

RESOLUTION NO. 5327-17

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MITCH CHARTER SCHOOL TO EXPAND ITS CAMPUS LOCATED IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 19430 SW 90th COURT (TAX MAP 2S1 23DB, TAX LOT 00200) (CUP-17-0001).

WHEREAS, MITCH Charter School submitted a conditional use permit application with the City to expand its campus; and

WHEREAS, the Council held a quasi-judicial public hearing on July 24, 2017, to consider the application; and

WHEREAS, notice of public hearing was given as required by the Tualatin Development Code; and

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

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

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

Section 1. Findings. The Council adopts the findings, which are attached as Exhibit A and incorporated by reference.

Section 2. Conditions. The Conditional Use Permit (CUP-17-0001) for MITCH Charter School, which is attached as Exhibit B and incorporated by reference, is approved with the following conditions:

A. The approval of Conditional Use Permit 17-0001 does not approve any site redevelopment or exterior building modifications, and the applicant must obtain approval from the City for any site or exterior modifications, pursuant to TDC 73.040(1) and TDC 73.100(1) and (2).

B. The applicant must operate the use consistent with all application materials submitted to the City dated May 16, 2017.

C. The applicant must comply with the noise standards in TDC 60.085.

D. The applicant must separately submit any sign permit applications pursuant to and in compliance with TDC Chapter 38.

E. The approval period is two years, unless extended, as provided by TDC 32.090 (Automatic Termination of Conditional Use).

F. The applicant must comply with all applicable TDC policies and regulations.

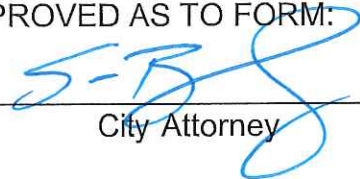
Section 3. This resolution is effective upon adoption.

ADOPTED by the City Council this 14th day of August, 2017.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM:

BY 
City Attorney

ATTEST:

BY 
City Recorder

**EXHIBIT A
RESOLUTION NO. 5327-17
MITCH FRONTIER GARDEN & ATHLETIC FIELD**

CONDITIONAL USE PERMIT APPLICATION (CUP-17-0001)

ANALYSIS AND FINDINGS

The issue before the City Council is consideration of a conditional use permit for MITCH Charter School to expand its campus and operations for a kindergarten through grade 12 school in the form of a garden and athletic field on the green space at 19430 SW 90th Court, a property owned and operated by Frontier Communications.

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

The following materials and descriptions are based largely on the applicant's narrative; staff has made some minor edits. Staff comments, findings, and conditions of approval are in italic font.

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

Applicant Response: The subject property, Tax Lot 2S1 23DB 00200, is located in the Light Manufacturing (ML) Planning District. "Schools for kindergarten through 12" is a conditional use in the ML Planning District pursuant to TDC 60.040(1)(o).

Staff finds that Criterion 1 is met.

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

Applicant Response:

Size: The minimum lot size within a ML Planning District is 20,000 SF, or approximately .046 acres (per TDC 60.060). The subject property is approximately 1.52 acres and MITCH/Frontier is not proposing any changes to the lot size.

The site size is suitable for the proposed use.

Shape: The subject property is rectangular, is already developed, and MITCH/Frontier is not proposing any changes to the lot shape.

The lot shape is suitable for the proposed use.

Location: The subject property is located within a ML Planning District with access via one existing driveway onto SW 90th Court.

The location is suitable for the proposed use.

Topography: The property is flat.

Staff finds that the topography is suitable for the proposed use.

Improvements: The property has been developed and includes off-street parking and loading, lighting, landscaping, frontage improvements, utility improvements and access to SW 90th Court. There is one existing driveway onto SW 90th Ct, approximately 30 feet wide. There is open green space on the northern end and eastern end of the site.

Staff finds that the proposed garden and athletic field uses will be located within the existing green spaces on the project site; the other existing uses on the site, including the Frontier Communications building and associated off-street parking, will remain unchanged.

Natural Features: Because the site is already developed, no natural features remain. On-site landscaping includes buffers along the north and west property lines and islands within the parking lot area and against the building and street frontage.

Staff finds that—with the exception of on-site landscaping that includes trees and taller shrubs—there are no natural features on the subject site and the proposed use will not affect natural features.

As noted, no changes to the building exterior or the existing parking and loading areas with this application. It is understood that approval of this Conditional Use Permit does not approve any site redevelopment or exterior building modifications, and that after Conditional Use Permit approval is obtained the applicant will seek approval from the City pursuant to TDC 73.040(1) and TDC 73.100 (1) and (2).

