway which is not buildable land. Because the site is located on an ODOT facility, access is limited. Additionally, the City has identified land on this site as part of the Tualatin Greenway Trail which can be located in Clean Water Services vegetative corridor. The combination of these site constraints present very limited opportunities for developing this site. The limited access off of 99W Pacific Highway reduces the market viability of retail uses. However, this site is suitable for multifamily development and areas adjacent to the site are identified as suitable for higher residential density. In order to make this site viable for development a Plan Map Amendment is necessary to allow the development of multifamily high density residential.

The Engineering Division reviewed this application and determined that the proposed amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections. All infrastructure services needed to support high density residential development are available adjacent to the site. Additionally, Engineering staff determined that with any future proposed development all public utilities will need to be evaluated by the developer for any upsizing requirements. A memorandum from Engineering staff is included as Exhibit B to the Analysis and Findings (Attachment 106).

Public Involvement

The applicant conducted a Neighborhood/ Developer Meeting on January 9, 2013 at 6:00pm at the Juanita Pohl Center located at 8513 SW Tualatin Road. Seven people signed in for the meeting, not including the applicant's team, and the topics discussed included the following:

- Discussion of applicant's company
- Property description, location, surrounding land uses
- Current zones and surrounding zones of the subject site and those around it
- A summary of the annexation and map amendment process
- Anticipated construction schedule of the project
- Entering and exiting the property- ODOT access
- ADT of commercial land uses versus residential land uses
- Traffic flow, traffic density, and sight distance (u-turns and signals)
- Possibility of natural gas being brought to the vicinity
- Mixed use zoning
- Parking
- Number of proposed units, size of units, and number of buildings and number of stories
- Rental rates, comparative properties, area demand for multi-family projects
- Affected schools
- Schedule of upcoming notifications and meeting dates

Planning Commission Recommendation

On March 6, 2014 the Planning Commission reviewed the proposed amendment. Staff presented the application with analysis and findings and the applicant gave a presentation.

After hearing public comment on the proposed amendment the Planning Commission discussed the proposal and made a recommendation to Council to approve Plan Map Amendment 14-01. A draft of the TPC minutes are included as Attachment 107.

Plan Amendment Criteria

The Analysis and Findings in Attachment 106 contain findings of fact to demonstrate that the proposed amendment to Community Plan Map 9-1 are consistent with approval criteria per Tualatin Development Code Section 1.032 Burden of Proof. These criteria must be met if the proposed amendment is to be granted. As demonstrated in the Analysis and Findings all ten criteria are applicable and met. The Analysis and Findings goes through a comprehensive analysis of applicable Tualatin Community Plan chapters, State Goals and the Metro Urban Growth Functional Plan.

OUTCOMES OF DECISION:

Approval of PMA 14-01 would result in the following:

- A change of the Planning Designation on Tax Lot 2S1 15C 2191 from General Commercial to High Density Residential and a change of the Planning Designation on Tax Lot 2S1 15C 2202 from Recreational Commercial to High Density Residential on Community Plan Map 9-1. The two subject tax lots are located at 17985 SW Pacific Highway.
- Eventual development of the site for multifamily residential purposes with the potential for a density of 25 dwelling units per acre.

Denial of PMA 14-01 would result in the following:

- The Community Plan Map 9-1 will not be amended and High Density Residential development will not be allowed on these two tax lots.

ALTERNATIVES TO RECOMMENDATION:

Alternative recommendations include:

- Approve the proposed Plan Map Amendment with alterations
- Deny the request
- Continue the discussion of the proposed Map Amendment and return to the matter at a later date

FINANCIAL IMPLICATIONS:

The applicant paid a \$2,000 filing fee for the Plan Map Amendment application.

Attachments:

101 - Application Materials

102 - Background

103 - Proposed Planning Designation Map

104 - Existing Planning Designation Map

105 - Tax Map

106 - Analysis and Findings

107 - TPC Minutes

108 - Presentation

109 - Engineering Memorandum



City of Tualatin

www.tualatinoregon.gov

"NECESSARY PARTIES"
MARKED BELOW

NOTICE OF APPLICATION SUBMITTAL

- ☐ ANNEXATION ☐ CONDITIONAL USE PERMIT ☐ PLAN TEXT AMENDMENT
☐ ARCHITECTURAL REVIEW ☒ PLAN MAP AMENDMENT ☐ OTHER

CASE/FILE: PMA-14-01

(Community Development Dept.: Planning Division)

PROPOSAL	17865 SW Pacific Hwy consists of two tax lots: 2S1 15C 2191 and 2202. Tax lot 2191 is designated General Commercial (CG). Tax lot 2202 is designated Recreational Commercial (CR). The applicant proposes to change these two tax lots to High Density Residential (RH). A third tax lot, 2300, will also be annexed along with 2191 and 2202. Tax lot 2300 is already designated RH and is located at 17985 SW Pacific Hwy. Map 9-1 of the Tualatin Development Code (TDC) will be amended. This property is known as the Espedal property.
-----------------	--

PROPERTY	Street Address	17865, 17985 SW PACIFIC HWY TUALATIN OR, 97062
<input type="checkbox"/> n/a	Tax Map and Lot No(s).	Tax Map: 2S1 15C Tax Lots: 2191, 2202, and 2300
	Planning Districts	General Commercial (CG), Recreational Commercial (CR), and High Density (RH) respectively
	Related Applications	ANN-14-01 Annexation

DATES	Receipt of application	1/10/2014	CONTACT	Name: Clare Fuchs
	Notice of application submittal	1/30/2014		Title: Senior Planner
	Project Status / Development Review meeting	2/6/2014		E-mail: cfuchs@ci.tualatin.or.us
	Comments due for staff report	2/13/2014		Phone: 503-691-3027
	Public meeting: <input type="checkbox"/> ARB <input checked="" type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a	TBD		Notes:
	City Council (CC) <input type="checkbox"/> n/a			

City Staff

- ☒ City Manager
☒ Building Official
☒ Chief of Police
☒ City Attorney
☒ City Engineer
☒ Community Dev. Director
☒ Community Services Director
☒ Economic Dev. liaison
☒ Engineering Associate
☒ Finance Director
☒ GIS technician(s)
☒ IS Manager
☒ Operations Director
☒ Parks and Recreation Coordinator
☒ Planning Manager
☒ Street/Sewer Supervisor
☒ Water Supervisor

Neighboring Cities

- ☐ Durham
☒ King City Planning Commission
☐ Lake Oswego
☐ Rivergrove PC
☐ Sherwood Planning Dept.
☐ Tigard Community Dev. Dept.

- ☐ Wilsonville Planning Div.

Counties

- ☐ Clackamas County Dept. of Transportation and Dev.
☒ Washington County Dept. of Land Use and Transportation

Regional Government

- ☒ Metro

School Districts

- ☐ Lake Oswego School Dist. 7J
☐ Sherwood SD 88J
☒ Tigard-Tualatin SD 23J (TTSD)
☐ West Linn-Wilsonville SD 3J

State Agencies

- ☐ Oregon Dept. of Aviation
☒ Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
☐ Oregon Dept. of State Lands: Wetlands Program
☒ Oregon Dept. of Transportation (ODOT) Region 1 Development Review Program
☐ ODOT Rail Div.

Utilities

- ☒ Republic Services (Allied Waste)
☒ Clean Water Services (CWS)
☒ Comcast [cable]
☒ Frontier Communications[phone]
☒ Northwest Natural [gas]
☒ Portland General Electric (PGE)
☒ TriMet
☒ Tualatin Valley Fire & Rescue (TVF&R)
☒ United States Postal Service (USPS) (Washington; 18850 SW Teton Ave)
☐ USPS (Clackamas)
☒ Washington County Consolidated Communications Agency (WCCCA)

Additional Parties

- ☒ Tualatin Citizen Involvement Organization (CIO)
☐ DKS

ESPEDAL PROPERTY PLAN MAP AMENDMENT APPLICATION

DATE: January 10, 2014

SUBMITTED TO: City of Tualatin, OR
Community Development Dept
18880 SW Martinazzi Ave
Tualatin, OR 97062

PROPERTY OWNERS: Donna J. Degele
16182 Bimini Ln
Huntington Beach, CA 92649

Kenneth R. Espedal, Joyce L. Poppert
11515 SW Hazelbrook Rd
Tualatin, OR 97062

PREPARED FOR: Mountain West Investment Corporation
201 Ferry St SE, # 400
Salem, OR 97301

PREPARED BY: AKS Engineering & Forestry
13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140



13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140
P: (503) 925-8799
F: (503) 925-8969
www.aks-eng.com

ESPEDAL PROPERTY PLAN MAP AMENDMENT APPLICATION

TABLE OF CONTENTS

APPLICATION PACKET:

- PLAN MAP AMENDMENT APPLICATION INSTRUCTIONS
- APPLICATION FOR PLAN MAP AMENDMENT
- NEIGHBORHOOD / DEVELOPER MEETING INFORMATION
- NOTICING – MAILING LABELS
- TRAFFIC STUDY
- APPROVAL CRITERIA NARRATIVE
- MEASURE 37 WAIVER OF RIGHTS AND REMEDIES

UNDER SEPARATE COVER:

- CITY OF TUALATIN PLAN MAP AMENDMENT APPLICATION FEE
- CERTIFICATION OF SIGN POSTING (PER CONVERSATION WITH CITY STAFF ON 1/9/2014, AFFIDAVIT OF SIGN POSTING WILL BE PROVIDED UPON RECEIPT OF CASE FILE NUMBER FROM CITY STAFF)

APPLICATION INSTRUCTIONS



PLAN MAP AMENDMENT INSTRUCTIONS AND REQUIRED INFORMATION FOR APPLICATIONS

WHO MAY APPLY? Section 1.030 of the [Tualatin Development Code](#) allows amendments to be initiated by the City Council, City staff, or by a property owner or person authorized in writing by the property owner. TDC 1.032 contains the eight approval criteria.

WHEN ARE PLAN MAP AMENDMENTS CONSIDERED? They are considered by the City Council at regular or special meetings. Public hearings may be continued to a date certain if the Council finds that it needs additional evidence to take action on a proposed amendment.

APPLICATION INSTRUCTIONS. The following information or material is required with all plan map amendment applications. If any of the required information or material is missing or incomplete, the application will not be considered complete and will not be scheduled for public hearing until the necessary material is submitted.

The procedure for applying for a plan map amendment is as follows:

- ✓ 1. Obtain application form and instruction sheet from the Community Development Department - Planning Division. An applicant for a PMA must hold a pre-application meeting with City of Tualatin staff. The application for a [pre-application conference](#) can be found on the City's website and the fee is \$195.00. Please contact Will Harper, AICP, Senior Planning, pre-application coordinator at 503-691-3027 or wharper@ci.tualatin.or.us to schedule a pre-application meeting. The purpose is to answer all questions about the process and provide information about City requirements. (Pre-Application Conference held on 10-28-2013)
- ✓ 2. Hold a [Neighborhood / Developer meeting](#) pursuant to TDC 31.063.
- ✓ 3. Turn in 9 copies of the application form, 5 copies of the traffic study (if applicable), 9 copies of the supporting materials and an **Electronic Digital CD** (Adobe Reader (pdf), or Microsoft Word and Excel are the preferable file types) of the entire PMA packet and supporting documentation, including drawings to the City of Tualatin Community Development Department - Planning Division. Include a non-refundable filing fee of \$2,000.00. Make checks payable to the City of Tualatin. Include a legal description as it appears on the deed (one copy is sufficient).
- ✓ 4. Include the correct names and addresses of all owners of property within 1,000 feet of the subject property pursuant to Tualatin Development Code (TDC) [31.064\(1\)](#). If the 1,000-foot area (Ordinance No. 1304-10 page 59 of 61) includes lots within a platted residential subdivision the notice area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. Also include the applicant(s), if different from the owners of the subject property. The Tax Lot number and Assessors Map number must be included with each name and address. The Assessors numbers, names, addresses must be placed on the blank matrix or exact facsimile provided with the

application materials. The spacing of the address on the matrix is critical because the addresses are reproduced onto pre-gummed address labels for mailing (one list of property owners is sufficient). Please include the map and tax lot number above each address so the list can be compared to the assessor's map obtained in #3 above, to ensure an owner is listed for each property. Pre-gummed labels are available for purchase at Washington and Clackamas counties.

- ✓5. Include a traffic study if required by the City, Washington County, Clackamas County, or Oregon Department of Transportation, and provide 5 copies.
- ✓6. The applicant carries the burden of proof that the requested change meets the four approval criteria (set forth in Section 1.032 of the Tualatin Development Code) which are listed below. Answer the questions and include facts and a written analysis of the conclusions that support the answer to each question.
 - ✓A. Is granting the plan map amendment in the public interest?
 - ✓B. Is the public interest protected by granting the plan map amendment at this time?
 - ✓C. Is the proposed plan map amendment in conformity with the applicable objectives of the Tualatin Community Plan?
 - ✓D. Explain how each of the factors listed below was consciously considered. If a particular factor is not applicable, state the reasons why it is not applicable.
 1. The various characteristics of the area.
 2. The suitability of the area for the particular land use and improvements.
 3. Trends in land improvement and development.
 4. Property values.
 5. The needs of economic enterprises and the future development of the area.
 6. Needed right-of-way and access for and to particular sites in the area.
 7. Natural resources of the City and the protection and conservation of said resources.
 8. Prospective requirements for the development of natural resources in the City.
 9. The public need for healthful, safe, aesthetic surroundings and conditions.
 10. Proof of change in a neighborhood or area.
 11. A mistake in the Community Plan or plan text for the property under consideration.
- ✓8. Complete the Measure 37 Waiver of Rights and Remedies form and notarize signature(s).
- 9. Include a signed completed copy of the affidavit of sign posting. The form is included in this packet.
To be provided upon receipt of case file number from City Staff.
- ✓ In addition to the above criteria as listed in the Tualatin Development Code, the 14 Statewide Planning Goals must be addressed. If a particular goal is not applicable, state such and explain why it is not applicable. If a goal is applicable, indicate whether or not the request meets the goal and why.

The above items are the minimum requirements for plan map amendment applications. Sections 1.030-1.032 of the Tualatin Community Plan are attached to these instructions. All application forms and written material should be typewritten or printed in ink.

To avoid possible legal conflict, the applicant should not discuss the request with any member of the City Council outside the public hearing.

If you have any questions or wish to schedule a pre-application conference, please contact the Community Development Department - Planning Division at 503-691-3026.

APPLICATION FOR PLAN MAP AMENDMENT



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR PLAN MAP AMENDMENT

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

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

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

Nature of amendment requested Revise the planning district designation for tax lots 2191
and 2202 to RH - High Density Residential.

State the specific section number(s) of the Code to be amended Map 9-1

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

Applicant's Signature *James E. Yohank*

Applicant's Name Mountain West Investment Corporation Phone 503-584-4592

Applicant's address 201 Ferry St SE, Suite 400, Salem, OR 97301
(street) (city) (state) (zip)

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

Other _____

If the request is for a specific property:

County Washington Map # 2S 1 15C Tax Lot #(s) 2191, 2202

Owner's Name Joyce Lee Poppert

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

Owner recognition of application: _____

(signature of owner(s))



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR PLAN MAP AMENDMENT

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

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Applicant's Signature _____

Applicant's Name Mountain West Investment Corporation Phone 503-584-4592

Applicant's address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip)

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

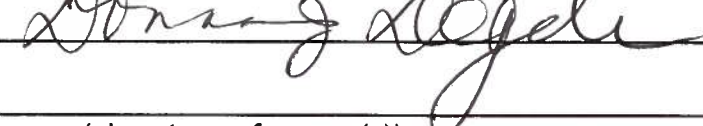
Other _____

If the request is for a specific property:

County Washington Map # 2S 1 15C Tax Lot #(s) 2191, 2202

Owner's Name Donna Degele

Owner's Address 16182 Bimini Ln., Huntington Beach, CA 92649-2055
(street) (city) (state) (zip)

Owner recognition of application: 
(signature of owner(s))



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR PLAN MAP AMENDMENT

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

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State the specific section number(s) of the Code to be amended Map 9-1

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Applicant's Signature _____

Applicant's Name Mountain West Investment Corporation Phone 503-584-4592

Applicant's address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip)

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

Other _____

If the request is for a specific property:

County Washington Map # 2S 1 15C Tax Lot #(s) 2191, 2202

Owner's Name Joyce Lee Poppert

Owner's Address 11515 S.W. Hazel Brook Rd. Tualatin Or. 97062
(street) (city) (state) (zip)

Owner recognition of application: _____

Joyce L. Poppert
(signature of owner(s))



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR PLAN MAP AMENDMENT

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

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

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PLEASE PRINT IN BLACK INK OR TYPE
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Nature of amendment requested Revise the planning district designation for tax lots 2191
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State the specific section number(s) of the Code to be amended Map 9-1

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Applicant's Signature _____

Applicant's Name Mountain West Investment Corporation Phone 503-584-4592

Applicant's address 201 Ferry St SE, Salem, OR 97301
(street) (city) (state) (zip)

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

Other _____

If the request is for a specific property:

County Washington Map # 2S 1 15C Tax Lot #(s) 2191, 2202

Owner's Name Kenneth Espedal

Owner's Address 11515 SW Hazelbrook Rd, Tualatin, OR 97062
(street) (city) (state) (zip)

Owner recognition of application: _____

Kenneth Espedal
(signature of owner(s))

NEIGHBORHOOD MEETING INFORMATION

December 23, 2013

James & Kathleen Hennessy
12882 SW BEDFORD ST
TIGARD, OR 97224-1802

Re: Notice of Neighborhood/Developer Meeting for the property located at 17985 SW Pacific Hwy, Tualatin, OR.

Dear James & Kathleen,

You are cordially invited to attend a meeting on January 9, 2014 at 6:00 pm at the Juanita Pohl Center, located at 8513 SW Tualatin Road. This meeting shall be held to discuss a proposed project located at 17985 SW Pacific Hwy, Tax Map 2S115C Tax Lots 2191, 2202 and 2300. The proposal is to annex the above mentioned property into City limits and to change the planning district designation from commercial to multi-family residential.

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

Regards,



Brian Moore

Mountain West Investment
(503) 581-4654
Brian@mwinv.com

201 Ferry Street SE, Ste. 400
Salem, Oregon 97301

p (503)581-4654 f (503)581-7061

www.mwinv.com

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

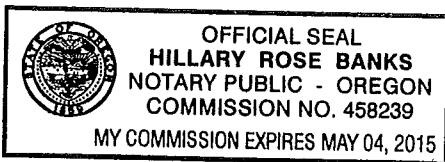
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Brian Moore, being first duly sworn, depose and say:

That on the 23 day of Dec, 2013, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Brian Moore
Signature

SUBSCRIBED AND SWORN to before me this 23 day of December, 2013.



Hillary Banks
Notary Public for Oregon
My commission expires:

RE: _____

Letterhead (if available)

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

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

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

Regards,

(Your name)

(Company name)

(Contact phone number and email)

As the applicant for the Tualatin annexation/plan amendment project, I hereby certify that on this day, Dec. 23, 2013 notice of the Neighborhood / Developer meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Brian Moore
(PLEASE PRINT)

Applicant's Signature: Brian Moore

Date: 12.23.13

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

As the applicant for the

17865 and 17985 SW Pacific Hwy (2S 1 15C tax lot 2191, 2202, 2300)

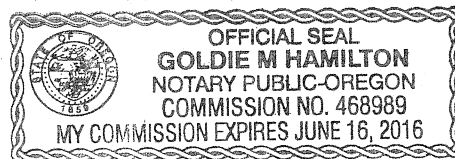
project, I

hereby certify that on this day, Dec 23, 2013 sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code
and the Community Development Department - Planning Division.

Applicant's Name: Rockelle Wasula
(PLEASE PRINT)

Applicant's Signature: R Wasula

Date: Dec 23, 2013



Goldie M Hamilton

Subscribed and sworn to or affirmed, before me this

23 day of December, 2013

Notary Public for the State of Oregon

County of Washington

My Commission expires: 6-16-2016

Re: 17985 SW Pacific Hwy

01/09/2014

6:00 PM

Juanita Pohl Center

8513 SW Tualatin Road

NAME

PLEASE PRINT CLEARLY

STREET ADDRESS

PHONE/EMAIL

- | | | | |
|----|-------------------------------|-----|-------|
| 1. | <u>Robert Osborne</u> | 8. | _____ |
| | <u>18031 SW Pacific Hwy</u> | | _____ |
| | <u>503-538-7754</u> | | _____ |
| 2. | <u>Jay Popper</u> | 9. | _____ |
| | <u>11515 S.W. Tualatin Rd</u> | | _____ |
| | <u>Tualatin 503-692-1548</u> | | _____ |
| 3. | <u>11 " "</u> | 10. | _____ |
| | <u>Kenny Espeda</u> | | _____ |
| | _____ | | _____ |
| 4. | <u>Steve Helms</u> | 11. | _____ |
| | <u>17725 SW Pacific Hwy</u> | | _____ |
| | <u>Tualatin, OR 97062</u> | | _____ |
| 5. | <u>Dawn O'Leary</u> | 12. | _____ |
| | <u>21487 SW Roellich Ave</u> | | _____ |
| | <u>Sherwood, OR 97140</u> | | _____ |
| 6. | <u>Rhonda Barber</u> | 13. | _____ |
| | <u>10909 SW 60th</u> | | _____ |
| | <u>Port OR 97219</u> | | _____ |
| 7. | <u>Evan Landling</u> | 14. | _____ |
| | <u>12997 SW Timara Ln</u> | | _____ |
| | <u>Timara, OR 97224</u> | | _____ |

January 9, 2014 – 6:00 PM
Juanita Pohl Center
8513 SW Tualatin Road
Tualatin, OR 97062

RE: Neighborhood Meeting – “Espedal Property” (17985 SW Pacific Highway) Annexation and Plan Map Amendment Applications

Dear Neighbors:

Thank you for attending our neighborhood meeting for the project located on the “Espedal Property” located at 17985 SW Pacific Highway. The purpose of tonight’s meeting is to introduce the project team, briefly discuss the site, the project, and City of Tualatin process. Please recognize that tonight’s meeting is preliminary in nature and is the first step in the City land use process. We hope that the conversation tonight is informative and helpful to understanding the project and process.

Meeting Agenda:

- I. Introduction
- II. Site Information
- III. Application Details
- IV. Questions and Answers

Thank you for again for your attendance and participation in tonight’s meeting.

Sincerely,

AKS Engineering & Forestry, LLC



Chris Goodell, AICP, LEED^{AP}
Associate

Comments

Thank you for your attendance this evening. In the space below, please provide any comments you may have along with any suggestions for a neighborhood project.

- I would like see the general commercial zoning remain at least near the highway so the Frantage remains contiguous with the rest of the commercial properties.
- They could still build multi-story units ~~and~~ but with apartments on the upper floors.
- would like to see Natural gas to the site (to the North side of the highway).
- would like to see the access to the site from the 124th Avenue intersection. I understand you don't own that property though!

Name* Steve Heino Contact Information* modernclassics68@gmail.com

*Not required

503-783-6444

Neighborhood/Developer Meeting Summary:

17985 SW Pacific Hwy, Tax Map 2S115C Tax Lots 2191, 2202 and 2300

Date: January 9, 2014

Time: 6:00 PM

Location: Juanita Pohl Center, 8513 SW Tualatin Road

The following serves as a summary of the primary subjects covered at the Neighborhood/Developer Meeting. Business cards with contact information, a meeting agenda, and comment cards were provided. In addition, an attendance sheet was also made available for attendees to sign. This documentation is included in the application materials.

General discussion of proposed project:

- Discussion of applicant's company
- Property description, location, surrounding land uses
- Current zones and surrounding zones of the subject site and those around it
- A summary of the annexation and map amendment process
- Anticipated construction schedule of project
- Entering and exiting the property – ODOT access
- ADT of commercial land uses verses residential land uses
- Traffic flow, traffic density and sight distance (u-turns and signals)
- Possibility of natural gas being brought to the vicinity
- Mixed use zoning
- Parking
- Number of proposed units, size of units, and number buildings and number of stories
- Rental rates, comparative properties, area demand for multi-family projects
- Affected schools
- Schedule of upcoming notifications and meeting dates

The meeting went well and the attendees were interested in being part of the process.

AKS ENGINEERING & FORESTRY, LLC



Chris Goodell, AICP

NOTICING – MAILING LABELS

PMA-14-01

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

TRAFFIC STUDY

MEMORANDUM

DATE: January 8, 2014

TO: Brian Moore, Mountain West Investment Corp.

FROM: Scott Mansur, P.E., P.T.O.E. *Sm*
Derek Moore, E.I.T



117 Commercial Street NE
Suite 310
Salem, OR 97301
503.391.8773
www.dksassociates.com

SUBJECT: Tualatin Apartments Trip Generation Zone Change Comparison

P13201-000

This memorandum documents a preliminary trip generation comparison between existing and proposed zoning for the Tualatin Apartments project located at 17895 SW Pacific Highway in Tualatin, Oregon. The purpose of this analysis is to determine whether the proposed zone change would increase the site's trip generation levels. The sections of this memorandum include the project background, current zoning trip generation, proposed zoning trip generation, and trip generation comparison.

Project Background

The project site currently consists of three mostly undeveloped parcels, each with a different zoning designation. These parcels are adjacent to each other and have frontage with both SW Pacific Highway and the Tualatin River. Figure 1 shows the boundary, parcel number, and current zoning for each parcel being evaluated.

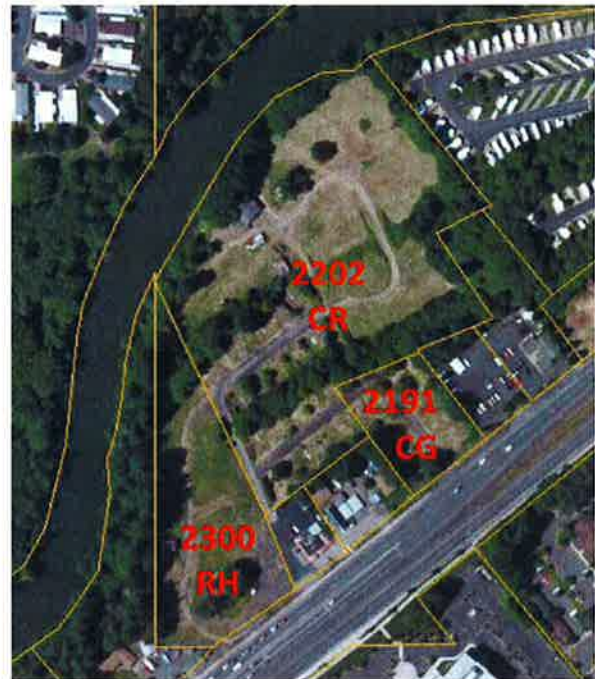


Figure 1: Parcel Boundaries

Current Zoning Trip Generation

Trip generation estimates for the project site were performed assuming a reasonable worst-case development scenario. Based on current zoning, each parcel was assumed to develop as the land use that is expected to generate the highest number of p.m. peak hour trips.

Parcel 2191 is currently zoned as General Commercial (GC), with the highest number of trips assumed to be generated by a 12-pump gas station associated with a 3,000-4,000 square foot minimart. Parcel 2202 is zoned as Recreational Commercial (CR), with the highest number of trips assumed to be generated by traditional sit-down



restaurants. Based on information provided by the project sponsor,¹ it is estimated that this parcel could accommodate up to 32,000 square feet of restaurant space. Parcel 2300 is currently zoned for High-Density Residential (RH) development, which would allow up to 64 apartment units.

Table 1 summarizes the trip generation assumptions for the three parcels and the resulting number of p.m. peak hour trips. The trip generation estimates are based on rates provided by the Institute of Transportation Engineers (ITE)² for similar land uses. As shown, it is estimated that the project site would generate 340 (194 in, 147 out) primary new p.m. peak hour trips based on existing zoning and reasonable worst-case land use assumptions. Several of the proposed land uses are expected to attract pass-by trips, and a 5% internal trip rate as assumed to account for trips between multiple uses on the project site.

Table 1: Existing Zoning Trip Generation

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
Parcel 2191 (Zone CG)	Convenience Market with Gasoline Pumps (853)	12	Pumps	19.07	115	114	229
Parcel 2202 (Zone RC)	High-Turnover (Sit-Down) Restaurant (932)	32	KSF	11.15	211	146	357
Parcel 2300 (Zone RH)	Apartments (220)	64	Units	0.62	26	14	40
Total Trips:					352	274	626
<i>Pass-by^a:</i>					-148	-120	-268
<i>Internal (5%):</i>					-10	-8	-18
Primary New Trips:					194	147	340

^a A 50% pass-by rate was assumed for the Convenience Market with Gas Pumps land use and a 43% pass-by rate was assumed for the High-Turnover Sit-Down Restaurant land use.

Proposed Zoning Trip Generation

The proposed zoning that is desired for the project site would change the zoning for all three parcels to High Density Residential (RH), which allows up to 25 residential apartment units per acre. Assuming a total developable area of 10.83 acres,³ this zoning designation would allow no more than 271 units. Table 2 shows the project site's estimated p.m. peak hour trips based on the maximum number of units allowed by the RH zoning designation. As shown, the reasonable worst-case scenario for the desired zoning would generate 168 (109 in, 59 out) new p.m. peak hour trips.

¹ Phone conversation with Lloyd Hill, November 12, 2013

² *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008

³ Email from Lloyd Hill, November 19, 2013

**Table 2: Proposed Zoning Trip Generation**

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
All Parcels (Zone RH)	Apartments (220)	271	Units	0.62	109	59	168

Trip Generation Comparison/Summary

Based on the land use assumptions documented in this memorandum, the proposed RH zoning would generate fewer trips than the existing zone designations. The RH zoning would generate 172 (85 in, 88 out) fewer p.m. peak hour trips. Based on the fact that the desired zoning being considered would reduce overall trip generation as was assumed in the City's Transportation System Plan (TSP), there would be no level of service impacts to adjacent intersections, and therefore, the Transportation Planning Rule requirements (OAR 660-012-0060) would not be triggered as part of the desired land use changes.

Furthermore, the intersection of Highway 99W/124th Avenue, which is adjacent to the project site, was shown to operate at Level of Service "D" and a volume to capacity of 0.99 during the future 2035 horizon year in the City's TSP⁴ based on the current zoning. The Level of Service standards as set forth in the Town Center 2040 Design Type (Level of Service F for p.m. peak hour) would be met.

The City of Tualatin and ODOT will still require a transportation impact study to evaluate the transportation impacts of the proposed development as part of the Architectural Review process.

Please let us know if you have any questions.

⁴ Transportation System Plan Update, City of Tualatin, February 2013, Appendix C.

APPROVAL CRITERIA NARRATIVE

Written Narrative Response to Review Criteria

Request

This application requests a Plan Map Amendment changing the plan designation of two tax lots from their current designations to an RH – High Density Residential designation. The two properties are identified on Washington County assessor’s map 2S 1 15C as tax lots 2191 and 2202. The current plan designations for these two properties are CG - General Commercial and CR - Recreational Commercial respectively. Tax lot 2191 is 1.03 acres and tax lot 2202 is 8.38 acres. The developable area of tax lot 2202 is dramatically less than the total area since around 2.72 acres are required to be a greenway buffer reserved for stream protection. It is the intent of the applicant to develop the properties, along with an adjacent tax lot already designated RH, into a market rate apartment project.

Property Context

The subject properties are in an area known as Roamer’s Rest which is bordered to the south by Highway 99W and to the north by the Tualatin River. This area has a mix of plan designations including RH, CG, and CR. Adjacent to the property to the east and south is land designated CR and CG and to the west of the property are properties designated RH.

The area is a mix of old highway oriented commercial, vacant land, and residential uses. This area has been largely underdeveloped including a series of older buildings and vacant parcels. This includes the subject property which is a former manufactured home park but has been vacant for several years. The largest property adjacent to the subject property is the Roamer’s Rest RV Park which covers the CR land to the east of the subject property. Other nearby uses includes a restaurant, a small used car dealership, a new auto repair and restoration facility, and a vacant property designated RH.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the City of Tualatin’s urban growth boundary and has the County designations of R-9 and R-15. This land is developed with residential uses.

Compliance with Approval Standards

Section 1.032 of the Tualatin Development Code establishes ten approval criteria for a plan map amendment. These criteria are listed below and a description of how each standard applies to this case is given.

- (1) *Granting the amendment is in the public interest.*
- (2) *The public interest is best protected by granting the amendment at this time.*

Response: The proposed plan change is in the public interest. The proposed plan change will allow currently vacant land in the Roamer's Rest area of Tualatin to develop into a vibrant multi-family residential community. Section 9.042 of the Tualatin Community Plan identifies the Roamer's Rest area "as an ideal and critical location for higher density housing." It notes that the "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern." While advancing these objectives, the proposed plan amendment will also reduce the traffic impact on Hwy 99 as compared to the commercial uses allowed under the current planning designations.

Along with transforming an underutilized piece of property, the plan map amendment will also benefit the remaining commercial portion of the Roamer's Rest area. This includes a restaurant, a used car dealership, and some older retail buildings that will benefit from a significant number of new customers. Additionally, the office and manufacturing businesses being developed across Highway 99W will benefit from having high-quality housing for employees in close proximity.

Not granting the proposed plan change also fails to protect the public interest by perpetuating blight within the City. The site is not well-situated for the commercial development, particularly retail development, in light of its one-way access into and out of the site. Accordingly, the property will likely long-remain vacant under the current commercial planning designation. The property remaining undeveloped prevents significant property taxes from being generated by the subject property.

Allowing the property to be developed for multi-family residential purposes also accomplishes objectives of the City's Parks Master Plan by 1) providing the land necessary for the desired public pedestrian path along the Tualatin River, and 2) generating considerable Parks Systems Development Charges to fund construction of this pedestrian path and likely other park improvements as well. These Parks SDC's would not be generated by commercial development on the same site.

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

A. General Objectives (Section 4.050, Tualatin Community Plan):

Objective: (4) *Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.*

Response: The proposal matches the "density gradient" approach outlined for the area in Section 9.042 of the Tualatin Community Plan. As described in the plan, RML planning designation is used on the west adjacent to the agricultural lands, RMH planning designation is in the center portion of Roamer's Rest, and the RH planning designation in the east adjacent to the commercial area. By expanding the RH designation to the east the proposed plan change will maintain the gradient approach and the transition between farmland and higher density housing will be maintained.

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

Response: As noted above the proposed RH zoning is compatible with surrounding land uses. These include land with various residential zoning designations and commercial land that includes retail establishments that will benefit from additional nearby residential customers. Additionally, directly adjacent to the subject property is an RV Park which has a very residential feel and vacant land already designated RH which is planned to be incorporated into the proposed residential development on the subject property. The eventual development on the subject property will also be compatible with the adjacent Tualatin River to the north and west by virtue of the vegetated corridor that will be required by the Tualatin Development Code and Clean Water Services, which preserves open space along the river and a buffer between development and the river.

Objective: (9) Prepare a plan providing a variety of living and working environments.

Objective: (15) Arrange the various land uses in a manner that is energy efficient.

Response: The proposal will allow for an appealing living environment that is close to employment, transportation, and the retail. The development of multi-family in areas so close to potential destinations is an energy efficient arrangement of development. The proximity of the property to transit services also encourages transportation alternatives to the automobile. The proposed residential environment will also be unique to its location along the Tualatin River. Multi-family residential development along the river will increase the number of people who can enjoy this community asset while buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that any development of the site does not affect the ecological health of the river.

B. Residential Objectives (Section 5.030, Tualatin Community Plan):

Objective: (1) Provide for the housing needs of existing and future City residents.

Objective: (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

Response: The proposal will create additional residential land in an appealing area ideal for multi-family residential development. This addition will serve existing and future City residents. The multi-family residential development of this property will provide opportunities for individuals and families to live in a high quality area with the river as a positive amenity all while being in close proximity to the employment, services, and transportation. Such residential development will provide housing opportunity for a broad spectrum of income levels, particularly as an alternative to home ownership in a traditional, single-family residential setting (e.g. a residential subdivision).

Objective: (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

Response: The proposed additional RH land is adjacent to an arterial street with transit service, is adjacent to land already designated RH, is near to existing multifamily housing, has immediate access to commercial areas, and is served by Deer Creek Elementary School, Twality Middle School, and Tualatin High School. All of these factors make the property ideal for higher density residential development. This conclusion is consistent with the conclusion in Section 9.042 of the Tualatin Community Plan that states that the Roomer's Rest area is "an ideal and critical location for higher density housing." It notes that the "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern."

C. Design Objectives (Section 10.020, Tualatin Community Plan):

Objective: (1) *Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.*

Objective: (3) *Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the esthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements.*

Response: Any development of the property will be required to go through the City's design review process (Architectural Review) to ensure appealing and functional development of the site. Additionally, buffer areas required by the Tualatin Development Code will ensure that any development of the site does not affect the ecological health of the river and will ensure that the design of the site will leverage and enhance this unique community asset.

D. Transportation Objectives (Section 11.610 Tualatin Community Plan)

Objective: (2) (b) *Provide efficient and quick travel between points A and B.*

Objective: (2) (c) *Provide connectivity within the City between popular destinations and residential areas.*

Objective: (2) (e) *Reduce trip length and potential travel times for motor vehicles, freight, transit, bicycles, and pedestrians.*

Objective: (2) (f) *Improve comfort and convenience of travel for all modes including bicycles, pedestrians, and transit users.*

Objective: (2) (g) *Increase access to key destinations for all modes.*

Response: The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of nearby transit service and other alternative modes of transportation. Development of the subject property will also facilitate construction of an important link in the City's pedestrian path along the Tualatin River.

E. Parks and Recreation Objectives:

Objective: (5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.

Response: The change in the plan designation will not affect the preservation of the greenway along the Tualatin River. Buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that a greenway is maintained.

(4) The following factors were consciously considered:

A. the various characteristics of the areas in the City;

Response: The area is a mix of old highway oriented commercial, vacant land, and residential uses. This area has been largely underdeveloped including a series of older buildings and vacant parcels. This includes that subject property which is a former manufactured home park but has been vacant for several years. The largest adjacent development to the subject property is the Roamer's Rest RV Park which covers the CR land to the east of the subject property. Although designated CR this development is residential in nature and very compatible with an RH neighbor.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the urban growth boundary and has the County designations of R-9 and R-15. This land is developed with residential uses.

Overall the proposed RH plan designation will match well with the adjacent residential uses in the area and will offer the benefit of new customers and employees to the businesses in the area.

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

Response: The Tualatin Community Plan identifies the subject property as being in the Roamers Rest area. Section 9.042 of the Tualatin Community Plan with states that the Roamer's Rest area is "an ideal and critical location for higher density housing." It notes that the "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern." The subject property is adjacent to existing RH land and will be a logical extension to that existing development pattern.

C. trends in land improvement and development;

Response: The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway.

D. property values;

Response: Granting this request will allow investment in the area which will increase the property values of the subject property as well as its neighbors. As previously described, the RH designation is compatible with the zoning and development pattern in the area. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses. This will increase the value of these nearby commercial uses.

E. the needs of economic enterprises and the future development of the area;

Response: Granting the requested plan change is in the public interest and will bring significant investment and improvement to the Roamer's Rest Area. As noted above, property values will increase with the addition of high-quality, multi-family residential development in the area. Concentrations of residents are a pre-requisite to successful economic development in most areas of a city. The vitality and spending from residents on the subject property will have a greater, positive impact on local economy than the subject property's continued vacancy under its current commercial planning designations.

F. needed right-of-way and access for and to particular sites in the area;

Response: There is sufficient right of way and access rights from the Oregon Department of Transportation to provide access to the subject property. Additionally, as noted in the attached letter from DKS Engineering, the requested plan change will decrease the overall potential trip generation for the site. The design for access to and from the property is subject to review and approval by the Oregon Department of Transportation. This will help assure minimization of any safety and congestion issues stemming from the property's development.

G. natural resources of the City and the protection and conservation of said resources;

H. prospective requirements for the development of natural resources in the City;

Response: The subject property is adjacent to the Tualatin River which is an important community resource. The change in the plan designation will not affect the preservation of the Tualatin River. Buffer areas are required by the Tualatin Development Code and by Clean Water Services, which will ensure that any development of the property will not affect the ecological value of the River. In addition, allowing multi-family residential development of the subject property will facilitate enhancement of the river corridor, including providing a location and SDC funds for the City's pedestrian path along the river.

I. the public need for healthful, safe, esthetic surroundings and conditions.

Response: The proposed plan change will allow the development of the currently vacant site into a vibrant residential development. A significant portion of the site will remain undeveloped and enhanced due to the Tualatin River buffering requirements. This will create a pleasant experience

for residents and the public who will have the benefit of the natural area along the river as well as excellent access to nearby employment, retail, and services.

J. Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Response: The area has changed over the planning period from an isolated stop along the highway to being surrounded by densely developed residential uses. This change is consistent with the highest and best use for the properties and was anticipated in Section 9.042 of the Tualatin Community Plan which identifies the Roamer's Rest area "as an ideal and critical location for higher density housing." Matching the plan designation of the subject to the neighboring properties is a logical change.

(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. The Tigard-Tualatin School District's School Facility Plan criteria (formula) for new school capacity are:

*(TCR - SMR) * CSR = NC*

*(NC * CFF) ? CSP = MNP*

*(MNP or MPS) * CSP = AC*

Where:

TCR= Total number of classrooms.

SMR= Special mandated classrooms.

CSR= Average class size policy for regular rooms.

NC= Normal capacity.

CFF= Core facility factor (kitchen, cafeteria, restrooms, offices, gym, music, mechanical: 0.12 for K-8 schools and 0.15 for 9-12 schools.

CSP= Average class size policy for portables.

MNP=Maximum number of portables, rounded up to the nearest whole number, or

MPS= Maximum number of portables allowed on site, as determined by existing school capacity, above, or allowed by the City of Tualatin through land use decisions such as, but not limited to, conditional use permits.

Response: The Tigard-Tualatin School District has been notified about the proposal and we have requested their comments. On the school district map which is included in the application it is unclear whether or not the property is in the Tigard-Tualatin School District but staff at the district has confirmed the property's inclusion. The development of the site will produce additional funds to increase school capacity in the form of system development charges/property taxes/and construction excise taxes.

(6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Goal 1 Citizen Involvement

Response: This request is following all citizen involvement requirements of the plan amendment process. This includes the holding of a neighborhood meeting and sending notices to neighbors.

Goal 2 Land Use Planning

Response: The City of Tualatin has an acknowledged comprehensive plan and the procedure for amending that plan is being followed in making this request.

Goal 3 Agricultural Lands

Response: The subject property is in the City of Tualatin's established urban growth boundary and is not classified as agricultural land. The proposal is in conformance with the "density gradient" approach outlined for the area in Section 9.042 of the Tualatin Community Plan which is meant to transition from the agricultural land several miles to the west of the subject property.

Goal 4 Forest Lands

Response: Goal 4 is not applicable inside an Urban Growth Boundary. However, the project protects forest resources. The City has identified the greenway adjacent to the Tualatin River as a significant forest resource. The change in the plan designation will not affect the preservation of the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the forest.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Response: The subject property is adjacent to the Tualatin River which is an important natural, scenic, and open space resource. The City has identified the greenway adjacent to the river as a significant forest resource. The change in the plan designation will not affect the preservation of the River or the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the ecological or aesthetic value of the River or the forest. There are no historic areas on the subject property.

Goal 6 Air, Water and Land Resources Quality

Response: The change in the plan designation will have no effect on air, water, and land resources quality. The change in plan designation does not affect federal, state and, city regulations dealing with air, water, and land resources quality.

Goal 7 Areas Subject to Natural Hazards

Response: A portion of the subject property is in the floodplain and floodway of the Tualatin River. Development of these areas is subject to existing rules and regulations that will not be modified by the proposed plan designation change.

Goal 8 Recreational Needs

Response: The existing designation is identified as a commercial recreational district but the site has not developed any recreational resources under this designation. The change in plan designation will enable the development of the site and will provide a greater connection with and utilization of Tualatin River. Buffer areas are required by the Tualatin Development Code which will ensure that the greenway along the river and the river itself will be maintained as a recreational resource.

Goal 9 Economic Development

Response: The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses which are developing nearby.

Goal 10 Housing

Response: The change in plan designation will increase the density of housing permitted on the property. The current designation generally permits up to 10 units per acre while the proposed designation generally permits up to 25 units per acre. The plan change also allows a greater variety of housing types. Section 9.042 of the acknowledged Tualatin Community Plan already identifies that the area is “an ideal and critical location for higher density housing.” It notes that the “flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern.”

Goal 11 Public Facilities and Services

Response: The subject property is inside the City of Tualatin Urban Growth Boundary and has access to nearby public facilities and services. The applicant has met with City and Clean Water Services staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to

the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed zoning is available without improving or modifying the existing City water system.

Goal 12 Transportation

Response: The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of alternative modes of transportation. Development of the subject property in the manner described is consistent with the City's Transportation System Plan and other plans, which are in compliance with the requirements of the Transportation Planning Rule TPR (OAR 660-012-0060). Traffic impacts on the City's transportation system are less under the proposed zoning than the traffic impacts from the subject property under the existing zoning. See enclosed Memorandum from Scott Mansur, DKS Associates.

Goal 13 Energy Conservation

Response: The site is located close to employment, transportation, and retail resources. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity, as well as nearby transit service, create more favorable conditions for the use of alternative modes of transportation. As such, the proposed plan change should result in more efficient energy usage.

Goal 14 Urbanization

Response: The site is within the acknowledged urban growth boundary of the City of Tualatin and is governed by such applicable regulations.

Goal 15 Willamette River Greenway
Goal 16 Estuarine Resources
Goal 17 Coastal Shorelands
Goal 18 Beaches and Dunes
Goal 19 Ocean Resources

Response: None of these goals apply because the site is not in any of these planning areas.

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

Title 1 (Metro Code Sections 3.07.110 – 3.07.120) – Housing Capacity

The Regional Framework Plan calls for a compact urban form and a "fair share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring the city or county to maintain or increase its housing capacity except as provided in section 3.07.120. (UGB).

Response: The proposed change in plan designation will increase the density of housing permitted on the property. The current designation permits up to 10 units per acre while the proposed designation permits up to 25 units per acre. This change will increase the City of Tualatin's housing capacity thus meeting the requirements of Title 1.

Title 2 (Metro Code Sections 3.07.210 – 3.07.220) – Regional Parking Policy

Title 2 has been repealed and transferred to the Regional Transportation Functional Plan.

Title 3 (Metro Code Sections 3.07.310 – 3.07.360) – Water Quality and Flood Management

The intent of Title 3 is to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Response: Title 3 is the Metro response to Statewide Planning Goal 5, which calls for careful work to protect important natural resources, especially water and riparian resources. Title 3 requires setbacks and other strategies to protect water quality. The proposed project conforms to all these requirements especially by setting aside a significant portion of the site as a buffer from the Tualatin River.

Title 4 (Metro Code Sections 3.07.410 – 3.07.450) – Industrial and Other Employment Areas

To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's

transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

Response: Title 4 is not directly applicable. However, the creation of housing in the immediate vicinity of the major employment center across Highway 99 from the subject property helps to strengthen that employment center's viability while also lowering transportation impacts.

Title 5 (Metro Code Sections 3.07.510 – 3.07.540) - Neighbor Cities and Rural Reserves

Title 5 was repealed.

Title 6 (Metro Code Sections 3.07.610 – 3.07.650) – Centers, Corridors, Station Communities and Main Streets

The Regional Framework Plan identifies Centers, Corridors Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Response: Map 9-4 in the Tualatin Community Plan shows the location of the Metropolitan Service District's Growth Concept Design Types and the subject has a corridor designation. This designation does not limit the conversion of the property to the proposed RH designation.

Title 7 (Metro Code Sections 3.07.710 – 3.07.750) – Housing Choice

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

Response: The housing developed in this project will be available at market rates for higher density housing helping to increase the supply of this needed housing type.

Title 8 (Metro Code Sections 3.07.810 – 3.07.870) – Compliance Procedures

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements.

Response: Title 8 is not applicable to the development of the subject property.

Title 9 (Metro Code Sections 3.07.910-3.07.920) – Performance Measures

Title 9 was repealed.

Title 10 (Metro Code Section 3.07.1010) – Definitions

This title defines the words and terms used in the document.

Title 11 (Metro Code Sections 3.07.1105 – 3.07.1140) – Planning for New Urban Areas

The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use. All land added to the UGB shall be included within a city's or county's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with all applicable titles of this Functional Plan. Title 11 lists ten provisions that need to be addressed in the comprehensive plan amendment including an urban growth plan diagram and policies consistent with the Regional Framework Plan and adopted 2040 Growth Concept design types.

Response: Title 11 is not applicable as the property has been inside the Urban Growth Boundary since the boundary's creation.

Title 12 (Metro Code Sections 3.07.1210 – 3.07.1240) – Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Response: Title 12 is not directly applicable. However, development of the subject property, which has been vacant and underdeveloped for several years, helps protect the surrounding uses from potential crime.

Title 13 (Metro Code Sections 3.07.1310 – 3.07.1370) – Nature in Neighborhoods

The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Response: Title 13 establishes a regional ethic of preservation of important wildlife habitat and natural areas. A significant portion of the subject property will be set aside as permanent open space in order to provide a natural corridor along the river which will be important for the preservation of riparian habitat.

Title 14 (Metro Code Sections 3.07.1405 – 3.07.1465) – Urban Growth Boundary

Title 14 prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

Response: Title 14 is not applicable as the property is inside the Urban Growth Boundary.

(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.

Response: As discussed in the memo from Scott Mansur at DKS Associates the proposed plan designation change would reduce the potential number of trips that could be produced by a development on the property. As such, the change would be consistent with the level of service standards set by the City.

(9) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

Response: The proposed development is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020. The applicant has met with City and CWS staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation. Criterion 9 has been satisfied. There is no conflict with the proposed plan changes and with the objectives and policies regarding potable water, sanitary sewer and surface water management pursuant to TDC 12.020.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed zoning is available without improving or modifying the existing City water system.

(10) The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Directory

Elementary Schools	Address	Principal	Phone
Alberta Rider	14850 S.W. 132nd Terrace, Tigard 97224	Laura Kintz	503 431-4900
Bridgeport	5505 S.W. Borland Rd., Tualatin 97062	Debbie Ebert	503 431-4200
Edward Byrom	21800 S.W. 91st. Ave., Tualatin 97062	Sarah Flynn	503 431-4300
Deer Creek	16155 S.W. 131st Ave., Tigard 97224	Tiffany Wiencken	503 431-4450
Durham	7980 S. W. Durham Rd., Tigard 97224	Joyce Woods	503 431-4500
Metzger	10350 S.W. Lincoln, Tigard 97223	Kraig Sproles	503 431-4600
James Templeton	9500 S.W. Murdock St., Tigard 97224	Todd Robson	503 431-4850
Charles F. Tigard	12855 S.W. Grant, Tigard 97223	Wanda Hennelly	503 431-4400
Tualatin	20405 S.W. 95th Ave., Tualatin 97062	Jamie Kingery	503 431-4800
Mary Woodward	12325 S.W. Katherine St., Tigard 97223	Jerry Nihill	503 431-4700

Middle Schools			
Fowler Middle School (grades 6-8)	10865 S.W. Walnut St., Tigard 97223	Dan Busch	503 431-5000
Hazelbrook Middle School (grades 6-8)	11300 S.W. Hazelbrook Rd., Tualatin 97062	Eric Nesse	503 431-5100
Twality Middle School (grades 6-8)	14650 S.W. 97th Ave., Tigard 97224	Carol Kinch	503 431-5200

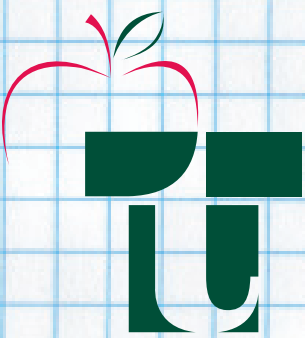
High Schools			
Tigard High School (grades 9-12)	9000 S.W. Durham Rd., Tigard 97224	Mark Neffendorf	503 431-5400
Tualatin High School (grades 9-12)	22300 S.W. Boones Fy. Rd., Tualatin 97062	Darin Barnard	503 431-5600

Other			
Tigard-Tualatin Online Academy (grades 6-12)	19322 SW Mohave Ct. Tualatin OR 97062		503 431-5790
MITCH (Multi-sensory Instruction Teaching Children Hands-on) Charter School	19550 SW 90th Ct. Tualatin, OR 97062		503 639-5757
Larry Hibbard Administration Center	6960 S.W. Sandburg St. Tigard, OR 97223		503 431-4000
Durham Education Center/ABLE/21st Century Academy			
8040 S.W. Durham Rd. Tigard 97224			503 431-4580
Cordero School			
10255 S.W. 82nd Ave. Tigard 97223			503 244-6096

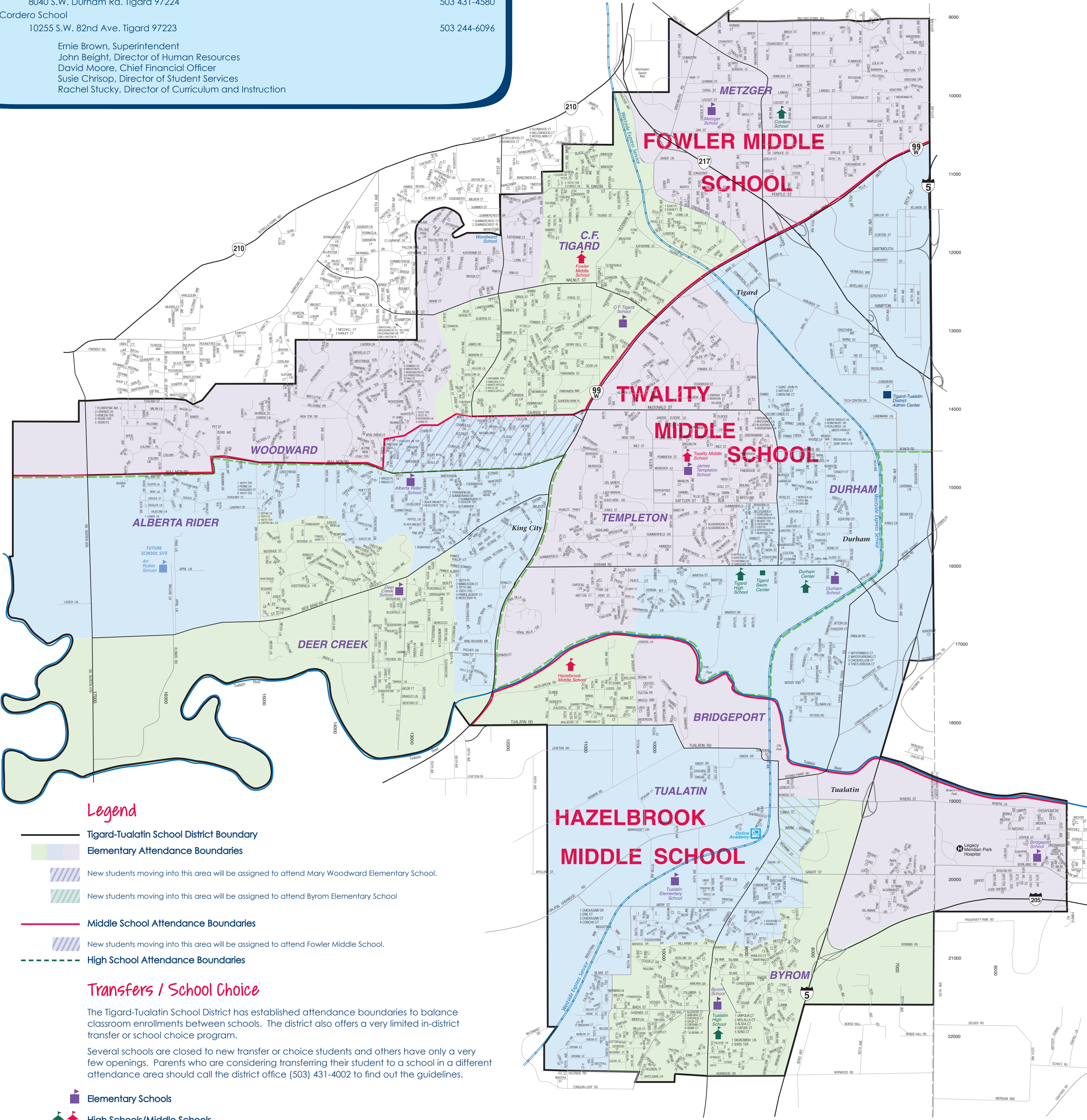
Ernie Brown, Superintendent
John Beight, Director of Human Resources
David Moore, Chief Financial Officer
Susie Chrisop, Director of Student Services
Rachel Stucky, Director of Curriculum and Instruction

Tigard-Tualatin School District 23J

2013-14 Attendance Boundaries



For more information, check out our website www.ttsdschools.org



Legend

- Tigard-Tualatin School District Boundary
- Elementary Attendance Boundaries
- New students moving into this area will be assigned to attend Mary Woodward Elementary School.
- New students moving into this area will be assigned to attend Byrom Elementary School
- Middle School Attendance Boundaries
- New students moving into this area will be assigned to attend Fowler Middle School.
- High School Attendance Boundaries

Transfers / School Choice

The Tigard-Tualatin School District has established attendance boundaries to balance classroom enrollments between schools. The district also offers a very limited in-district transfer or school choice program.

Several schools are closed to new transfer or choice students and others have only a very few openings. Parents who are considering transferring their student to a school in a different attendance area should call the district office (503) 431-4002 to find out the guidelines.

- Elementary Schools
- High Schools/Middle Schools
- Online School
- Future School Sites

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9). [Ord. 964-96, §2, 6/24/96; Ord. 1026-99, §2, 8/9/99; Ord. 1103-02, 03/25/02; Ord. 1310-10 §2, 9/13/10; Ord. 1354-13 §1, 02/25/13]

Response: The development agreement requirement will be satisfied as part of the annexation application which was submitted to the City concurrently with the plan map amendment application.

WAIVER OF RIGHTS & REMEDIES

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Kenneth R Espada ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9 day of January, 2014

<p><u><i>Kenneth R Espedal</i></u> (signature)</p> <p>Petitioner Name: <u><i>Kenneth R Espedal</i></u></p> <p>Date Signed: <u><i>1-9-14</i></u></p>	<p>_____ (signature)</p> <p>Petitioner Name: _____</p> <p>Date Signed: _____</p>
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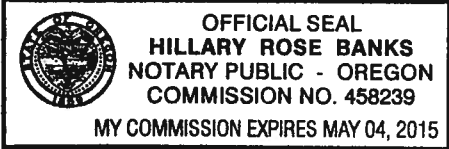
Petitioner (corporation, etc.) Name: Kenneth R Espedal
 By: Kenneth R Espedal
 Name of Signor: _____
 Office/Title of Signor: property owner

State of Oregon _____)
 County of Marion)

On this 9 day of January, 2014, before me the undersigned
 Notary Public, personally appeared

Kenneth Espedal
 (Name of Petitioners signing; not Notary name)

- ☐ Personally known to me
☒ Proved to me on the basis of satisfactory evidence
To be the person who executed the within instrument
☒ As owner or on behalf of the entity therein named, pursuant
 to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <u>Hillary Banks</u> Notary name (legible): <u>Hillary Banks</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,

- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Joyce L. Poppen ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9 day of January, 2019.

<u>Joyce L. Popper</u> (signature)	 (signature)
Petitioner Name: <u>Joyce L. Popper</u>	Petitioner Name:
Date Signed: <u>1-9-14</u>	Date Signed:

Petitioner (corporation, etc.) Name: Joyce L. Popper T
 By: Joyce L Popper T
 Name of Signor: _____
 Office/Title of Signor: Property owner

State of Oregon _____)
 County of manion)

On this 9 day of January, 2014, before me the undersigned
 Notary Public, personally appeared

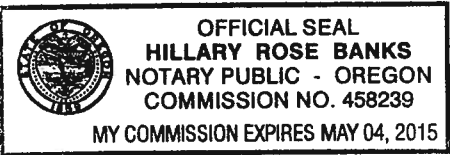
Joyce Popper T

(Name of Petitioners signing; not Notary name)

- ☐ Personally known to me
☒ Proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument

- ☒ As owner or on behalf of the entity therein named, pursuant
 to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature <u>Hillary Banks</u> Notary name (legible): <u>Hillary Banks</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,

- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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Measure 37 Waiver Of Rights And Remedies

Whereas, Donna Degele (“Petitioner”, including collectively all petitioners) has petitioned to the City of Tualatin (“City”) to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner’s requested proceedings if such approval could result in the owner or the owner’s successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner’s requested proceedings; and

Whereas, Petitioner wishes to obtain the City’s approval of Petitioner’s requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City’s land use regulations existing as of the effective date of the proceedings.


Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 9th day of January, 2014.

 (signature)	 (signature)
Petitioner Name: <u>Donna J. Degele</u>	Petitioner Name:
Date Signed: <u>1-9-2014</u>	Date Signed:

Petitioner (corporation, etc.) Name: Donna J Degele

By: _____

Name of Signor: Donna Degele

Office/Title of Signor: property owner

State of Oregon _____)

County of _____)

On this _____ day of _____, _____, before me the undersigned
 Notary Public, personally appeared

 (Name of Petitioners signing; not Notary name)

☐ Personally known to me

☐ Proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument

☐ As _____ or on behalf of the entity therein named, pursuant
 to authority, and acknowledged to me the execution hereof.

For Notary Acknowledgment. See Attached Document

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature _____ Notary name (legible): _____	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On

January 09, 2014

before me,

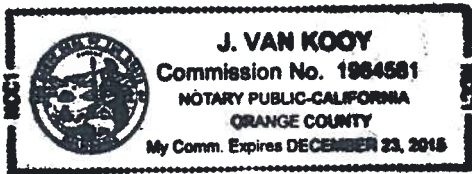
J. Van Kooy, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Donna J. Degele

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

J. Van Kooy

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Measure 37 Waiver Of Rights And Remedies

Document Date:

January 9, 2014

Number of Pages:

4

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared _____,



- ☐ personally known to me
- ☐ proved to me on the basis of satisfactory evidence

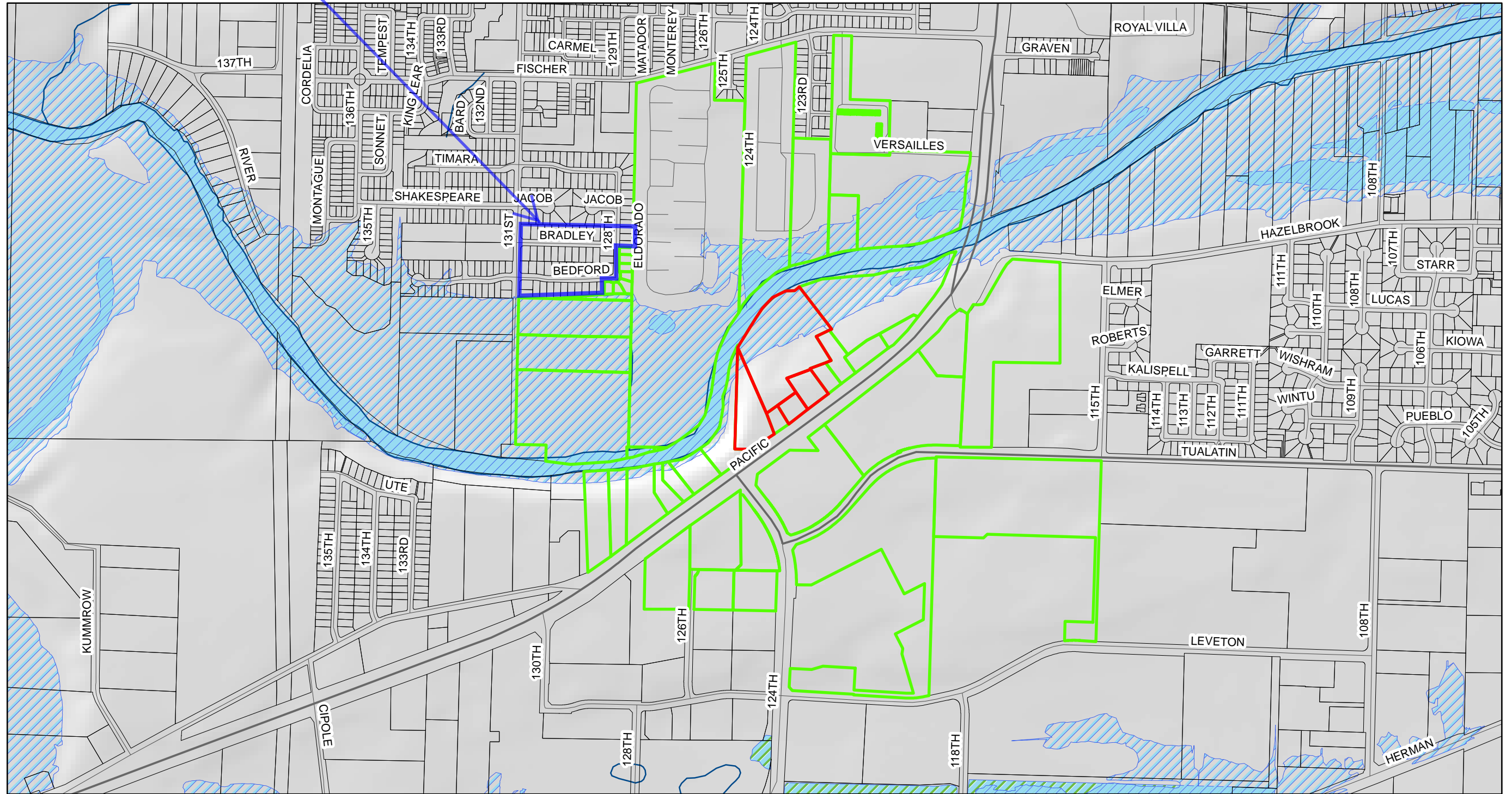
To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

Lots within Bradley Woods and Bedford Park Subdivisions that are included in mailing list/labels.

Floodplain

-  subject property
 Tax Lots selection
 Streams
 Flood Plain
 Wetlands



Customer Service Department
12909 SW 68th Parkway, Suite 350
Portland, OR 97223
(503) 603-1700 cs@wfgnationaltitle.com

5000 Feet



PMA-14-01 ATTACHMENT 102

BACKGROUND

The subject land use application is Plan Map Amendment PMA 14-01 requesting an amendment to Plan Map 9-1 for two properties located at 17985 SW Pacific Highway (Tax Lot 2S 1 15C 2191 and 2202) including the portion of right-of-way of 99W Pacific Highway to the centerline. Tax lot 2191 is currently designated General Commercial and is approximately 1.03 acres in size. Approximately 0.28 acres of right-of-way are proposed to change from General Commercial to High Density Residential (RH), and the right-of-way directly abuts tax lot 2191. Tax lot 2202 is currently designated Recreational Commercial and is approximately 8.38 acres with 2.72 acres in the Natural Resource Protection Overlay (NRPO) or in non-buildable Flood way. The subject site is located on north and west of the 99W and SW 124th intersection. See vicinity maps included as Attachments 103 and 104.

This Plan Amendment is being initiated by a private applicant who ultimately seeks to develop the property for multi-family residential use. The applicant provided a description and history of the subject site.

“The subject properties are in an area known as Roamer’s Rest which is bordered to the south by Highway 99W and to the north by the Tualatin River. This area has a mix of plan designations including RH, CG, and CR. Adjacent to the property to the east and south is land designated CR and CG and to the west of the property are properties designated RH.

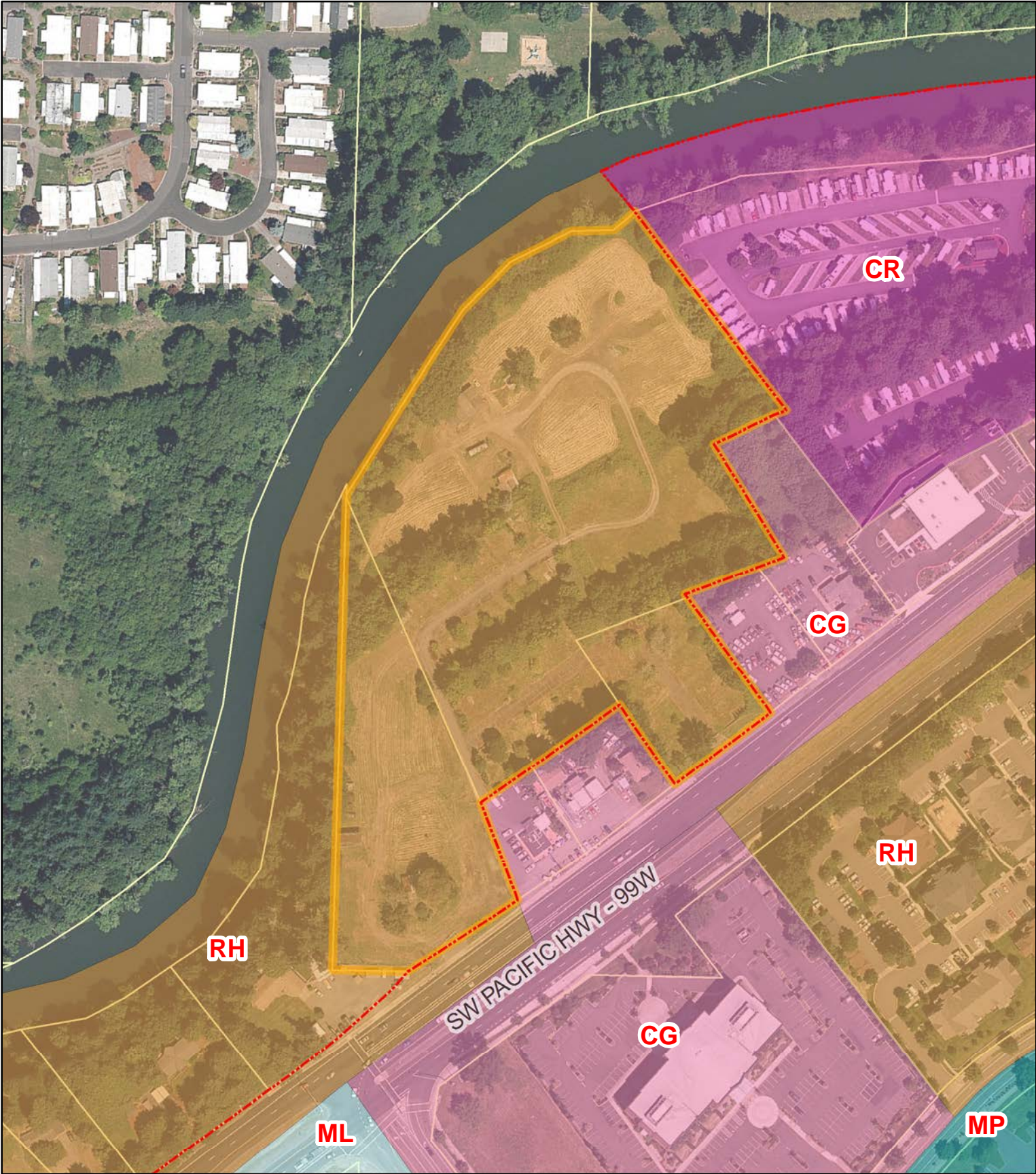
The area is a mix of old highway oriented commercial, vacant land and residential uses. This area has been largely undeveloped including a series of older buildings and vacant parcel. This includes the subject property which is a former manufactured home park but has been vacant for several years. The largest property adjacent to the subject property is the Roamer’s Rest RV Park which covers the CR land to the east of the subject property. Other nearby uses includes a restaurant, a small used car dealership, a new auto repair and restoration facility, and a vacant property designated RH.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the City of Tualatin’s urban growth boundary [Urban Planning Area] and has the County designations of R-9 and R-15. This land is developed with residential uses.”

While the Plan Amendment criteria of 1.032 are a conceptual land use level, site redevelopment constraints are relevant. The largest tax lot 2202 proposed to change

from Recreation Commercial to High Density Residential (RH) is limited by the allowed and conditional uses. Multi-family uses are a conditional use but at a reduced density of 10 dwelling units per acre. Approximately 2.72 acres of this tax lot are unbuildable due to NRPO and Flood way and there is no direct access to 99W which limits possible development. Tax lot 2191 directly abuts 99W and is currently designated General Commercial but due to severely limited access from 99W the size there are limited development possibilities. Changing these two tax lots to the RH Planning District designation will allow for up to 25 units per acre. These two tax lots are under the same ownership as well as a tax lot to the south of the subject property which is currently designated High Density Residential. The three lots combined can support multi-family residential. The City's housing capacity will increase from this amendment by approximately 160 units. The City's total dwelling unit per acre will increase from 8.1 du/acre to 8.2 du/acre. Additionally, the percentage of multifamily dwelling units in the City will increase from 52% to 53%.

Attachment 106 contains the analysis and findings demonstrating how the PMA meets the approval criteria of Tualatin Development Code (TDC) Section 1.032. Exhibit B is a memorandum from the Engineering Division dated February 19, 2013 which examines the affect of the PMA on public facilities, including roads and streets.



Espedal Property



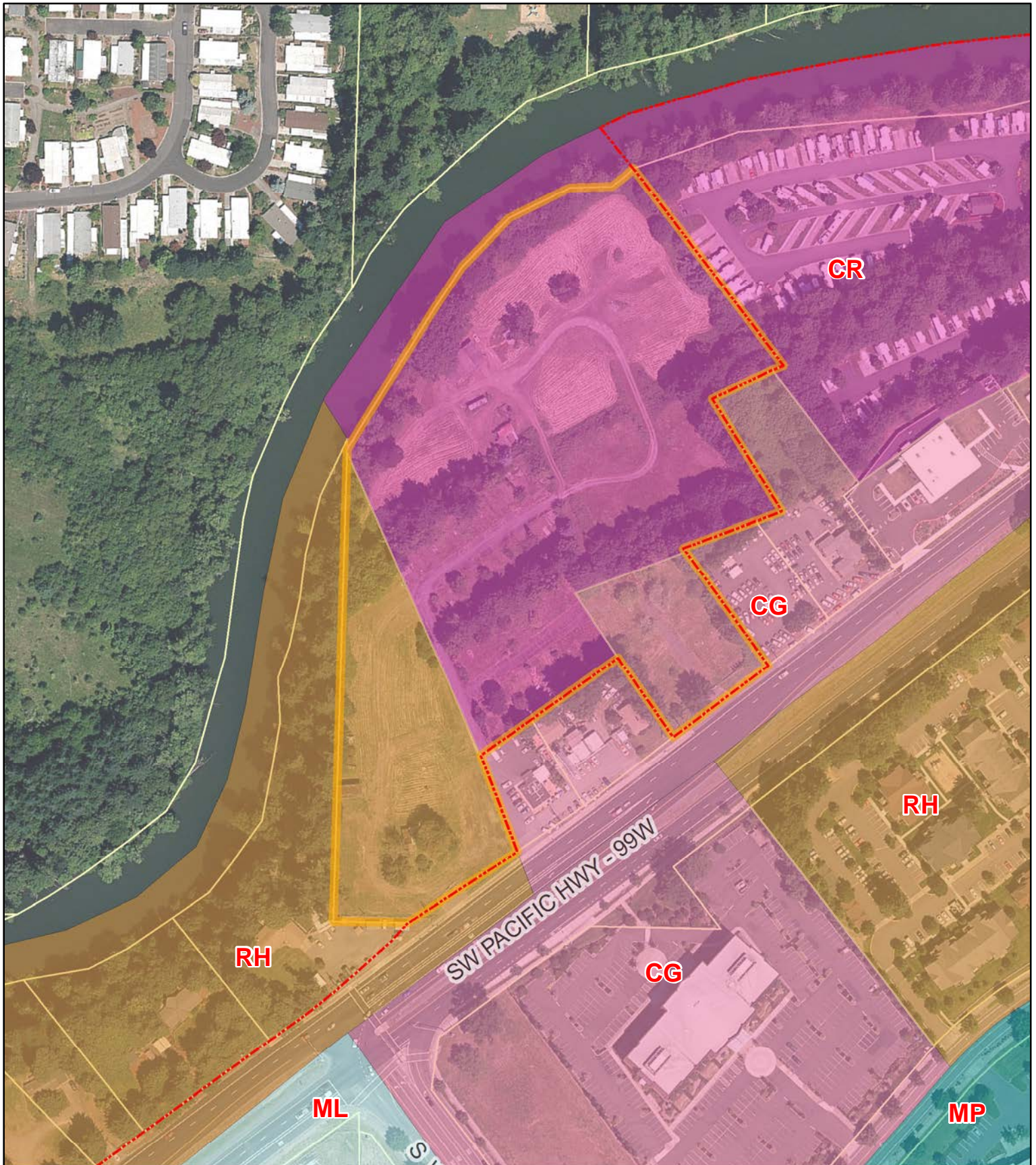
City Boundary



RF 1:2,400

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Printed 2/14/2014

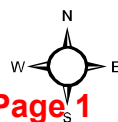
Existing Espedal Property Plan Designation



Espedal Property



City Boundary



RF 1:2,400

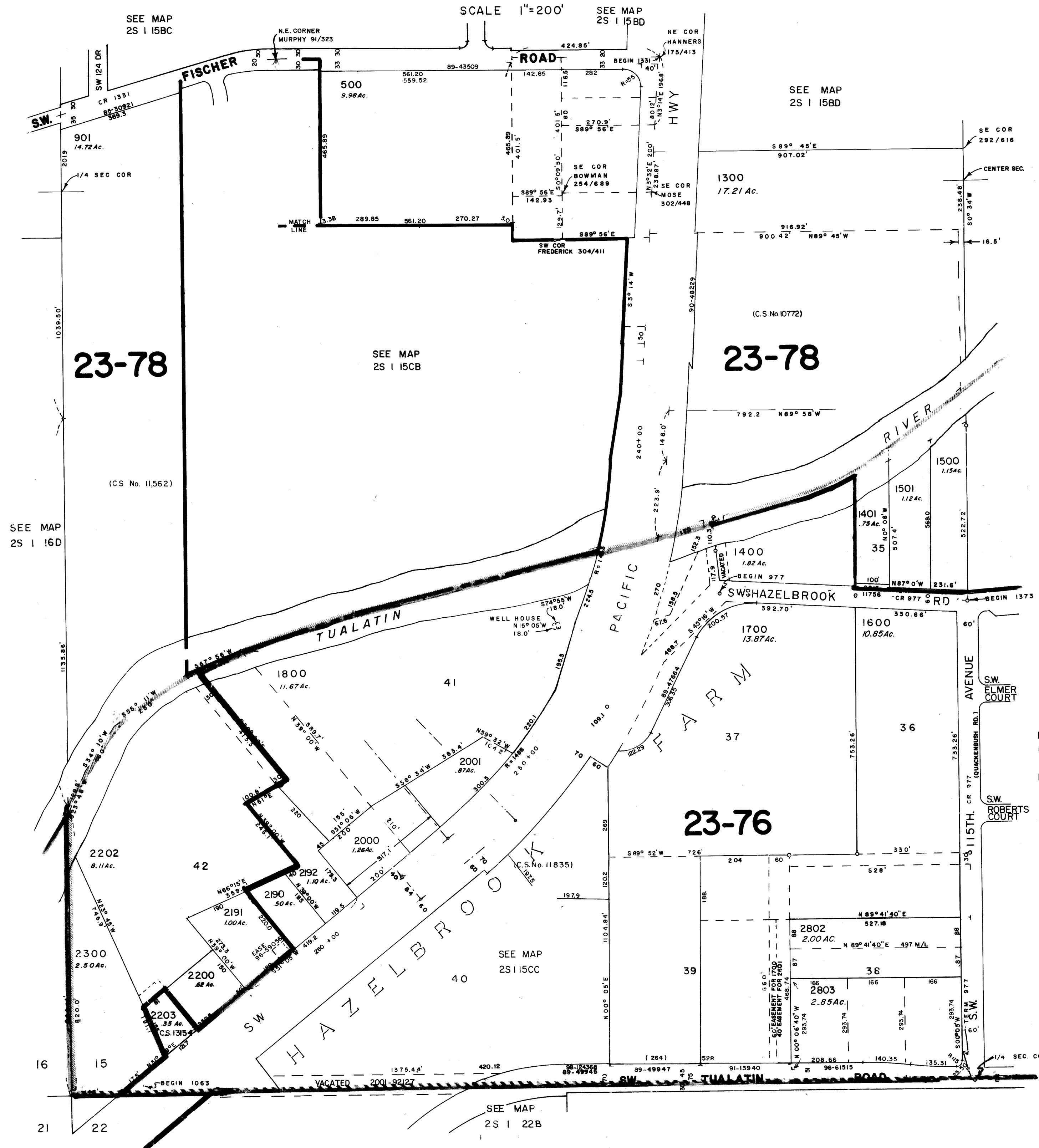
Attachment 104, Page 1

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Printed 2/14/2014

SW1/4 SECTION 15 T2S R1W W.M.

WASHINGTON COUNTY OREGON

2S 1 15C
TUALATIN



PMA 14-01 Attachment 106:

ANALYSIS AND FINDINGS

The City has received an application requesting a Plan Map Amendment changing the planning designations of two tax lots, 2S1 15C 2191 (General Commercial) and 2202 (Recreational Commercial), to High Density Residential (RH). Tax lot 2191 is approximately 1.03 acres and Tax Lot 2202 is approximately 8.38 acres. This proposed amendment will also change the Planning Designation of approximately 0.28 acres of right-of-way on 99W adjacent to Tax Lot 2191. The applicant proposes to annex to the City the two tax lots located at 17865 SW Pacific Hwy plus a third tax lot, 2300 (designated RH), which is located at 17985 SW Pacific Hwy.

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

1. Granting the amendment is in the public interest.

As identified by staff it is in the public interest to respond to an applicant's proposal for a Plan Map Amendment that will lead to subsequent land use actions to permit new development and redevelopment of property that is currently vacant and underutilized.

The public interest is served by responding to this application for a Plan Amendment. The two tax lots which total 9.41 acres that are the subject of this amendment plus a third tax lot that is 2.56 acres are currently vacant and underutilized. The combined total of the three tax lots is approximately 11.97 acres. The applicants ultimately seek to develop this property for a multifamily residential use. The application cites Tualatin Development Code section 9.042 which identified Roamer's Rest "as an ideal and critical location for higher density housing." The TDC also notes that "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern."

The applicant states that "[t]he site is not well situated for the commercial development, particularly retail development, in light of its one-way access into and out of the site." The present planning designation of General Commercial and Recreational Commercial allow for retail uses. The applicant continues, "[a]ccordingly, the property will likely long-remain vacant under the current commercial planning designations." Planning staff have often received requests for information about this site and the ability to develop all three acres but the inquiries

have not resulted in pursuit of development until this application. The site is constrained by the Tualatin River and associated setbacks imposed by Clean Water Services that include a 125-foot vegetative corridor. A third of the area adjacent to the Tualatin River is covered by the 100-year floodplain and floodway which is not buildable land. Because the site is located on an ODOT facility, access is limited. Additionally, the City has identified land on this site as part of the Tualatin Greenway Trail which can be located in Clean Water Services vegetative corridor. The combination of these site constraints present very limited opportunities for developing this site. The limited access off of 99W Pacific Highway reduces the market viability of retail uses. However, this site is suitable for multifamily development and areas adjacent to the site are identified as suitable for higher residential density. In order to make this site viable for development a Plan Map Amendment is necessary to allow the development of multifamily high density residential.

The applicant addresses benefits to the surrounding community as a result of granting this amendment.

“Along with transforming an underutilized piece of property, the plan map amendment will also benefit the remaining commercial portion of Roamer’s Rest area. This includes a restaurant, a used car dealership, and some older retail buildings that will benefit from a significant number of new customers. Additionally, the office and manufacturing businesses being developed across Highway 99W will benefit from having high-quality housing for employees in close proximity.”

Granting the amendment is in the public interest. Criterion “1” is met.

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

As stated above, this site is severely constrained and not suitable to commercial development. The applicant cites the “one-way access into and out of the site” as a primary deterrent to commercial, particularly retail, development. This amendment is timely because a future proposal to develop this site is unlikely. Additionally, development of this property as residential units will generate property taxes rather than vacant undevelopable land, when an annexation is approved. Multifamily development requires the payment of Parks System Development Charges as opposed to commercial development which does not trigger the charge.

The public interest is best protected by granting the amendment at this time. Criterion “2” is met.

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

The applicant provided a comprehensive response to this criterion.

Chapter 4 Community Growth Section 4.050 Objectives:

(4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.

The proposal matched the “density gradient” approach outlined for the area in Section 9.042 of the Tualatin Community Plan. As described in the plan, RML planning designation is used on the west adjacent to the agricultural lands, RMH planning designation is in the center portion of the Roamer’s Rest, and the RH planning designation in the east adjacent to the commercial area. By expanding the RH designation to the east the proposed plan change will maintain the gradient approach and the transition between farmland and higher density housing will be maintained.

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

As noted above the proposed RH zoning is compatible with surrounding land uses. These include land with various residential zoning designations and commercial land that includes retail establishments that will benefit from additional nearby residential customers. Additionally, directly adjacent to the subject property is an RV Park which has a very residential feel and vacant land already designated RH which planned to be incorporated into the proposed residential development on the subject property. The eventual development on the subject property will also be compatible with the adjacent Tualatin River to the north and west by virtue of the vegetated corridor that be required by the Tualatin Development Code and Clean Water Services, which preserves open space along the river and a buffer between development and the river.

(9) Prepare a plan providing a variety of living and working environments.

(15) Arrange the various land uses in a manner that is energy efficient.

The proposal will allow for an appealing living environment that is close to employment, transportation, and retail. The development of multi-family in areas so close to potential destinations is an energy efficient arrangement of development. The proximity of the property to transit services also encourages transportation alternatives to the automobile. The proposed residential environment will also be unique to its location along the Tualatin River. Multi-family residential development along the river will increase the number of people who can enjoy this community asset while buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that any development of the site does not affect the ecological health of the river.

Chapter 5 Residential Planning Growth Section 5.030 General Objectives:

(1) Provide for the housing needs of existing and future City residents.

(2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

The proposal will create additional residential land in an appealing area ideal for multi-family residential development. This addition will serve existing and future City residents. The multi-family residential development of this property will provide opportunities for individuals and families to live in a high quality area with the river as a positive amenity all while being in close proximity to the employment, services, and transportation. Such residential development will provide housing opportunity for a broad spectrum of income levels, particularly as an alternative to home ownership in a traditional, single-family residential setting (e.g. a residential subdivision).

(4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

The proposed additional RH land is adjacent to an arterial street with transit service, is adjacent to land already designated RH, is near to existing multifamily housing, has immediate access to commercial areas, and is served by Deer Creek Elementary School, Twality Middle School, and Tualatin High School. All of these factors make the property ideal for higher density residential development. This conclusion is consistent with the conclusion in Section 9.042 of the Tualatin Community Plan that states that the Roomer's Rest area is "an ideal and critical location for higher density housing." It notes that the "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern."

Chapter 10 Community Design Section 10.020 Design Objectives:

(1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

(3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the esthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements.

Any development of the property will be required to go through the City's design review process (Architectural Review) to ensure appealing and functional development of the site. Additionally, buffer areas required by the Tualatin Development Code will ensure that any development of the site does not affect the ecological health of the river and will ensure that the design of the site will leverage and enhance this unique community asset.

Chapter 11 Transportation Section 11.610 Goals and Objectives

(2)(b) Provide efficient and quick travel between points A and B.

(2)(c) Provide connectivity within the City between popular destinations and residential areas.

(2)(e) Reduce trip length and potential travel times for motor vehicles, freight, transit, bicycles, and pedestrians.

(2)(f) Improve comfort and convenience of travel for all modes including bicycles, pedestrians, and transit users.

(2)(g) Increase access to key destinations for all modes.

The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of nearby transit service and other alternative modes of transportation. Development of the subject property will also facilitate construction of an important link in the City's pedestrian path along the Tualatin River.

Additional the City would like to point out that an existing Tri-Met bus stop is directly adjacent to the proposed site heading south bound on 99W Pacific Highway and there is bus stop on the other side of 99W Pacific highway heading northbound. The site is located approximately 329 feet from the 124th and 99W intersection with a crosswalk that will allow residents to walk across the street. This site is ideally located for future residents to access to transit.

Chapter 15 Parks and Recreation Section 15.020 Objectives

(5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.

The change in the plan designation will not affect the preservation of the greenway along the Tualatin River. Buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that a greenway is maintained.

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion “3” is met.

4. The following factors were consciously considered:

The applicant provided a comprehensive response to this criterion.

The various characteristics of the areas in the City:

The area is a mix of old highway oriented commercial, vacant land, and residential uses. This area has been largely underdeveloped including a series of older buildings and vacant parcels. This includes that subject property which is a former manufactured home park but has been vacant for several years. The largest adjacent development to the subject property is the Roamer’s Rest RV Park which covers the CR land to the east of the subject property. Although designated CR this development is residential in nature and very compatible with an RH [high density] neighbor.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG [General Commercial] that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the urban growth boundary and has the County designations of R-9 and R-15. This land is developed with residential uses.

Overall the proposed RH plan designation will match well with the adjacent residential uses in the area and will offer the benefit of new customers and employees to the businesses in the area.

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

The Tualatin Community Plan identifies the subject property as being in the Roamers Rest area. Section 9.042 of the Tualatin Community Plan states that the Roamer’s Rest area is “an ideal and critical location for higher density housing.” It notes that the “flat land, relationship to the river, proximity to major employment

centers, and excellent transportation access all lend themselves to a higher density development pattern.” The subject property is adjacent to existing RH land and will be a logical extension to that existing development pattern.

Trends in land improvement and development:

The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway.

Property Values:

Granting this request will allow investment in the area which will increase the property values of the subject property as well as its neighbors. As previously described, the RH designation is compatible with the zoning and development pattern in the area. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses. This will increase the value of these nearby commercial uses.

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

Granting the requested plan change is in the public interest and will bring significant investment and improvement to the Roamer’s Rest Area. As noted above, property values will increase with the addition of high-quality, multi-family residential development in the area. Concentrations of residents are a pre-requisite to successful economic development in most areas of a city. The vitality and spending from residents on the subject property will have a greater, positive impact on local economy than the subject property’s continued vacancy under its current commercial planning designations.

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

There is sufficient right- of- way and access rights from the Oregon Department of Transportation to provide access to the subject property. Additionally, as noted in the attached letter from DKS Engineering [see Exhibit A], the requested plan change will decrease the overall potential trip generation for the site. The design for access to and from the property is subject to review and approval by the Oregon Department of Transportation. This will help assure minimization of any safety and congestion issues stemming from the property’s development.

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

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

The subject property is adjacent to the Tualatin River which is an important community resource. The change in the plan designation will not affect the preservation of the Tualatin River. Buffer areas are required by the Tualatin Development Code and by Clean Water Services, which will ensure that any development of the property will not affect the ecological value of the River. In addition, allowing multi-family residential development of the subject property will facilitate enhancement of the river corridor, including providing a location and SDC funds for the City's pedestrian path along the river.

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

The proposed plan change will allow the development of the currently vacant site into a vibrant residential development. A significant portion of the site will remain undeveloped and enhanced due to the Tualatin River buffering requirements. This will create a pleasant experience for residents and the public who will have the benefit of the natural area along the river as well as excellent access to nearby employment, retail, and services.

Proof of change in a neighborhood or area; and Mistake in the Plan Text or Plan Map:

The area has changed over the planning period from an isolated stop along the highway to being surrounded by densely developed residential uses. This change is consistent with the highest and best use for the properties and was anticipated in Section 9.042 of the Tualatin Community Plan which identifies the Roamer's Rest area "as an ideal and critical location for higher density housing." Matching the plan designation of the subject [site] to the neighboring properties is a logical change.

The applicant sufficiently addressed the factors in this Criterion. Criterion "4" is met.

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.

The applicant responded to this criterion:

The Tigard-Tualatin School District has been notified about the proposal and we have requested their comments. On the school district map which is included in the application it is unclear whether or not the property is in the Tigard-Tualatin School

District but staff at the district has confirmed the property's inclusion. The development of the site will produce additional funds to increase school capacity in the form of system development charges/property taxes/and construction excise taxes.

The City also notified the Tigard Tualatin School District as part of the agency notification process. The applicant reported to staff that the site is within the Deer Creek Elementary School Boundary, Twality Middle School Boundary and the Tualatin High School Boundary. The applicant reports there is overall capacity in the district and that capacity exists at Deer Creek Elementary School and Tualatin High School. Capacity constraints are indicated for Twality Middle School but the site is actually closer to Hazelbrook Middle School where capacity exists.

Criterion "5" is met.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

The applicant has provided a response to Goals 1-14 and determined that Goals 15-19 are not applicable. The City concurs with the identified applicable goals and concurs that Goals 15-19 are not applicable.

Goal 1 Citizen Involvement

This request is following all citizen involvement requirements of the plan amendment process. This includes the holding of a neighborhood meeting and sending notices to neighbors.

The Tualatin Planning Commission reviews all Plan Amendments and makes recommendations to the City Council regarding adoption. Tualatin Municipal Code 11-1-060 (4) states that the Tualatin Planning Commission "[s]erves as the City of Tualatin Commission for Citizen Involvement" in accordance with Goal 1 Citizen involvement.

Goal 2 Land Use Planning

The City of Tualatin has an acknowledged comprehensive plan and the procedure for amending that plan is being followed in making this request.

Goal 3 Agricultural Lands

The subject property is in the City of Tualatin's established urban growth boundary Urban Planning Area Agreement with Washington County and is not classified as

agricultural land. The proposal is in conformance with the “density gradient” approach outlined for the area in Section 9.042 of the Tualatin Community Plan which is meant to transition from the agricultural land several miles to the west of the subject property.

Goal 4 Forest Lands

Goal 4 is not applicable inside an Urban Growth Boundary. However, the project protects forest resources. The City has identified the greenway adjacent to the Tualatin River as a significant forest resource. The change in the plan designation will not affect the preservation of the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the forest.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

The subject property is adjacent to the Tualatin River which is an important natural, scenic, and open space resource. The City has identified the greenway adjacent to the river as a significant forest resource. The change in the plan designation will not affect the preservation of the River or the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the ecological or aesthetic value of the River or the forest. There are no historic areas on the subject property.

Goal 6 Air, Water and Land Resources Quality

The change in the plan designation will have no effect on air, water, and land resources quality. The change in plan designation does not affect federal, state and, city regulations dealing with air, water, and land resources quality.

Goal 7 Areas Subject to Natural Hazards

A portion of the subject property is in the floodplain and floodway of the Tualatin River. Development of these areas is subject to existing rules and regulations that will not be modified by the proposed plan designation change.

Goal 8 Recreational Needs

The existing designation is identified as a commercial recreational district but the site has not developed any recreational resources under this designation. The change in plan designation will enable the development of the site and will provide a greater connection with and utilization of Tualatin River. Buffer areas are required by the Tualatin Development Code which will ensure that the greenway along the river and the river itself will be maintained as a recreational resource.

Goal 9 Economic Development

The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses which are developing nearby.

Goal 10 Housing

The change in plan designation will increase the density of housing permitted on the property. The current designation generally permits up to 10 units per acre while the proposed designation generally permits up to 25 units per acre. The plan change also allows a greater variety of housing types. Section 9.042 of the acknowledged Tualatin Community Plan already identifies that the area is “an ideal and critical location for higher density housing.” It notes that the “flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern.

The Metropolitan Housing rule, OAR 660-007, applies to the cities and counties within the metropolitan Portland urban growth boundary. Per OAR 660-007-0035(2) the City of Tualatin is required to provide a net density of eight dwelling units per acre (8 du/ac). Per OAR 660-007-0030 the City is required to provide at least 50 percent of new residential units as attached single family housing or multiple family housing.

Staff has prepared information on the effect of changing the designation of the subject properties and the adjacent public ROW from General Commercial and Recreational Commercial to High Density Residential and the City’s ability to comply with the applicable sections of the Metropolitan Housing Rule. Tables 2A and 2B below reflect updated analysis of planned housing density and housing mix when 9.41 new acres are added to residential land.

The amendment increases the planned residential density by 0.071 DUs/acre from 8.167 to 8.238. This proposed amendment will further the City’s compliance with OAR 660-007-0035 and may allow for lower density development in other areas of the City.

Table 2A

	RL	RML	RMH	RH	RH/HR	Total
Total acres in each residential district (current) ²	2206.41	271.34	188.156	166.02	18.19	2850.116
Acres proposed for removal from or added to residential				9.39		9.39

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district						
Total acres of ROW in each residential district	-441.88	-59.45	-32.39	-23.59	-3.4	-560.71
PMA 14-01 Acres of ROW changing to RH				-0.28		-0.28
Total Gross Buildable Acres	1764.53	211.89	155.766	151.54	14.79	2298.516
Environmental restrictions (100 flood, NRPO, slopes > 25%)	-293.66	-44.41	-54.77	-76.4	-12.57	-481.81
PMA 14-01 NRPO acres				-2.72		-2.72
Total Acres Minus Environmental Restrictions	1470.87	167.48	100.996	72.42	2.22	1813.986
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.09	-11.84	-6.26	-0.19	-0.06	-315.44
PMA 14-01 Non-buildable land				0		0
Total net Buildable Acres	1173.78	155.64	94.736	72.23	2.16	1498.546
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10	15	25	30	86.4
Total Dwelling Units Allowed	7512.192	1556.4	1421.04	1805.75	64.8	12360.18
Dwelling units per acre	8.248117					

As calculated by staff, adding 9.41 acres of RH residential land to the City's supply will increase the attached/multi-family housing share by 0.91 percent from 52.09 to 53 percent, which continues to satisfy the requirement.

Table 2B
PMA-14-01 Metro Housing
Rule New Construction Mix

	RL	RML	RMH	RH	RH/HR	Total
Total acres in each residential district (current)	2206.41	271.34	188.156	166.02	18.19	2850.116
Acres proposed for removal from or added to residential district				9.39		9.39
Total acres of ROW in each residential district (+/- 0.69 acres ROW)	-441.88	-59.45	-32.39	-23.59	-3.4	-560.71
PMA 14-01 Acres of ROW changing to RH				-0.28		-0.28
Total Gross Buildable Acres	1764.53	211.89	155.766	151.54	14.79	2298.516
Environmental restrictions (100 flood, NRPO, slopes > 25%)(RL only, no shift in density as allowed in RML-RH/HR)	-293.66	0	0	0	0	-293.66
Total Acres Minus Environmental Restrictions	1470.87	211.89	155.766	151.54	14.79	2004.856
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.09	-11.84	-6.26	-0.19	-0.06	-315.44
Total net Buildable Acres	1173.78	200.05	149.506	151.35	14.73	1689.416
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10	15	25	30	86.4
Total Dwelling Units Allowed	7512.192	2000.5	2242.59	3783.75	441.9	15980.93
Total Single Family Detached Units Allowed (RL)	7512.192					7512.192
						47% DU Allowed
Total Attached/Multi-Family Units Allowed (RML, MRMH, RH, RH/HR)						8468.74
						53% DU allowed

Goal 11 Public Facilities and Services

The subject property is inside the City of Tualatin Urban Growth Boundary and has access to nearby public facilities and services. The applicant has met with City and Clean Water Services staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed zoning is available without improving or modifying the existing City water system.

A Memorandum from the Engineering Division dated February 19, 2014 provides an analysis of Sanitary Sewer, Stormwater, and Water. The analysis is also included below.

Downstream sizing for all public utilities will need to be evaluated by the developer for the change from current zoning compared to the RH zoning with any associated future proposed redevelopment within an Architectural Review. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer lines exist within the development area and are under Clean Water Services ownership. Stormwater would need to be treated and released to the Tualatin River or to an ODOT facility within SW Pacific Highway. Water lines exist in the SW Pacific Highway adjacent to the development. The applicant will need to determine the location of water treatment and connections to the public lines prior to

obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

Goal 12 Transportation

The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of alternative modes of transportation. Development of the subject property in the manner described is consistent with the City's Transportation System Plan and other plans, which are in compliance with the requirements of the Transportation Planning Rule TPR (OAR 660-012-0060). Traffic impacts on the City's transportation system are less under the proposed zoning than the traffic impacts from the subject property under the existing zoning. See enclosed Memorandum from Scott Mansur, DKS Associates [Exhibit A].

A Memorandum from the Engineering Division dated February 19, 2014 provides an analysis of Transportation and addresses OAR 660-012-0060 the State's Transportation Planning Rule. The analysis is also included below.

As demonstrated by the analyses and findings presented in the study, the proposed land use action is not expected to "significantly affect" any existing or planned transportation facility and is, therefore, expected to be in compliance with the State's Transportation Planning Rule.

SW Pacific Highway

SW Pacific Highway is an ODOT facility which the City of Tualatin designates as a Major Arterial which has a preferred right-of-way width of 98 feet that includes one 14-foot center turn lane, two 12-foot travel lanes, two 6-foot bike lanes, 6-foot planter strips, and 6-foot sidewalks. As this is an ODOT facility, bike lanes need to be 8-feet wide resulting in a overall width of 102 feet. Existing right-of way width varies between approximately 160 to 174 feet.

The Plan Map Amendment as reviewed consists of 10.83 developable acres including zones CG (General Commercial), RC (Recreational Commercial), and RH (High Density Residential). The proposal is to change all lots to zone RH (High Density Residential).

The 100-year floodplain and floodway covers approximately a third of the area adjacent to the Tualatin River. If a developer proposed to serve the areas using a public street, it would require a 50-foot width right-of-way that ended in a 45-foot radius cul-de-sac that was elevated 1-foot above the floodplain along with the requirement for a public water quality facility in a tract. The required right-of-way along with balanced cut and fill due to a public street could reduce or eliminate the possible developable area for residential homes. If a private tract was used instead

of a public street a maximum of 6 lots could be served, provided balanced cut and fill proved possible for the homes to be constructed 1-foot above the floodplain.

The scenarios generate the following traffic:

<u># of Lots</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Total</u>
Existing	194	147	340
PMA 14-01	109	59	168
Change	-85	-88	-172

This plan map amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections.

ODOT responded on February 13, 2014 that they have no issues with the zone change.

Goal 13 Energy Conservation

The site is located close to employment, transportation, and retail resources. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity, as well as nearby transit service, create more favorable conditions for the use of alternative modes of transportation. As such, the proposed plan change should result in more efficient energy usage.

Goal 14 Urbanization

The site is within the acknowledged urban growth boundary of the City of Tualatin and is governed by such applicable regulations.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

None of these goals apply because the site is not in any of these planning areas.

Criterion "6" is met

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

The applicant provided a comprehensive response to this criterion.

Title 1 (Metro Code Sections 3.07.110 – 3.07.120) – Housing Capacity
The Regional Framework Plan calls for a compact urban form and a "fair share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring the city or county to maintain or increase its housing capacity except as provided in section 3.07.120. (UGB).

The proposed change in plan designation will increase the density of housing permitted on the property. The current designation permits up to 10 units per acre while the proposed designation permits up to 25 units per acre. This change will increase the City of Tualatin's housing capacity thus meeting the requirements of Title 1.

Title 3 (Metro Code Sections 3.07.310 – 3.07.360) – Water Quality and Flood Management
The intent of Title 3 is to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Title 3 is the Metro response to Statewide Planning Goal 5, which calls for careful work to protect important natural resources, especially water and riparian resources. Title 3 requires setbacks and other strategies to protect water quality. The proposed project conforms to all these requirements especially by setting aside a significant portion of the site as a buffer from the Tualatin River.

Title 6 (Metro Code Sections 3.07.610 – 3.07.650) – Centers, Corridors, Station Communities and Main Streets
The Regional Framework Plan identifies Centers, Corridors Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Map 9-4 in the Tualatin Community Plan shows the location of the Metropolitan Service District's Growth Concept Design Types and the subject [site] has a corridor designation. This designation does not limit the conversion of the property to the proposed RH designation.

Title 7 (Metro Code Sections 3.07.710 – 3.07.750) – Housing Choice
The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

The housing developed in this project will be available at market rates for higher density housing helping to increase the supply of this needed housing type.

Title 12 (Metro Code Sections 3.07.1210 – 3.07.1240) – Protection of Residential Neighborhoods
The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Title 12 is not directly applicable. However, development of the subject property, which has been vacant and underdeveloped for several years, helps protect the surrounding uses from potential crime.

Title 13 (Metro Code Sections 3.07.1310 – 3.07.1370) – Nature in Neighborhoods
The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Title 13 establishes a regional ethic of preservation of important wildlife habitat and natural areas. A significant portion of the subject property will be set aside as permanent open space in order to provide a natural corridor along the river which will be important for the preservation of riparian habitat.

Criterion “7” 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.

The applicant provided a response to this criterion.

The applicant provided a memorandum from their traffic engineer which is included as Exhibit A. As discussed in the memo the proposed plan designation change would reduce the potential number of trips that could be produced by a development on the property. As such, the change would be consistent with the level of service standards set by the City.

Refer to the earlier analysis relating to Statewide Planning Goal 12 and the Engineering Division Memorandum dated February 19, 2014.

Criterion “8” is met.

9. Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

The applicant responded to this criterion.

The proposed development is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020. The applicant has met with City and CWS staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation. Criterion 9 has been satisfied. There is no conflict with the proposed plan changes and with the objectives and policies regarding potable water, sanitary sewer and surface water management pursuant to TDC 12.020.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed

zoning is available without improving or modifying the existing City water system.

Refer to the earlier analysis related to Statewide Planning Goal 11 Public Facilities and Services and the Engineering Division Memorandum dated February 19, 2014.

Criterion "9" is met.

10. The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9).

The development agreement requirement will be satisfied as part of the annexation application which was submitted to the City concurrently with the plan map amendment application.

The applicant is presently working with the City to create a mutually agreed upon Annexation Agreement that will be reviewed by the City Council when the Annexation application is reviewed.

Criterion "10" is met.

Exhibits:

A- DKS Traffic Memo January 8, 2014



TRAFFIC STUDY

MEMORANDUM

DATE: January 8, 2014

TO: Brian Moore, Mountain West Investment Corp.

FROM: Scott Mansur, P.E., P.T.O.E. *Sm*
Derek Moore, E.I.T



117 Commercial Street NE
Suite 310
Salem, OR 97301
503.391.8773
www.dksassociates.com

SUBJECT: Tualatin Apartments Trip Generation Zone Change Comparison

P13201-000

This memorandum documents a preliminary trip generation comparison between existing and proposed zoning for the Tualatin Apartments project located at 17895 SW Pacific Highway in Tualatin, Oregon. The purpose of this analysis is to determine whether the proposed zone change would increase the site's trip generation levels. The sections of this memorandum include the project background, current zoning trip generation, proposed zoning trip generation, and trip generation comparison.

Project Background

The project site currently consists of three mostly undeveloped parcels, each with a different zoning designation. These parcels are adjacent to each other and have frontage with both SW Pacific Highway and the Tualatin River. Figure 1 shows the boundary, parcel number, and current zoning for each parcel being evaluated.



Figure 1: Parcel Boundaries

Current Zoning Trip Generation

Trip generation estimates for the project site were performed assuming a reasonable worst-case development scenario. Based on current zoning, each parcel was assumed to develop as the land use that is expected to generate the highest number of p.m. peak hour trips.

Parcel 2191 is currently zoned as General Commercial (GC), with the highest number of trips assumed to be generated by a 12-pump gas station associated with a 3,000-4,000 square foot minimart. Parcel 2202 is zoned as Recreational Commercial (CR), with the highest number of trips assumed to be generated by traditional sit-down



restaurants. Based on information provided by the project sponsor,¹ it is estimated that this parcel could accommodate up to 32,000 square feet of restaurant space. Parcel 2300 is currently zoned for High-Density Residential (RH) development, which would allow up to 64 apartment units.

Table 1 summarizes the trip generation assumptions for the three parcels and the resulting number of p.m. peak hour trips. The trip generation estimates are based on rates provided by the Institute of Transportation Engineers (ITE)² for similar land uses. As shown, it is estimated that the project site would generate 340 (194 in, 147 out) primary new p.m. peak hour trips based on existing zoning and reasonable worst-case land use assumptions. Several of the proposed land uses are expected to attract pass-by trips, and a 5% internal trip rate as assumed to account for trips between multiple uses on the project site.

Table 1: Existing Zoning Trip Generation

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
Parcel 2191 (Zone CG)	Convenience Market with Gasoline Pumps (853)	12	Pumps	19.07	115	114	229
Parcel 2202 (Zone RC)	High-Turnover (Sit-Down) Restaurant (932)	32	KSF	11.15	211	146	357
Parcel 2300 (Zone RH)	Apartments (220)	64	Units	0.62	26	14	40
Total Trips:					352	274	626
<i>Pass-by ^a:</i>					-148	-120	-268
<i>Internal (5%):</i>					-10	-8	-18
Primary New Trips:					194	147	340

^a A 50% pass-by rate was assumed for the Convenience Market with Gas Pumps land use and a 43% pass-by rate was assumed for the High-Turnover Sit-Down Restaurant land use.

Proposed Zoning Trip Generation

The proposed zoning that is desired for the project site would change the zoning for all three parcels to High Density Residential (RH), which allows up to 25 residential apartment units per acre. Assuming a total developable area of 10.83 acres,³ this zoning designation would allow no more than 271 units. Table 2 shows the project site's estimated p.m. peak hour trips based on the maximum number of units allowed by the RH zoning designation. As shown, the reasonable worst-case scenario for the desired zoning would generate 168 (109 in, 59 out) new p.m. peak hour trips.

¹ Phone conversation with Lloyd Hill, November 12, 2013

² *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008

³ Email from Lloyd Hill, November 19, 2013

**Table 2: Proposed Zoning Trip Generation**

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
All Parcels (Zone RH)	Apartments (220)	271	Units	0.62	109	59	168

Trip Generation Comparison/Summary

Based on the land use assumptions documented in this memorandum, the proposed RH zoning would generate fewer trips than the existing zone designations. The RH zoning would generate 172 (85 in, 88 out) fewer p.m. peak hour trips. Based on the fact that the desired zoning being considered would reduce overall trip generation as was assumed in the City's Transportation System Plan (TSP), there would be no level of service impacts to adjacent intersections, and therefore, the Transportation Planning Rule requirements (OAR 660-012-0060) would not be triggered as part of the desired land use changes.

Furthermore, the intersection of Highway 99W/124th Avenue, which is adjacent to the project site, was shown to operate at Level of Service "D" and a volume to capacity of 0.99 during the future 2035 horizon year in the City's TSP⁴ based on the current zoning. The Level of Service standards as set forth in the Town Center 2040 Design Type (Level of Service F for p.m. peak hour) would be met.

The City of Tualatin and ODOT will still require a transportation impact study to evaluate the transportation impacts of the proposed development as part of the Architectural Review process.

Please let us know if you have any questions.

⁴ Transportation System Plan Update, City of Tualatin, February 2013, Appendix C.

A. Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.41 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01).

Clare Fuchs, Senior Planner, presented the staff report for a Plan Map Amendment for a future apartment complex development, which included a PowerPoint presentation. Ms. Fuchs notes that the City has received an application requesting changing the planning designations of two tax lots, one General Commercial (CG) and the other Recreational Commercial (CR), to High Density Residential (RH). The applicant proposes to annex to the City the two tax lots located at 17865 SW Pacific Hwy plus a third tax lot (designated High Density Residential) (RH) which is located at 17985 SW Pacific Hwy.

Ms. Fuchs explained that the total site is approximately twelve acres, there are access restrictions, and commercial use not viable. This parcel is difficult for commercial use due to the flood plain and Natural Resources Protection Overlay. Ms. Fuchs stated that the options before the Planning Commission are to recommend approval to the City Council, recommend approval to the City Council with amendments, or recommend denial to the City Council. The Plan Map Amendment will go to the City Council on March 24th for a decision. Also on March 24th, the Council will hear the application for the annexation and the annexation agreement.

Mr. Aplan inquired about the access north of 124th and 99W. Ms. Fuchs explained that ODOT likes to separate the access areas by a quarter mile and pointed out the access and emergency access points on the slide. Mr. Klingerman inquired asked how many units will be in the proposed apartment complex. Ms. Fuchs responded that there will be a little over 200 units. Mr. Klingerman brought up concerns about additional traffic.

Brian Moore, 201 Ferry Street SE, Salem, OR

Mr. Moore is a Real Estate Director at Mountain West Development. He acknowledged that one of the questions they are asked about this development is if they will be low income housing. He stated that they will be market rate apartments, with varying sizes of units and income levels. This development will not include Section 8 housing.

Chris Goodell, AKS Engineering, 13910 SW Galbreath Dr, Suite 100, Sherwood, OR 97140

Mr. Goodell presented a PowerPoint presentation that showed highlights of this development. Mr. Goodell added that the traffic study showed that the rezoning will result in lower peak hour trips by vehicles. He added that this rezoning is consistent with the Tualatin Community Plan which sites this area as ideal for higher density residential. Mr. Klingerman asked if there will be access to the river. Mr. Goodell responded that they are working with staff for a pedestrian

walkway by the river. Part of the annexation is working on how the City is extending the greenway trail. Ms. Hurd-Ravich added that the City is working on how the greenway trail can be extended from one end of the city to the other. Mr. Klingerman brought up the concern of pollution and trash from citizens visiting the river. Mr. Moore responded that this is an amenity for the prospective tenants and will be well kept by professional management of the apartment complex. A brief discussion ensued regarding emergency access points.

Mr. Klingerman inquired about how many bedrooms the units will be. Mr. Moore responded that they will be predominately 2 bedroom units in 2 ½-4 ½ story buildings. They will average 950 square feet per unit and there will be a community clubhouse. The taller buildings will have elevators and there will be interior access for some of the units. Mr. Herriges asked if there will be a visual impact from the river. Mr. Moore responded that the units will be approximately 125 feet from the river bank. Mr. Klingerman asked what their timeframe is for building. Mr. Goodell responded that they hope to begin grading in July of this year and will take approximately 12-13 months.

Josephine Aust, 8846 SW Stono Drive, Tualatin, OR 97062

Ms. Aust asked if there has been communication or concerns from the school districts involved with this development. Mr. Goodell responded that the schools have been notified and have not expressed concerns.

MOTION by Riley SECONDED by Beers for approval of the Plan Map Amendment (PMA-14-01). MOTION PASSED 6-0. DeHaan absent.

Plan Map Amendment PMA-14-01

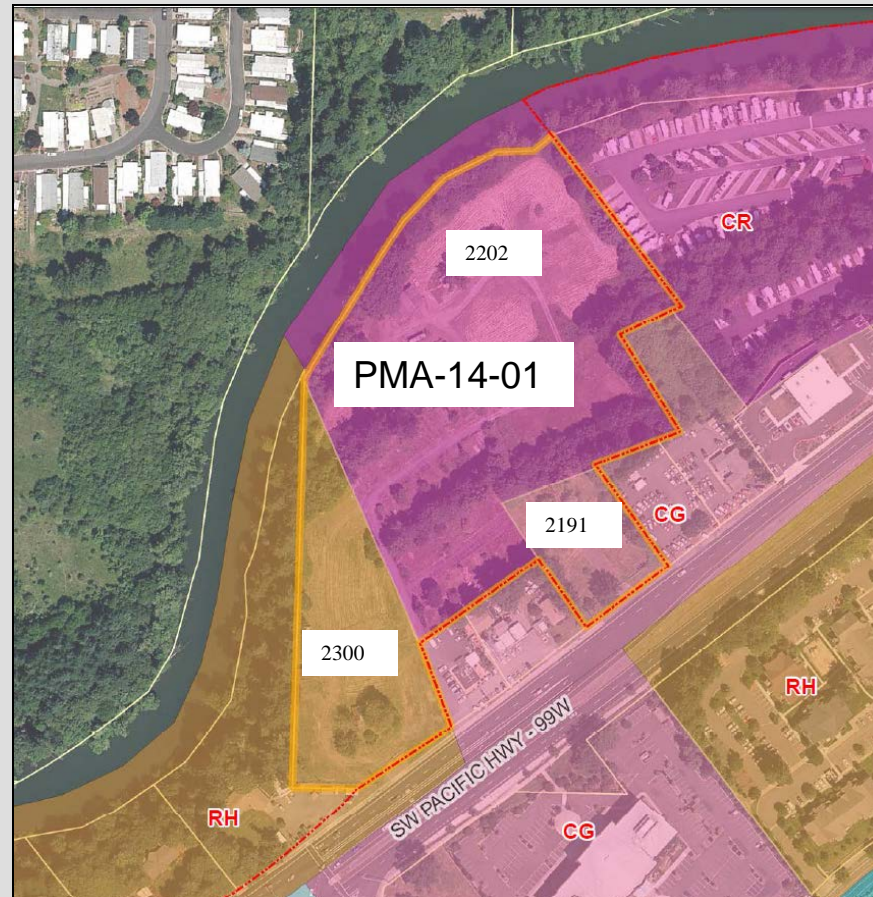
Espedal Property

March 24, 2014





Current Planning District Map





PMA-14-01 Oblique View



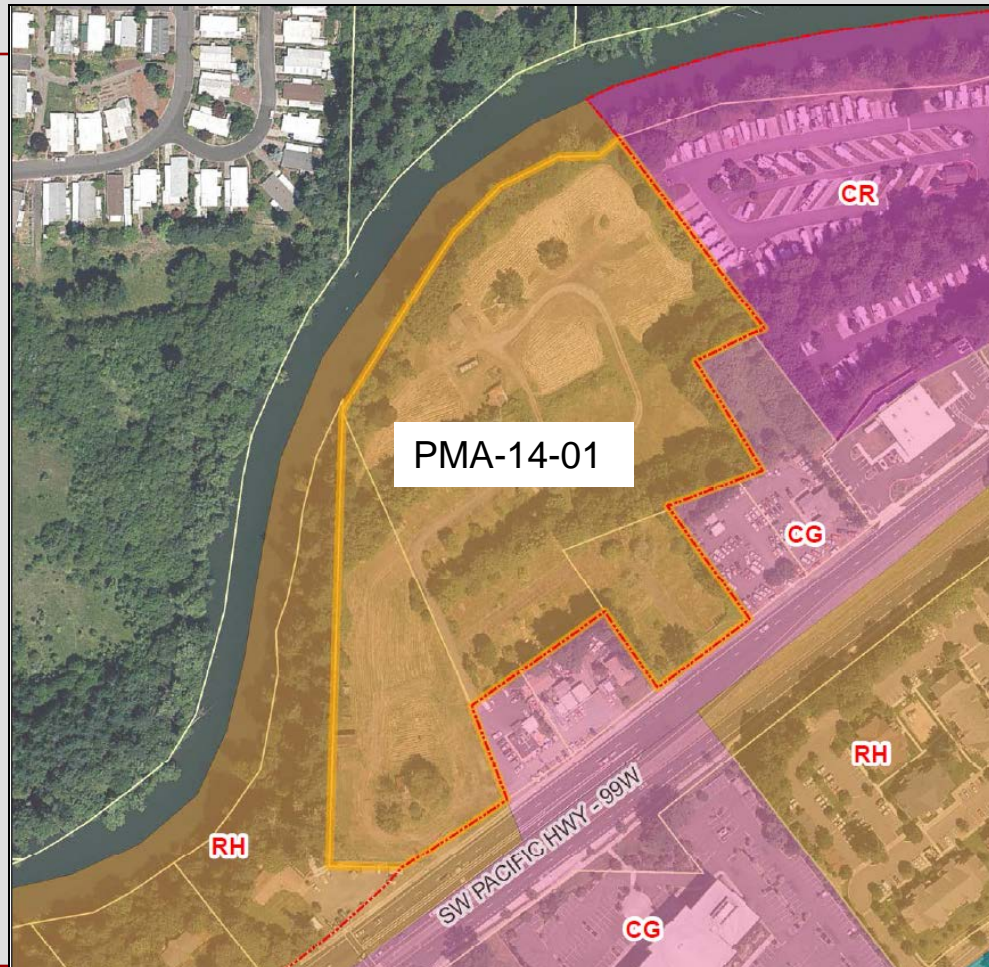


PMA-14-01 Aerial View





Proposed Planning District Map





Flood Plain and NRPO Map



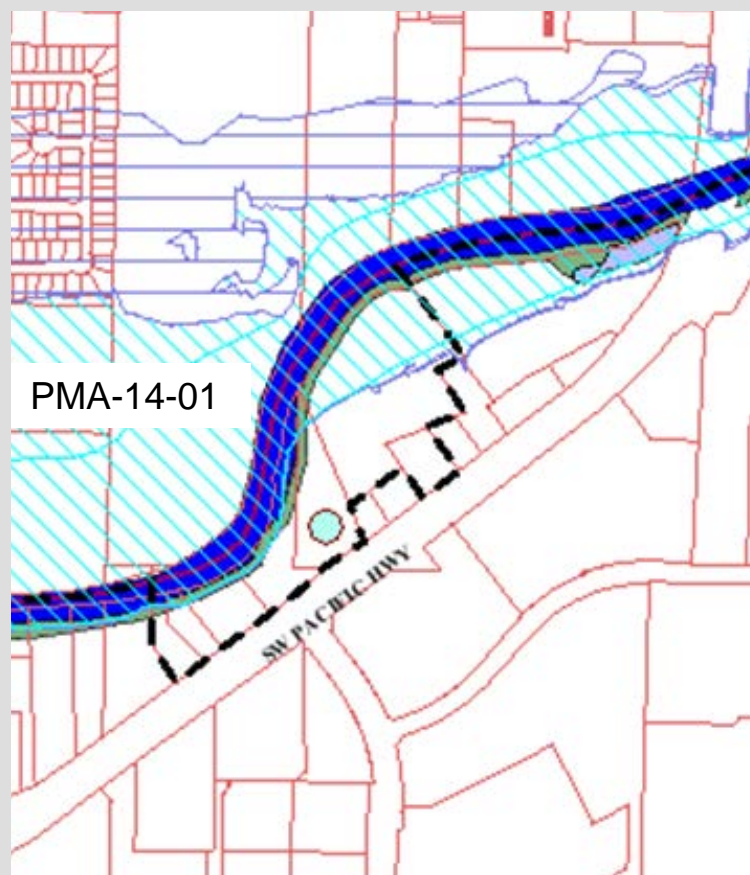
= Tualatin River



= Flood Plain



= Natural Resources
Protection Overlay
(NRPO)





Decision Alternatives

- Approval
- Approval with Amendments
- Denial



Planning Commission Recommendation

- On March 6th, the Planning Commission recommended that the Council approve Plan Text Amendment 14-01



Questions?

Clare Fuchs, Senior Planner
503-691-3027
cfuchs@ci.tualatin.or.us



MEMORANDUM

CITY OF TUALATIN

TO: Clare Fuchs, Senior Planner

CC:

FROM: Tony Doran, Engineer Associate

DATE: February 19, 2014

SUBJECT: PMA 14-01, Espedal

17865 SW Pacific Hwy consists of two tax lots: 2S1 15C 2191 and 2202. Tax lot 2191 is designated General Commercial (CG). Tax lot 2202 is designated Recreational Commercial (CR). The applicant proposes to change these two tax lots to High Density Residential (RH). A third tax lot, 2300, will also be annexed along with 2191 and 2202. Tax lot 2300 is already designated RH and is located at 17985 SW Pacific Hwy.

TDC 1.032 Burden of Proof (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Because the proposed land use action will result in an amendment to the City of Tualatin's zoning map, Section 660-012-0060 of the State's Transportation Planning Rule applies. Division 12 of the State's Transportation Planning Rule (OAR 660-012) gives the Oregon Department of Land Conservation and Development (DLCD) and the City of Tualatin the power to interpret and implement Statewide Planning Goal 12 (Transportation). Section 660-012-0060 of the TPR provides specific language on how to deal with amendments to adopted plans and land use regulation.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

As demonstrated by the analyses and findings presented in the study, the proposed land use action is not expected to “significantly affect” any existing or planned transportation facility and is, therefore, expected to be in compliance with the State’s Transportation Planning Rule.

TDC 1.032 Burden of Proof (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.

Transportation

The site is adjacent to and development will have access to SW Pacific Highway.

SW Pacific Highway

SW Pacific Highway is a ODOT facility which the City of Tualatin designates as a Major Arterial which has a preferred right-of-way width of 98 feet that includes one 14-foot center turn lane, two 12-foot travel lanes, two 6-foot bike lanes, 6-foot planter strips, and 6-foot sidewalks. As this is an ODOT facility, bike lanes need to be 8-feet wide resulting in a overall width of 102 feet. Existing right-of way width varies between approximately 160 to 174 feet.

The Plan Map Amendment as reviewed consists of 10.83 developable acres including zones CG (General Commercial), RC (Recreational Commercial), and RH (High Density Residential). The proposal is to change all lots to zone RH (High Density Residential).

The 100-year floodplain and floodway covers approximately a third of the area adjacent to the Tualatin River. If a developer proposed to serve the areas using a public street, it would require a 50-foot width right-of-way that ended in a 45-foot radius cul-de-sac that was elevated 1-foot above the floodplain along with the requirement for a public water quality facility in a tract. The required right-of-way along with balanced cut and fill due to a public street could reduce or eliminate the possible developable area for residential homes. If a private tract was used instead of a public street a maximum of 6 lots could be served, provided balanced cut and fill proved possible for the homes to be constructed 1-foot above the floodplain.

The scenarios generate the following traffic:

<u># of Lots</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Total</u>
Existing	194	147	340
PMA 14-01	109	59	168
Change	-85	-88	-172

This plan map amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections.

ODOT responded on February 13, 2014 that they have no issues with the zone change.

Sanitary Sewer, Stormwater, & Water

Downstream sizing for all public utilities will need to be evaluated by the developer for the change from current zoning compared to the RH zoning with any associated future proposed redevelopment within an Architectural Review. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer lines exist within the development area and are under Clean Water Services ownership. Stormwater would need to be treated and released to the Tualatin River or to an ODOT facility within SW Pacific Highway. Water lines exist in the SW Pacific Highway adjacent to the development. The applicant will need to determine the location of water treatment and connections to the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

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



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Clare Fuchs, Senior Planner
Alice Cannon, Assistant City Manager

DATE: 03/24/2014

SUBJECT: Consideration of Resolution 5186-14 authorizing execution of an Annexation Agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17685 and 17985 SW Pacific Highway (Tax Map 2S1 15C Tax Lots 2191, 2202, and 2300).

ISSUE BEFORE THE COUNCIL:

Council consideration of Resolution 5186-14 to authorize execution of an annexation agreement with the Degel Family Trust to govern the annexation of land located at 17685 and 17985 SW Pacific Highway (Tax Map 2S1 15C Tax Lots 2191, 2202, and 2300).

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution (Attachment 101), authorizing the Annexation Agreement (Attachment 102, A B).

EXECUTIVE SUMMARY:

The Degele Family Trust owns 11.91 acres of land located outside the City on the northwest side SW Pacific Highway north of its intersection with SW 124th Avenue (the "subject property") (Attachment 103). Currently, the property is occupied by several existing structures.

The owner has applied to the City for annexation of the subject property (ANN-14-01). When annexed, the property would be designated three different plan designations. Tax lot 2202 would be designated Commercial Recreational (CR), tax lot 2191 would be designated General Commercial (CG), and tax lot 2300 would be designated High Density Residential (RH). The applicant is also applying for a Plan Map Amendment concurrent with this annexation application and annexation agreement. The applicant proposes to have all three tax lots in the High Density Residential (RH) plan designation. The applicant is preparing to apply for an Architectural Review for a market-rate apartment complex should the annexation, annexation agreement, and plan map amendment be approved.

The annexation process, by itself, does not provide opportunity to address non-conforming uses or structures and conformance with public facility standards that would arise following annexation into the City and with development or redevelopment. Due to the presence of

non-conforming uses, structures, access, and other improvements on the properties, the Community Development Department requested that the applicant participate in an annexation agreement. The proposed annexation agreement is a product of work by the applicant and City staff over the past several months.

The purpose of this annexation agreement is to:

- Identify existing uses, buildings, structures, signs, access, paving, landscaping, and other improvements on the property;
- Identify standards and requirements from the Tualatin Development Code and Municipal Code that will apply to the subject property upon annexation and at the time of redevelopment;
- Establish the uses and property improvements (Attachment 102A, 102B) that upon redevelopment shall be brought into conformance with the Tualatin Development Code and Municipal Code.
- Address concerns about the presence of retaining walls, foundations, sheds, houses, accesses, and paving.

The City, in coordination with the property owner, has drafted an annexation agreement, which is attached as Exhibit A to the Resolution (Attachment 102 A and 102B).

The terms of the annexation agreement are as follows:

- Identifies existing non-conforming uses, accesses, and structures on the subject property.
- Any change to uses, site, or buildings on the property will initiate redevelopment of the entire property and require Architectural Review subject to the standards and requirements of the TDC at that time. All existing structures, uses, accesses, and facilities on the property will be removed or demolished.
- Establish provisions for conveyance of property to the City to establish the Tualatin River Greenway trail.
- The agreement is binding on the property owner of record and on the heirs, successors, and assigns.

OUTCOMES OF DECISION:

Approval of the Resolution authorizing the proposed annexation agreement between the City and the property owner will result in the following:

1. Authorizes the City to execute the proposed annexation agreement.
2. When signed by the property owner and the City, the agreement will apply to the property upon annexation.

Denial of the Resolution will result in the following:

1. The City will not execute the proposed annexation agreement.
2. The agreement will not be in effect if the property is annexed.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the Resolution with revisions to the proposed annexation agreement.
2. Do not approve the Resolution authorizing the proposed annexation agreement.
3. Continue the discussion of the proposed annexation agreement and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The fiscal year 2013/14 budget allocated revenue to process current planning applications.

Attachments: 101 - Resolution No. 5186-14
 102 - Vicinity Map
 103 - Annexation Agreement
 104 - Presentation

RESOLUTION NO. 5186-14

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH OWNERS OF 12 ACRES OF LAND LOCATED AT 17865 AND 17985 SW PACIFIC HIGHWAY AND INCLUDING TAX MAP 2S115C TAX LOTS 2191, 2202, AND 2300

WHEREAS, the property commonly known as the “Espedal Property,” is owned by Kenneth R. Espedal, Joyce Lee Poppert, and Donna J. Degele, Trustee of the Degele Family Trust U/T/A dated 1/19/93, each as to an undivided one-third interest, as tenants in common (the “Owner”); and

WHEREAS, Owner has applied to the City for annexation of 12 acres of land immediately adjacent to the Tualatin City limits generally located northeast of the intersection of SW Pacific Highway (Hwy 99W) and SW 124th Avenue and more commonly known as 17865 and 17985 SW Pacific Hwy and including Tax Map 2S115C Tax Lots 2191, 2202, and 2300; hereafter called the “Subject Property”; and

WHEREAS the Subject Property is located within Tualatin’s Planning Area on land designated on TDC Map 9-1 as the General Commercial (CG) Planning District (TL 2191), the Commercial Recreational (CR) Planning District (TL 2202), and the Residential High Density (RH) Planning District (TL 2300); and on TDC Map 9-4 as Design Type “Corridor” (CO).

WHEREAS, the Subject Property was previously developed as a manufactured home park, but is now vacant other than some outbuildings and home park remnants.

WHEREAS, the Annexation Agreement is meant to provide an avenue to address the existing issues, identify the standards and requirements from the Tualatin Development Code and Tualatin Municipal Code that will apply to the Subject Property upon annexation an redevelopment, and establish the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code and Tualatin Municipal Code; and

WHEREAS, it is in the public's best interest for the City Council to authorize the Annexation Agreement before the Public Hearing on the Annexation of the Subject Property; and

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

Section 1. The City Council authorizes the Mayor to sign the attached Annexation Agreement as referenced above.

Section 2. This Resolution is effective upon adoption.

Adopted by the City Council this ____ Day of _____, 20__.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Espedal Site

2S115C002191 - 2S115C002202 - 2S115C002300

Aerial Photo: Summer 2013



--- City Boundary

□ Espedal Properties



RF1:5000

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept.
Printed 3/4/2014

ANNEXATION AGREEMENT Espedal Property

WHEREAS the property commonly known as the “Espedal Property” comprising approximately 12 acres of land immediately adjacent to the Tualatin City limits generally located northeast of the intersection of SW Pacific Highway (Hwy 99W) and SW 124th Avenue and more commonly known as 17865 and 17985 SW Pacific Hwy and including Tax Map 2S115C Tax Lots 2191, 2202, and 2300, and legally described in Exhibit A attached hereto (the "Subject Property"); and

WHEREAS the Subject Property is land currently owned by Kenneth R. Espedal, Joyce Lee Poppert, and Donna J. Degele, Trustee of the Degele Family Trust U/T/A dated 1/19/93, each as to an undivided one-third interest, as tenants in common (the “Owner”); and

WHEREAS the Subject Property is located within Tualatin’s Planning Area on land designated on TDC Map 9-1 as the General Commercial (CG) Planning District (TL 2191), the Commercial Recreational (CR) Planning District (TL 2202), and the Residential High Density (RH) Planning District (TL 2300); and on TDC Map 9-4 as Design Type “Corridor” (CO). The Subject Property is adjacent to SW Pacific Highway, northwest of the highway, and adjacent to and east of the Tualatin River. The Subject Property was previously developed as a manufactured home park, but is now vacant other than some outbuildings and home park remnants. Between portions of the Subject Property and SW Pacific Hwy and across SW Pacific Hwy to the east are developed properties within the City boundary. Property to the north and east are developed but outside the city boundary; and

WHEREAS it is in the best interests of the public health and safety to determine the adequacy and suitability of improvements on the Subject Property for existing and future development on the Subject Property; and

WHEREAS on January 10, 2014 the Owner submitted a petition for annexation (ANN-14-01) and application for Comprehensive Plan Map Amendment (PMA-14-01) to the City for that purpose and such petition and application were deemed complete on January 31, 2014; and

WHEREAS the City and the Owner seek to identify existing uses, buildings, structures, signs, access, paving, landscaping and other improvements on the Subject Property; and

WHEREAS the Comprehensive Plan Map designation for the Subject Property will change to High Density-Residential Planning District (RH), and the City and the Owner seek to identify the standards and requirements from the Tualatin Development Code and Municipal Code that will apply to the Subject Property upon annexation and at the time of Plan Map Amendment acknowledgment.

WHEREAS the City has been in discussions with a potential developer and

applicant and understands the purpose of this Annexation and Plan Map Amendment is for a future multifamily development. The Annexation decision is needed to bring the property into the City for purposes of receiving urban services such as sewer and water. A Plan Map Amendment is proposed to make all three lots on the site the same Planning Designation of High Density Residential which permits multifamily developments.

WHEREAS Multi-family residential developments of 100 units or more require Architectural Review and approval by the Architectural Review Board.

NOW, THEREFORE, in consideration of the mutual promises contained below, the City of Tualatin (the "City") and the Owner agree as follows:

1. The Owner and the City agree the following structures, uses, access, and facilities on the Subject Property exist at the time of this Agreement (as seen on Exhibit A):

a) 11 existing structures:

- i. Five sheds (A, B, C, D, and E) on tax lot 2300.
- ii. One house on tax lot 2300 (F).
- iii. One barn on tax lot 2202 (G).
- iv. Three sheds on tax lot 2202 (H, I, and J).
- v. One house on tax lot 2202 (K).
- vi. 4 rows of foundations on tax lot 2202 (L,M, and N)
- vii. One wall on tax lot 2191 (O).
- viii. One existing access on tax lot 2191 (P).
- ix. Access Q is not a part of the subject site and the subject site does not have physical or legal access to it.
- x. One existing access on tax lot on tax lot 2203 through a recorded easement to tax lot 2202 (R).
- xi. One existing access on tax lot 2300 (S).

b) One house or shed is used as a current dwelling.

c) Access points to the subject site:

- i. An existing paved ingress and egress access from Highway 99W directly to tax lot 2191 comprised of one, paved curb cut (Access P on Exhibit A).
- ii. An existing second paved curb cut from tax lot 2300 directly to Highway 99W (Access S on Exhibit A).

- iii. A third existing paved curb cut to Tax Lot 2202 via an access easement (County Records Book 493, Page 397) across Tax Lot 2203 (Nacho Mama's Restaurant). This easement allows tax lot 2202 to access Highway 99W, but not tax lot 2300. Tax lots 2191, 2202 and 2300 shall be consolidated to consolidate the access rights (Access R on Exhibit A).
 - iv. Tax lots 2202, 2300, and 2191 do not have access rights to access Q across tax lot 2200.
- 2. The City identifies the minimum Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the Subject Property as agreed to by the Owner and the City upon annexation as follows:
 - a) Chapter 31 General Provisions
 - b) Chapter 35 Nonconforming Uses, Signs and Structures.
 - c) Chapter 38 Sign Regulations
 - d) Chapter 43 High Density Residential (if PMA is approved)
 - e) Chapter 73 Community Design
 - f) Chapter 74 Public Improvements
 - g) Chapter 75 Access Management
- 3. The applicants have applied for Plan Map Amendment to change one tax lot from Recreational Commercial (CR) to High Density Residential (RH), a second tax lot from General Commercial (CG) to High Density Residential (RH). The third tax lot on the subject site already has the High Density Residential (RH) designation. If the Plan Map Amendment is approved the properties will be designated High Density Residential when the Annexation is effective.
- 4. Prior to any development of the Subject Property, the Owner agrees to submit application and receive approval for annexation of the Subject Property into the Clean Water Services District boundary.
- 5. The Owner agrees that following annexation, any change to the existing uses, site or buildings on the Espedal Property will require an Architectural Review of the entire subject property. A change in use, alteration or expansion of the buildings or structures of the existing development identified in section 1 above will be considered initiation of redevelopment and trigger Architectural Review subject to TDC Chapter 73.
- 6. Redevelopment shall require an Architectural Review of all of the improvements on the Subject Property and will be subject to the requirements of the Tualatin Development Code in effect at the time and in accordance with this agreement. With Redevelopment, all existing structures, signs, uses, and facilities on the Subject Property will be removed or demolished. Public

improvements required along the Subject Property's frontage will be determined as conditions of the Architectural Review pursuant to TDC Chapters 73, 74, and 75.

7. As conditions of any Architectural Review approval for development on the subject property, the Owner agrees to do the following :
 - a) Prior to obtaining Building Permits for any phase of construction: Grant to the City, by Statutory Warranty Deed or by a permanent public Greenway Easement, land for the Tualatin River Greenway as generally described in the Natural Resources Protection Overlay District (NRPO), and related Accessways with at least one connection to Pacific Highway, and as shown on Exhibit B, along with easements, the location of which will be determined by the City, for any City-approved utility crossings of the Greenway area, and
 - b) Prior to obtaining Building Permits for any phase of construction: Construct a public Shared Pathway within the Tualatin River Greenway in the approximate location and alignment shown on Exhibit B in exchange for a credit against the Park System Development Charge, if mutually agreed, or coordinate with the City to ensure the feasibility of constructing the pathway in the future and to pay the Parks System Development Charge in effect at the time of the Owner's building permits and, if necessary due to such Parks System Development Charges being insufficient to cover the pathway costs, compensate the City for all costs of offsite mitigation and enhancement as required by Clean Water Services for construction of the Shared Pathway within the Tualatin River Greenway on the subject property, and
 - c) To provide City temporary construction easements, as necessary, if the City constructs the Shared Pathway within the Tualatin River Greenway on the subject or adjoining properties, and
 - d) To provide City with a Natural Resources Assessment describing the conditions required by Clean Water Services to obtain a Service Provider Letter for construction of the Shared Pathway within the Tualatin River Greenway, and
 - e) To comply with development restrictions for the protection of natural resources within the Natural Resources Protection Overlay District (NRPO), except any specifically approved modifications approved by City, and
 - f) To provide a geotechnical report to ensure the long-term stability of the riverbank before and after construction of the Shared Pathway and any other improvements.
8. In addition to the Parks Systems Development Charges referenced in Section 7 above, the Owner shall pay any fees required with building permits and

public works permits at the time of redevelopment on the Subject Property.

9. This agreement is binding on the property owner of record and on the Owner's heirs, successors, and assigns.
10. This agreement is effective upon signing by the City and the Owner and shall continue until all conditions of an Architectural Review Decision for redevelopment of the Subject Property are met and a Certificate of Occupancy has been issued for the development by the Building Department.

DATED this (day) of (month) 2014.

OWNER 1:

By_____

OWNER 2:

By_____

OWNER 3:

By_____

CITY OF TUALATIN, Oregon

DATED this (day) of (month) 2014.

By_____

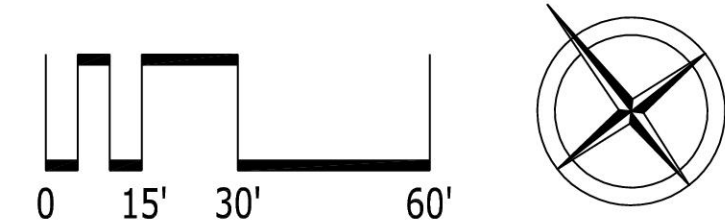
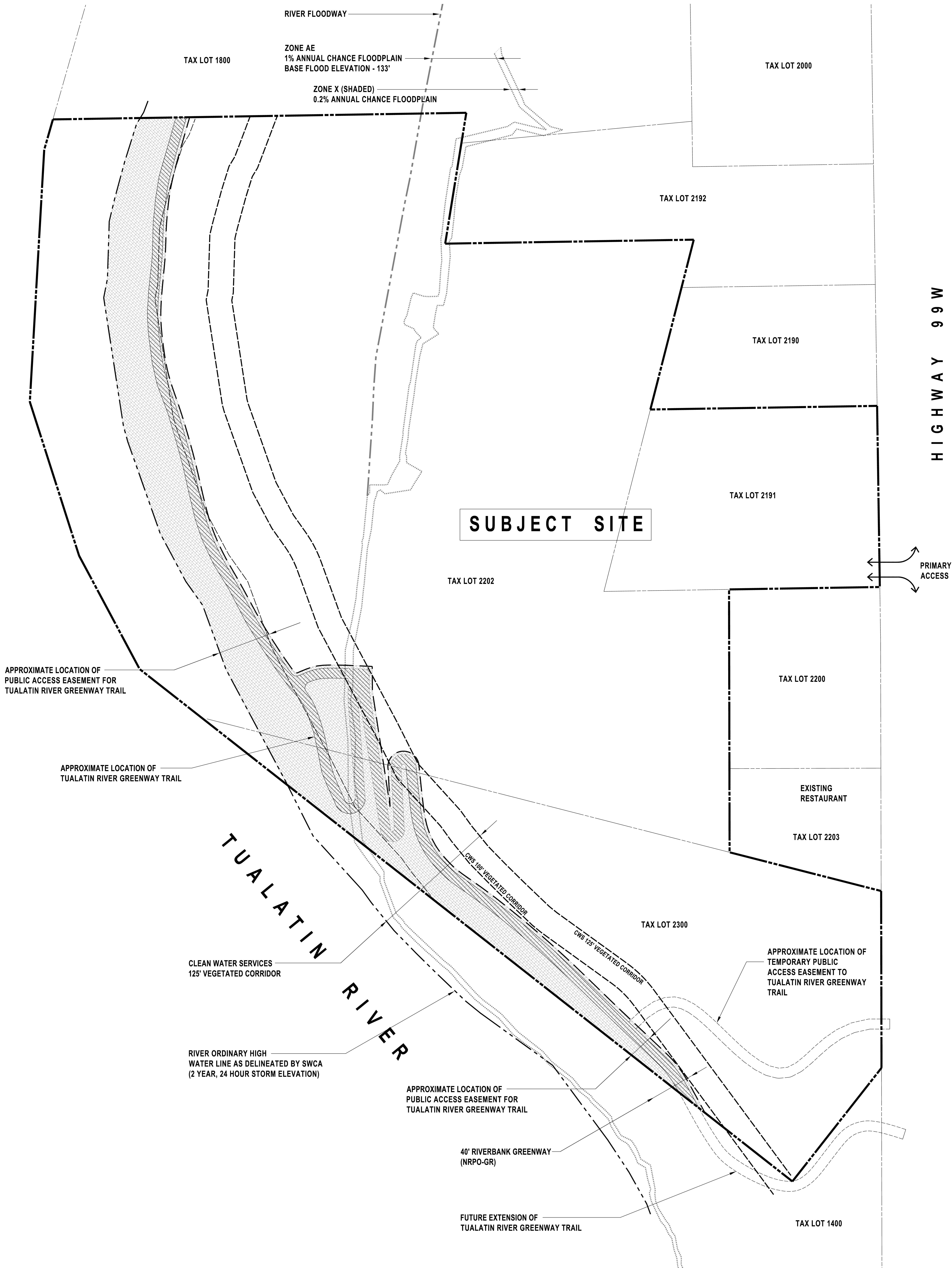
Mayor

Attest:

By_____

City Recorder





TUALATIN APARTMENTS
TUALATIN, OREGON
HILL ARCHITECTS

SITE PLAN
ANNEXATION EXHIBIT B
MARCH 6, 2014

Annexation and Annexation Agreement ANN-14-01

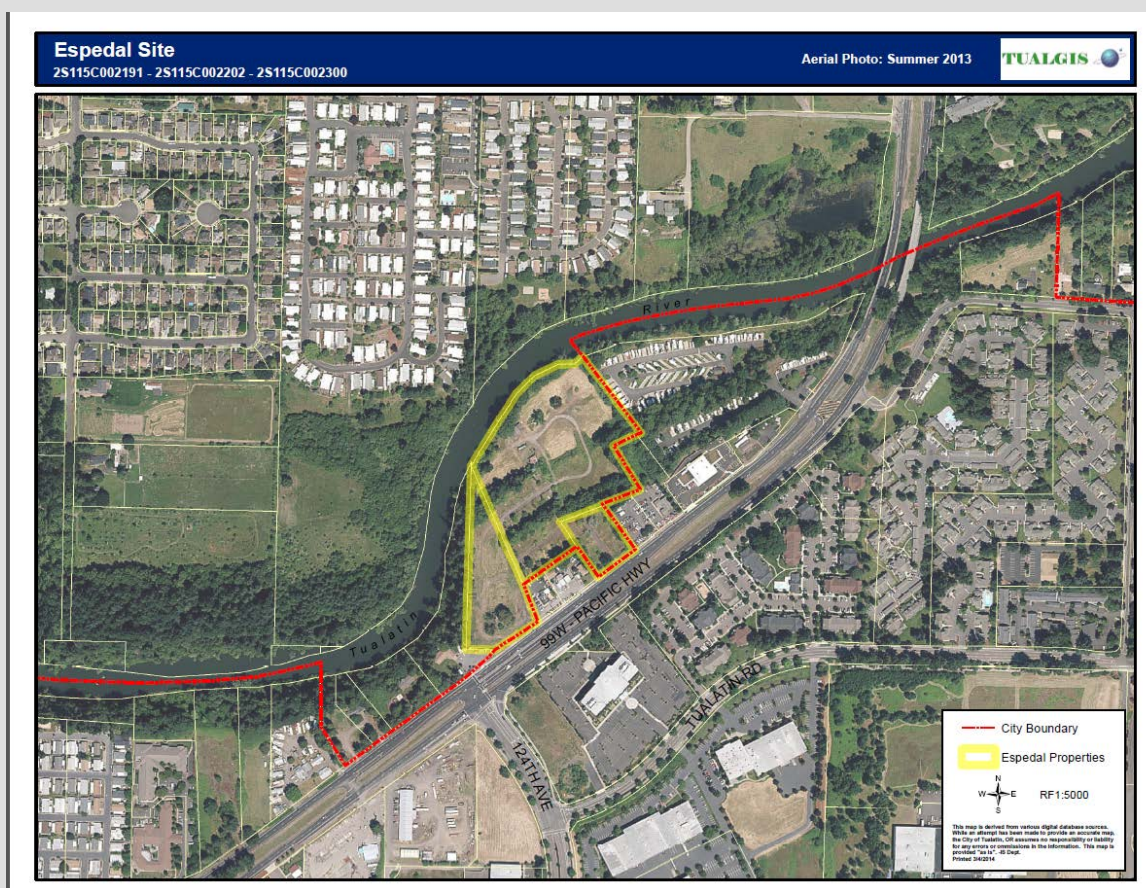
Espedal Property

March 24, 2014



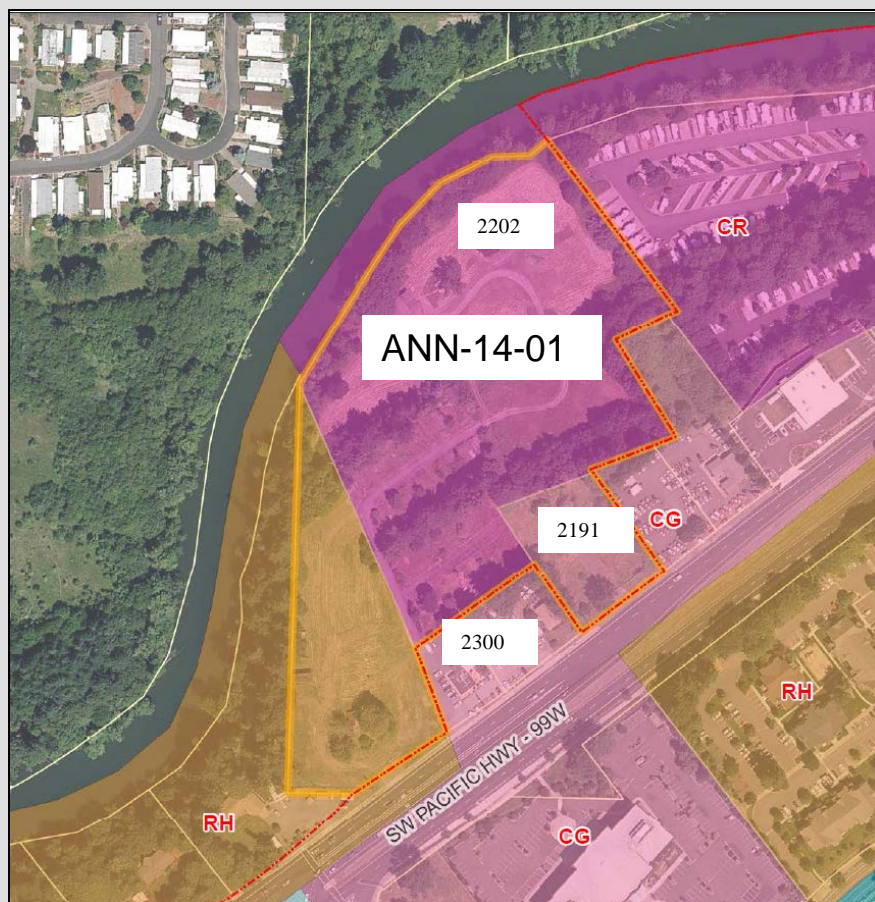


Vicinity Map





Current Planning District Map



Recreational

Commercial (CR) =



*General Commercial
(CG) =*



High Density

Residential (RH) =





PMA-14-01 Oblique View



March 24, 2014

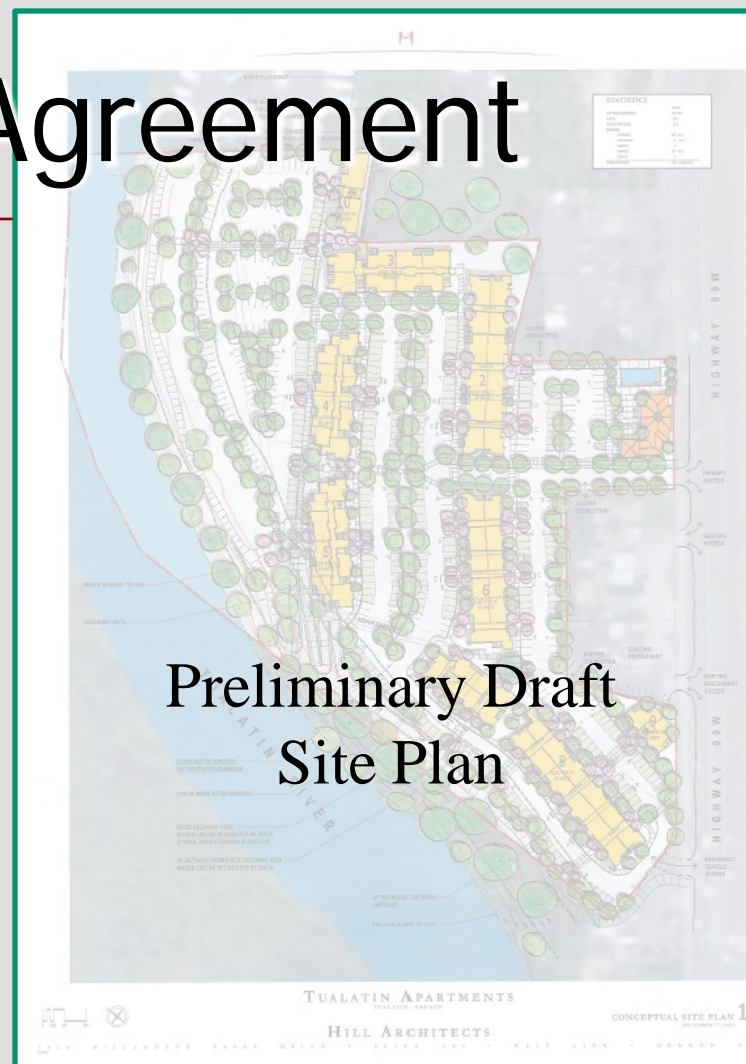
City of Tualatin

4



Annexation Agreement

- Existing non-conforming uses, structures, accesses, and paving.
- Identifies the standards and requirements.
- Future property development
- Tualatin River Greenway Trail





Conclusion & Questions

- Analysis and Findings show the Degele Family Trust Petition meets Annexation requirements TDC 31.067.

Questions?

Clare Fuchs, Senior Planner, 503-691-3027
cfuchs@ci.tualatin.or.us



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sean Brady, City Attorney

DATE: 03/24/2014

SUBJECT: Consideration of Ordinance No. 1370-14 Allowing Small-Scale Mixed Uses and Mobile Food and Flower Vendors in Industrial Areas; and Amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69 (PTA-14-01).

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No.1370-14 to allow small-scale mixed uses and mobile food and flower vendors in industrial areas. (PTA 14-01).

RECOMMENDATION:

Staff recommends Council adopt Ordinance 1370-14 to allow small-scale mixed uses and mobile food and flower vendors in industrial areas. (PTA 14-01).

EXECUTIVE SUMMARY:

The City of Tualatin submitted an application for a Plan Text Amendment (PTA 14-01) to allow small-scale mixed uses and mobile food and flower vendors in industrial areas. The City provided notice of PTA 14-01 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610. The City also provided notice of the public hearing as required by Tualatin Development Code 1.031.

A public hearing was held before the City Council of the City of Tualatin on March 10, 2014, to consider PTA 14-01. The City Council considered the testimony and evidence presented by City staff and the comments of those appearing at the public hearing. The City Council voted unanimously to approve PTA 14-01 with an amendment to allow mobile food and flower vendors as outright permitted uses in industrial planning districts. City Council also directed staff to bring back, at a later date, another Plan Text Amendment to consider further amending Tualatin Development Code Chapter 34 to allow larger-sized mobile food and flower vendor carts.

Ordinance No. 1370-14 implements PTA 14-01 and the direction of City Council. Under the current Tualatin Development Code Chapter 34, mobile food and flower vendors are permitted uses only in the Central Commercial (CC) and General Commercial (CG) planning districts. The proposed ordinance amends Tualatin Development Code Chapter 34 to allow mobile food and flower vendors as permitted uses in the Light Manufacturing (ML), General Manufacturing (MG),

and Manufacturing Park (MP) planning districts. Under the proposed ordinance, mobile food and flower vendors are outright permitted uses and will not be subject to the small-scale mixed use requirements.

The proposed ordinance also allows small-scale office, retail, and service uses in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) planning districts when the industrial use is primary and provided the office, retail, or service use complies with the mixed use percentage and setback requirements. The mixed use percentage and setback requirements in the ordinance are:

- Mixed Use Percentage. Limitations on the percentage of small-scale mixed uses include:
 - The gross floor area of office uses may not exceed 25% of the total gross floor area of buildings on the development site.
 - The gross floor area of an individual retail or service use may not be greater than 5,000 square feet.
 - The gross floor area of combined retail and service uses may not be greater than 20,000 square feet per development site.
 - The office, retail and service uses may be located in a stand-alone building or combined in a building with other uses, so long as the size limitations above are met.
- Setback Requirements. In the IBPO District, retail and service uses must be set back from any designated arterial or collector street right-of-way and any Residential District by not less than 80 feet. The proposed amendments to the ML, MG and MP Planning Districts remove the restriction on most arterials and collectors, limiting the 80-foot setback requirement to SW Tualatin-Sherwood Road and Residential Districts.

The Findings and Analysis in support of the ordinance are set forth in Exhibit 1.

OUTCOMES OF DECISION:

Adoption of the ordinance implements PTA 14-01 and amends Tualatin Development Code Chapters 34, 60, 61, 62, and 69 to allow small-scale mixed uses and mobile food and flower vendors in industrial areas.

Attachments: Ordinance No. 1370-14 for PTA 140-01
 Exhibit 1 - Findings and Analysis

ORDINANCE NO. 1370-14

AN ORDINANCE ALLOWING SMALL-SCALE MIXED USES AND MOBILE FOOD AND FLOWER VENDORS IN INDUSTRIAL AREAS; AND AMENDING TUALATIN DEVELOPMENT CODE CHAPTERS 34, 60, 61, 62, AND 69 (PTA-14-01)

WHEREAS, upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on March 10, 2014, related to a Plan Text Amendment to amend Chapters 34, 60, 61, 62, and 69 of the Tualatin Development Code (PTA-14-01); and

WHEREAS, the City provided notice of PTA-14-01 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, the City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing, the City Council voted unanimously to approve the Plan Text Amendment.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 34.013 is amended to read as follows:

Section 34.013 Mobile Food and Flower Vendors.

(1) The purpose of this section is to permit the open-air vending of food (including a coffee kiosk) and fresh cut flowers in a manner that will enhance the attractiveness of the Central Commercial (CC), ~~and~~ General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) Planning Districts for pedestrian traffic.

(2) Mobile food and flower vending may be permitted in a Central Commercial (CC), ~~and~~ General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), or Manufacturing Park (MP) Planning District for a period not to exceed 180 days.

(3) Applications for mobile vending permits shall meet the following criteria and requirements:

(a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device;

provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.

(b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Community Development Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.

(c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.

(d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(e) Design, colors and graphics for any pushcart or mobile device shall be subject to review and approval by the Community Development Director to assure aesthetic compatibility with surrounding development.

(f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.

(g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.

(h) Applications for a mobile vending permit shall be accompanied by a signed statement that the permittee will hold harmless the City of Tualatin, its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall

further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Community Development Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Community Development Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City.

Section 2. TDC 60.010 is amended to read as follows:

Section 60.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The district serves to buffer heavy manufacturing uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The district is also suitable for retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet and, with appropriate restrictions, for retail sale of products not allowed for sale in General Commercial Planning Districts, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 60.037-60.038 selected small-scale mixed office and retail uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035.

Section 3. TDC 60.021 is amended to read as follows:

Section 60.021 Restrictions on Permitted Uses in ML.

The following restrictions shall apply to those uses listed as permitted uses in TDC 60.020:

(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, and outdoor play areas of child day care centers as required by state day care certification standards.

(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.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9- 4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following ~~two~~ three exceptions, which shall not be subject to the size limitations stated in this subsection:

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

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

(iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038.

Section 4. A new section is added to TDC Chapter 60 to read as follows:

Section 60.037 Additional Permitted Mixed Uses in ML.

(1) In addition to any other uses permitted in the ML Planning District, the uses set forth in subsection (2) are permitted uses provided:

(a) the site is used substantially for industrial purposes; and

(b) the non-industrial use complies with TDC 60.038.

(2) Permitted uses:

(a) Office Uses:

- (i) Business and commercial offices.
- (ii) General offices, but not government offices.
- (iii) Real estate offices.

(b) Retail Uses:

- (i) Food or convenience store.
- (ii) Restaurant or deli, with or without drive-up or drive through facilities.

(c) Service Uses:

- (i) Correspondence, trade and vocational schools, except vocational high schools;
- (ii) Health or fitness facility.
- (iii) Job training and related services.
- (iv) Mailing operations.
- (v) Reproduction, photocopying.
- (vi) Branch banks and banking kiosks, with or without drive-up or drive through facilities.
- (vii) Dry cleaning.
- (viii) Medical and healing arts.

(d) Other uses of a similar character found by the Community Development Director to meet the purpose of this section as provided in TDC 31.070.

(3) The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.

Section 5. A new section is added to TDC Chapter 60 to read as follows:

Section 60.038 Restrictions on Additional Permitted Mixed Uses in ML.

(1) **Mixed Use Percentage.** The uses allowed in TDC 60.037 must comply with the following:

(a) Office uses listed in Section 60.037 must not exceed 25 percent of the total gross floor area of all buildings on the development site.

(b) Individual Retail and Service. Retail and service uses listed in TDC 60.037 must not exceed 5,000 square feet for any individual retail or service use.

(c) Combined Retail and Service Uses. The total of all retail and service uses on a development site must not exceed 20,000 square feet of the total gross floor area of all buildings on the development site.

(2) **Setback Requirements.**

(a) The uses allowed in TDC 60.037 must comply with setback requirements in TDC 60.070.

(b) In addition to the setbacks requirements in TDC 60.070 retail and service uses in TDC 60.037 must be set back not less than 80 feet from:

(i) any Residential Planning District; and

(ii) SW Tualatin-Sherwood Road right-of-way.

(3) **Access.** Uses provided in TDC 60.037 must comply with the Access Management Standards in TDC Chapter 75 and the underlying ML District, except that retail and service uses when located in a stand-alone building must not have direct access onto any arterial or collector street.

Section 6. TDC 60.041 is amended to read as follows:

Section 60.041 Restrictions on Conditional Uses.

The following restrictions shall apply to those uses listed as conditional uses in TDC 60.040:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no

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

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this sub-section:

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

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

Section 7. TDC 60.050 is amended to read as follows:

Section 60.050 Prohibited Uses.

The following uses are expressly prohibited, except as otherwise provided in TDC 60.020 and 60.040:

(1) All residential dwellings, except as otherwise provided in TDC 60.040;

(2) All commercial uses defined by TDC Chapters 50, 53, and 54, except as otherwise permitted in TDC 60.020, 60.030, 60.037, and 60.040; and

(3) All industrial uses defined by TDC Chapter 61, whether permitted, conditional or prohibited as listed in TDC 61.020, 61.030 and 61.040.

Section 8. TDC 61.010 is amended to read as follows:

Section 61.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for light industrial uses and also for a wide range of heavier manufacturing and processing activities. These uses are expected to be more unsightly and have more adverse environmental effects than the uses allowed in the Light Manufacturing Planning District. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. The heaviest industrial uses that are environmentally adverse or pose a hazard to life and safety shall be prohibited. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of building and home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 60.037-60.038 selected office and retail small-scale mixed uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

Section 9. TDC 61.020 is amended to read as follows:

Section 61.020 Permitted Uses.

No building, structure or land shall be used, except for the following uses as restricted in TDC 61.021.

(1) All uses permitted by TDC 60.020 and 60.037, in the Light Manufacturing Planning District.

(2) Assembly, packaging, processing, and other treatment of beer, coffee, and canned goods.

(3) Assembly of electrical appliances, such as refrigerators, freezers, washing machines, and dryers.

(4) Auto body and/or paint shop; auto machine shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines and rear-ends except not allowed in the Special Commercial Setback, TDC 61.035(1-3).

(5) Chemical warehouse and distribution.

- (6) Cold storage plant.
- (7) Concrete batch plant, except not allowed in the Leveton Tax Increment District.
- (8) Manufacture of the following types of products:
 - (a) Batteries.
 - (b) Boilers.
 - (c) Bottles.
 - (d) Brick, tiles, or terra cotta.
 - (e) Cans.
 - (f) Chainsaws.
 - (g) Electric generators.
 - (h) Electric motors.
 - (i) Electric transformers.
 - (j) Engines, larger gasoline or diesel.
 - (k) Heating and cooling equipment.
 - (l) Industrial gases, excluding chlorine.
 - (m) Ladders.
 - (n) Lawnmowers.
 - (o) Manufactured Dwellings.
 - (p) Motor vehicles.
 - (q) Paint.
 - (r) Pet food.
 - (s) Prefabricated building or structural members for buildings.
 - (t) Rototillers.

(u) Signs and display structures.

(v) Windows.

(9) Metal casting (small to large size).

(10) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

(11) Petroleum product distribution and storage.

(12) Planning mill.

(13) Processing, assembly, packaging, and other treatment of small products manufactured from sheet metal, wire larger than 1/4 inch (0.25") in diameter, or tobacco.

(14) Production of agricultural crops.

(15) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.

(16) Sandblasting.

(17) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(18) Structural-mechanical testing laboratories.

(19) Welding shop.

(20) Wireless communication facility attached.

(21) Wireless communication facility.

(22) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

(23) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.

Section 10. TDC 61.021 is amended to read as follows:

Section 61.021 Restrictions on Permitted Uses.

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

TDC 61.020:

(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, and outdoor play areas of child day care centers as required by state day care certification standards.

(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.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9- 4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following ~~two~~ three exceptions, which shall not be subject to the size limitations stated in this subsection:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).

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

(iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038.

Section 11. TDC 62.010 is amended to read as follows:

Section 62.010 Purpose.

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized

manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is to protect existing and future sites for such uses by maintaining large lot configurations or a cohesive planned development design and limiting uses to those that are of a nature so as to not conflict with other industrial uses or surrounding residential areas. It also is intended to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the building area used for such retail selling is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 62.023-62.024 selected small-scale mixed uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees.

Section 12. TDC 62.020 is amended to read as follows:

Section 62.020 Permitted Uses.

No building, structure or land shall be used in this district except for the following uses as restricted in 62.021.

- (1) Chemical and physical science offices and laboratories.
- (2) Engineering and cartographic offices and laboratories.
- (3) Manufacture, assembling and packaging of electronic equipment, instruments and devices.
- (4) Manufacture, assembling and packaging of optical equipment, instruments and devices.
- (5) Research offices and laboratories.
- (6) Testing offices and laboratories.
- (7) Manufacture, assembling and packaging of sporting goods providing however that primary processing of organic materials such as tanning of leather or rough milling of lumber is specifically prohibited.
- (8) Manufacture, assembling and packaging of textiles and clothing.
- (9) Manufacture, assembling and packaging of musical instruments and toys.

(10) Printing and publishing.

(11) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(12) Offices when part of a manufacturing use as listed in (1) through (11) above or when permitted under TDC 62.023.

(13) 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.

(14) Private parking lot improved and landscaped in accordance with TDC Chapter 73.

(15) Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.

(16) Sewer and water pump stations, pressure reading stations, water reservoir.

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

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

(19) Electrical substation.

(20) Natural gas pumping station.

(21) Wireless communication facility attached.

(22) Wireless communication facility.

(23) Transportation facilities and improvements.

(24) Shared service facilities.

Section 13. TDC 62.021 is amended to read as follows:

Section 62.021 Restrictions on Permitted Uses

The following restrictions shall apply to those uses listed as permitted uses in TDC 62.020:

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, and outdoor storage occupying less than ten percent of the total site area.

(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.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9- 4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exception, which shall not be subject to the size limitations stated in this subsection:

(i) Development approved through the application of standards for additional small-scale mixed uses in MP as specified in TDC 62.023-62.024.

Section 14. A new section is added to TDC Chapter 62 to read as follows:

Section 62.023 Additional Permitted Mixed Uses in MP.

(1) In addition to any other uses permitted in the MP Planning District, the uses set forth in subsection (2) are permitted uses provided:

(a) the site is used substantially for industrial purposes; and

(b) the non-industrial use complies with TDC 62.024:

(2) Permitted uses:

(a) Office Uses:

(i) Business and commercial offices.

(ii) General offices, but not government offices.

(iii) Real estate offices.

(b) Retail Uses:

(i) Food or convenience store.

(ii) Restaurant or deli, with or without drive-up or drive through facilities.

(c) Service Uses:

(i) Correspondence, trade and vocational schools, except vocational high schools.

(ii) Health or fitness facility.

(iii) Job training and related services.

(iv) Mailing operations.

(v) Reproduction, photocopying.

(vi) Branch banks and banking kiosks, with or without drive-up or drive through facilities.

(vii) Dry cleaning.

(viii) Medical and healing arts.

(d) Other uses of a similar character found by the Community Development Director to meet the purpose of this section as provided in TDC 31.070.

(3) The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.

Section 15. A new section is added to TDC Chapter 62 to read as follows:

Section 62.024 Restrictions on Additional Permitted Mixed Uses in MP.

(1) **Mixed Use Percentage.** The uses allowed in TDC 62.023 must comply with the following:

(a) Office uses listed in Section 60.037 must not exceed 25 percent of the total gross floor area of all buildings on the development site.

(b) Individual Retail and Service. Retail and service uses listed in TDC 62.023 must not exceed 5,000 square feet for any individual retail or service use.

(c) Combined Retail and Service Uses. The total of all retail and service uses on a development site must not exceed 20,000 square feet of the total gross floor area of all buildings on the development site.

(2) Setback Requirements.

(a) The uses allowed in TDC 62.023 must comply with setback requirements in TDC 62.060.

(b) In addition to the setback requirements in TDC 62.060 retail and service uses in TDC 62.023 must be set back not less than 80 feet from:

(i) any Residential Planning District; and

(ii) SW Tualatin-Sherwood Road right-of-way.

(3) **Access.** Uses provided in TDC 62.023 must comply with the Access Management Standards in TDC Chapter 75 and the underlying ML District, except that retail and service uses when located in a stand-alone building must not have direct access onto any arterial or collector street.

Section 16. TDC 69.010 is amended to read as follows:

Section 69.010 Purpose.

The purpose of this district is to recognize and accommodate the changing Industrial Commercial marketplace by allowing mixed uses within the context of an enforceable Master Plan reviewed and approved during Architectural Review. Industrial uses are emphasized, but office and selected service and retail uses are allowed through the operation of the Industrial Business Park Overlay District. A second purpose of this district is to recognize that it is not necessarily appropriate to assume that all industrial, office, service and retail uses are incompatible and, therefore, must be separated based on planning districts. The Industrial Business Park Overlay District allows flexibility in the uses permitted for ~~properties in the Light Manufacturing (ML) District and for~~ selected General Manufacturing (MG) District areas. Further, the purpose of this district is to allow selected retail and service uses that are supportive of and secondary to the industrial and office uses.

Section 17. TDC 69.020 is amended to read as follows:

Section 69.020 Permitted Uses.

(1) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to ~~a property in the Light Manufacturing (ML) District or to a property in~~ one of the selected General Manufacturing (MG) District areas and the site is 10 acres or greater:

- (a) Business offices.
- (b) Commercial offices.
- (c) Branch banks and banking kiosks, with or without drive-up or drive through facilities.
- (d) General offices, but not government offices.
- (e) Medical and healing arts offices.
- (f) Real estate offices.
- (g) Child day care center, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(2) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to ~~a property in the Light Manufacturing (ML) District or to a property in~~ one of the selected General Manufacturing (MG) District areas and the site is 20 acres or greater:

- (a) Retail Uses:
 - (i) Food or convenience store of less than 4,000 square feet of gross floor area.
 - (ii) Restaurant or deli, with or without drive-up or drive through facilities.
- (b) Service Uses:
 - (i) Correspondence, trade and vocational schools, except vocational high schools.

- (ii) Health or fitness facility.
- (iii) Job training and related services.
- (iv) Mailing operations.
- (v) Reproduction, photocopying.
- (vi) Dry cleaning.

(3) The properties in the General Manufacturing (MG) District where the Industrial Business Park Overlay District may be applied in accordance with TDC 69.040 are:

(a) North of the G.I. Joe's/Safeway Shopping Center and more particularly described as:

(i) Tax Map T2S, R1W, Section 13A, Tax Lot 800. (As of September 1, 1994 described as T2S, R1W, 13AA, Tax Lot 1200).

(ii) Tax Map T2S, R1E, Section 18BB, Tax Lots 2200, 2300, and 2400.

(iii) Tax Map T2S, R1E, Section 18BC, Tax Lots 200, 300, and 400. (As of September 1, 1994 described as T2S, R1E, 18BC, Tax Lots 200, 202, 300, and 400).

(b) PacTrust Area (Upper and Lower Boones Ferry Road) and more particularly described as Tax Map T2S, R1W, Section 24B, Tax Lots 1000, 1007, and 1008.

(c) Drake Management Company ownership at the northwest corner of SW Tualatin-Sherwood Road and Avery Street and more particularly described as Tax Map TS1, R1W, Section 27B, Tax Lots 100, 102 and 200.

Section 18. TDC 69.030 is amended to read as follows:

Section 69.030 Prohibited Uses.

As per the underlying ~~ML District~~ or MG District, except as permitted in TDC 69.020.

Section 19. TDC 69.040 is amended to read as follows:

Section 69.040 Implementation of the Industrial Business Park Overlay District.

At the time of application for Architectural Review, the applicant shall state in writing if the proposed project is to be developed under the provisions of the Industrial Business Park Overlay District. Selection of the overlay district is at the option of the developer and application of the overlay district shall be implemented upon the developer's statement as part of the Architectural Review application. No public hearing shall be held to decide to apply the overlay district. The overlay district shall only be used in conjunction with the ~~ML District and~~ selected MG District areas. The Architectural Review decision may include conditions of approval in accordance with TDC 73.055.

Section 20. TDC 69.055 is amended to read as follows:

Section 69.055 Lot Size.

As per the underlying ~~ML District or~~ MG District.

Section 21. TDC 69.060 is amended to read as follows:

Section 69.060 Urban Renewal Area - Lot Size.

As per block area requirements in the underlying ~~ML District or~~ MG District.

Section 22. TDC 69.070 is amended to read as follows:

Section 69.070 Setback Requirements.

As per the underlying ~~ML or~~ MG District, except that retail and service uses be set back from any designated arterial or collector street right-of-way and any Residential District not less than 80 feet.

Section 23. TDC 69.090 is amended to read as follows:

Section 69.090 Structure Height.

~~(1) No structure which is in the ML District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided pursuant to TDC Chapter 32, in which case the maximum permitted structure height may be increased to 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to 1½ times the height of said structure.~~

~~(2)-(1)~~ No structure which is in the MG District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided in TDC Chapter 32, in which case the maximum permitted structure height may be increased to 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.

~~(3)~~ (2) Height Adjacent to a Residential District. Where a property line or alley separates ~~ML~~ and MG land from land in a residential district, a building shall not be greater than 28 feet in height at the setback line. No building or structure shall extend above a plane beginning at 28 feet in height above the setback line and extending inward and upward at a slope of 45 degrees, subject always to the maximum height limitation set in subsection (1) and ~~(2)~~ above.

Section 24. The City Council adopts as its Findings and Analysis the findings set forth in Exhibit 1, which is attached and incorporated by reference.

Section 25. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit 1
(Ordinance No. 1370-14)

PTA 14-01: Analysis and Findings

Plan Text Amendment (PTA) 14-01 is to amend Tualatin Development Code (TDC) Chapters 60, 61, 62 and 69 to allow more flexibility in uses and support transit use. Changes to TDC Chapter 34 also are proposed to ensure consistency and clarity. These changes are proposed to help implement selected land use recommendations in the Linking Tualatin Final Plan.

Plan Amendment Criteria (TDC Section 1.032)

This document contains findings of fact to demonstrate that the proposed amendments are consistent with the approval criteria for a PTA per Section 1.032 of the TDC. These criteria must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

Before granting an amendment to the Plan Text or Plan Map of the Tualatin Development Code (TDC), including the Tualatin Community Plan, the Council shall find that:

1. Granting the amendment is in the public interest.

The proposed text amendments help implement the Linking Tualatin Final Plan, which was accepted by City Council on June 24, 2013, in order to increase transit readiness throughout the City's employment areas and guide public investments to link people to the places they need to go via transit.

As identified by staff, the public interest is to:

- 1) Update the Tualatin Development Code (TDC) to allow more flexibility and support transit use by:
 - a. Allowing for a broader set of uses in the western industrial areas of the City;
 - b. Emphasizing a transition to office use in the light manufacturing area north of the Tualatin River east of I-5;
 - c. Allowing for supportive small-scale mixed uses within other manufacturing and light manufacturing districts in Tualatin.
- 2) Permit small-scale mixed uses in areas where they are not currently permitted to provide the flexibility called for in the Linking Tualatin Final Plan.
- 3) Implement Linking Tualatin and ensure that the TDC supports creation of transit-ready places. Providing more service and retail uses in industrial/manufacturing areas will allow workers to meet their day-to-day needs without driving, increasing their ability to use transit to commute to work.

For the above reasons, Criterion 1 is met.

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

The proposed text amendments implement the Linking Tualatin Final Plan, which has been accepted by the City Council and serves as a guide to creating more transit-ready places in Tualatin over the 20-year planning horizon and beyond. Amendments to the TDC are called for in the Linking Tualatin Final Plan as part of the near-term implementing actions. Adopting PTA-14-01 now will ensure that the code is consistent with Linking Tualatin recommendations and will result in future development that better supports transit readiness. Without the proposed text amendments, the goals of Linking Tualatin may be delayed. Therefore, the public interest is best served by adopting these amendments now.

For these reasons, Criterion 2 is met.

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

The following sections of the Tualatin Community Plan have objectives that are applicable to the proposed amendments:

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.

The proposed amendments are intended to allow for more small-scale mixed uses in the ML, MG and MP Districts in order to provide convenient amenities for employees in those districts and maximize their ability to take transit to work. The uses are limited in size in order to minimize conflict with manufacturing uses and preserve the general industrial character of the districts. In addition, the size limitations help ensure that the mixed uses will be intended to serve employers and employees in the area and not the general public; they are not intended to be “destination” uses that would attract people from outside the immediate district. These amendments are proposed in order to implement Linking Tualatin and help create more transit-ready places in Tualatin. As such, objective (6) will be met.

(16) Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.

The proposed amendments are intended to help implement Linking Tualatin by providing more service and retail uses to serve employees in industrial areas. This is part of the overall Linking Tualatin objective of creating more transit-ready places in Tualatin to support development of future public transit facilities. Increased use of public transit provides energy conservation benefits by reducing the number of single-occupancy commuting vehicles. Reducing the distance that employees need to travel to meet their daily needs for eating and shopping also will enhance energy conservation. Therefore, objective (16) will be met.

Chapter 7 Manufacturing Planning Districts, Section 7.030 Objectives

(1) Encourage new industrial development.

The proposed amendments will allow more flexibility for employers in the ML, MG and MP Districts to provide appropriately scaled mixed uses to serve their employees. This will increase employees' ability to meet their daily needs near their work site and reduce the need for individual vehicle travel, thereby enhancing their ability to take transit to work. This flexibility to provide employee amenities, along with the potential for future transit options, may serve as a selling point for employers to locate their manufacturing business in one of these districts. Therefore, objective (1) above will be met.

(4) Preserve and protect, with limited exceptions, the City's existing industrial land.

The proposed amendments will allow more flexibility for small-scale retail, office and service uses to be located in the manufacturing districts. However, those mixed uses will be limited by type and size. The proposed amendments limit office space to 25 percent of the total floor area of buildings on a site, thus preserving the majority of the site for manufacturing uses. The size limitations for retail and service uses are consistent with Metro regional policies to protect industrial lands. The limitations are intended to allow uses that will serve businesses and employees of the manufacturing districts while ensuring that industrial lands in Tualatin remain industrial in terms of primary uses and overall character.

In addition, large-scale office uses are not expected to locate in these areas for two reasons. First, the local and regional supply of land zoned for office use is generally more suitable for those types of uses and can be expected to be used before larger office developments seek to locate in industrial areas in Tualatin. Second, developers of office space typically desire a concentration of amenities in close proximity to future office uses such as multiple eating and drinking establishments, parks and open spaces. Tualatin's industrial areas do not currently contain these amenities. While the proposed amendments will allow for some of these amenities to be developed, that is not expected to result in large-scale office development in these areas. For these reasons, objective (4) will be met.

Chapter 7 Manufacturing Planning Districts, Section 7.040 Manufacturing Planning District Objectives

(1) Manufacturing Park Planning District (MP).

(a) The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities...The district is to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity.

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

(c) It also is intended to provide for a limited amount of commercial uses designed for the employees of the primary uses and to provide for a limited amount of retail selling of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

The proposed amendments will allow small-scale mixed uses to be located in the Manufacturing Park District in order to provide more flexibility for uses that will serve employers and employees. This supports the objective of the MP District by creating opportunities for more employee amenities (personal services, cafés, etc.) to be conveniently located within the district. Large lot configurations will not be altered or impeded by the proposed amendments. The proposed mixed uses will not conflict with surrounding industrial or residential uses because they will be limited in size and type. The sale of manufacturing products as outlined in (c) above will not be impacted by the proposed amendments. For these reasons, objectives for the MP District will be met.

(2) Light Manufacturing Planning District (ML)

(a) Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke...Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet...

(b) The following uses within the Light Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

...

(d) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees...

The proposed amendments will allow a broader range of retail, personal service and office uses and more flexibility for locating such uses within the ML District. These amendments are consistent with the objective of providing selected mixed uses to serve businesses and employees, as stated in (d) above. The size limitations established by the proposed amendments (5,000 and 20,000 square feet) are consistent with the Metro requirements outlined in (b) above. The sale of manufacturing products per (a) above

will not be impacted by the proposed amendments. Based on this information, the objectives for the ML District will be met.

(3) General Manufacturing Planning District (MG)

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities...Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet...

(b) The following uses within the General Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

...

(c) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees...

The proposed amendments will allow a broader range of retail, personal service and office uses and more flexibility for locating such uses within the MG District. These amendments are consistent with the objective of providing selected office and retail uses to serve businesses and employees, as stated in (c) above. The size limitations established by the proposed amendments (5,000 and 20,000 square feet) are consistent with the Metro requirements outlined in (b) above. The sale of manufacturing products per (a) above will not be impacted by the proposed amendments. Based on this information, the objectives for the MG District will be met.

Based on the findings for each applicable objective above, the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan and therefore, Criterion 3 is met.

4. The following factors were consciously considered: the various characteristics of the areas in the City; the suitability of the areas for particular land uses and improvements in the areas; trends in land improvement and development; property values; the needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area; natural resources of the City and the protection and conservation of said resources; prospective requirements for the development of natural resources in the City; and the public need for healthful, safe, aesthetic surroundings and conditions. Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Of the factors listed in Criterion 4 above, the following are relevant to the proposed text amendments: characteristics of the areas in the city; and suitability of areas for particular land uses and improvements. The remainder of the factors listed above will not be impacted by the proposed text amendments and are therefore not addressed in these findings.

In order to support Linking Tualatin recommendations and recognize the changing nature of the industrial marketplace, the proposed amendments will allow more flexibility for small-scale mixed uses within the manufacturing districts. The amendments include type and size limitations on those uses in order to ensure they provide convenient amenities for businesses and employees while maintaining the overall industrial character of the districts. Office spaces are limited to 25 percent of the total floor area of buildings on a site and retail/service uses are limited to 5,000 square feet for an individual use or 20,000 square feet for combined uses on a site. Those limitations are consistent with Metro's objective of preserving industrial lands for industrial uses.

For these reasons, Criterion 4 is met.

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. The Tigard-Tualatin School District's School Facility Plan criteria (formula) for new school capacity are: ...

Criterion 5 is not applicable because the proposed text amendments do not involve a comprehensive plan amendment or amendments to a residential land use regulation.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule (TPR) (OAR 660-012-0060).

The proposed amendments represent relatively small revisions to the Tualatin Development Code manufacturing districts and do not impact the overall land use designations as identified in the Tualatin Community Plan. The proposed amendments have been shown to be consistent with the Tualatin Community Plan, which was developed to be consistent with state regulations. As such, findings of compliance with Statewide Planning Goals and Administrative Rules are not necessary. Therefore, Criterion 6 does not apply.

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

Title 4 of the Metro Functional Plan addresses protection of industrial areas and is relevant to the proposed amendments. Findings for Title 4 are provided below.

Title 4 – Industrial and Other Employment Areas

3.07.420 Protection of Regionally Significant Industrial Areas

A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning

district boundaries of RSIs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices – to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

There are no regionally significant industrial areas within the ML, MG and MP Planning Districts affected by the proposed PTA-14-01.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses— such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area.

One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

The proposed amendments will allow more flexibility for mixed uses to be located within the Tualatin manufacturing districts. The uses allowed are intended to serve the needs of employees in the districts while maintaining the overall industrial character of the areas. The uses are limited in size and scope in order to ensure that land in the manufacturing districts is primarily available for industrial uses. Per the proposed amendments, office space is limited to 25 percent of the total floor area of the buildings on a site, meaning the majority of floor area is reserved for manufacturing uses. The size limitations for retail and services uses are consistent with the limitations listed in Section 3.07.430 above. Therefore, Criterion 7 will be 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.

The Transportation System Plan (TSP) update process, which occurred concurrently with the Linking Tualatin project, provided an opportunity to evaluate the impact of land use changes proposed as part of Linking Tualatin on the city's overall transportation system. This analysis, prepared by DKS, assessed two scenarios: 1) one scenario looked at the net new trips for proposed land uses and added them to the transportation analysis zones (TAZs) in the regional travel demand model; and 2) one scenario that reduced the trips for TAZs within approximately ¼ mile of proposed land use areas by 10% to represent potential for reduction in trips based on added infrastructure of high capacity (or new) transit. Only p.m. peak hour trips were assessed at 14 intersections in the city. While LOS was affected at three of the analyzed intersections, the jurisdictional standard as outlined in Criterion 8 was not exceeded. Therefore, Criterion 8 is met.

9. Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

The proposed amendments are not relevant to the water service policies and objectives in TDC 12.020. Water management requirements will continue to apply in the areas impacted by the proposed amendments; development in those areas will be responsible for ensuring adequate water service and management.

Therefore, Criterion 9 is met.

10. The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9). [Ord. 964-96, §2, 6/24/96; Ord. 1026-99, §2, 8/9/99; Ord. 1103-02, 03/25/02; Ord. 1310-10 §2, 9/13/10; Ord. 1354-13 §1, 02/25/13]

Criterion 10 is not applicable because the proposed text amendments are not specific to property in the UPA.