Staff finds that the following condition of approval is required to meet Criterion 2:

Condition of Approval No. 1: *The approval of Conditional Use Permit 17-0001 does not approve any site redevelopment or exterior building modifications, and the applicant shall obtain approval from the City for any site or exterior modifications, pursuant to TDC 73.040(1) and TDC 73.100(1) and (2).*

(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.

Applicant Response:

Transportation Systems

Primary access to the site will continue to be provided by one 30-foot-wide driveway onto SW 90th Court, a cul-de-sac providing direct connections to SW Tualatin/Sherwood Road. Trip generation is based on ITE codes is reliant on building square footage or construction of attractions and locations of events plus safety deficiencies would be based on vehicle circulation. As no building, parking, attractions or event locations are proposed to be constructed as part of this development, no trips will be added or new vehicle circulation created. Therefore, no traffic study is requested or needed.

Staff finds that access to the subject site will remain unchanged as part of this proposal. Access to the proposed garden and athletic field on the subject site will be accommodated by a direct pedestrian pathway from the main MITCH Charter School property at 19550 SW 90th Court, adjacent and south of the subject site. A Minor Architectural Review (MAR) approval for a gated entrance and an ADA access ramp between the two sites—in addition to fencing along the internal green space perimeter on the subject site—was granted on October 18, 2016.

Off-Street Parking

Based on TDC off-street parking provisions in TDC 73.370(2), the parking area for the school is not proposed to be modified by this proposal. In addition, this proposal does not increase the need for additional parking as it does not add additional students to the school.

Staff finds that the off-street parking conditions as a result of this proposal will remain unchanged. The proposed garden and athletic field will not result in an increase in school capacity and will therefore not require additional parking on the main MITCH Charter School property at 19550 SW 90th Court. The conversion of green space on the subject site (19430 SW 90th Court) will not affect the physical operations on this site nor will it affect existing parking conditions. Users of the proposed garden and athletic field will utilize existing parking on the main MITCH Charter School property.

Public Facilities and Services

Public sewer, water currently exist and are adequate to serve the property and the proposed use. The proposal includes 420 linear feet of drainage control piping installed along the retaining walls.

Staff finds that the existing and proposed public facilities and services are adequate to service the proposed use.

Staff finds that Criterion 3 is met.

- (4) The proposed use will not alter the character of the surrounding area in any manner, which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying Planning District.**

Applicant Response: The property sits between properties all zoned Light Manufacturing (ML) planning district. There are no residential areas adjoining the subject property. Surrounding land uses by cardinal direction and planning district are:

- North: Light Manufacturing (ML) Planning District
Light Industrial/Commercial building housing Sherwin Williams, Circle Bolt and Nut, and Paper Plus at 19370 SW 90th Court
- East: Light Manufacturing (ML) Planning District
Willamette Graystone (masonry building products) at 19477 SW 89th Avenue
Cardenas Motorsports (motorcycle repair shop) at 19475 SW 89th Avenue
Revchem Composites (fabricator) at 19365 SW 89th Avenue
- South: Light Manufacturing (ML) Planning District
MITCH Charter School and Tualatin Early Intervention (school) at SW 19550 and 19500 90th Court, respectively
- West: Light Manufacturing (ML) Planning District
Tualatin Valley Fire & Rescue (TVF&R) Station 34 at 19365 SW 90th Court
Light Industrial building housing TECO Technology (warehouse for transmission products) and Rays Produce at SW 19437 SW 90th Court

There are a number of mixed commercial and industrial uses already operating in the area, including Sherwin Williams, Diamond Pro NW, Cardenas Motorsports, and notably, Tualatin Early Intervention, which conducts similar school-type operations in the same ML planning district. As such, the proposed use will continue to build the character of this area as a mixed commercial/industrial area for Tualatin.

Staff notes that the proposed use would not alter the overall character of the immediate area defined by the properties abutting SW 90th Court south of SW Tualatin-Sherwood Road. The proposed use would serve as an extension of school use already in operation on the property (SW 19500 and 19550 SW 90th Court) adjacent and south of the subject site. In addition, the proposed use would only affect the green spaces on the subject site and the existing light manufacturing uses at 19430 SW 90th Court (Frontier Communications) will remain.

Staff finds that Criterion 4 is met.

(5) The proposal will satisfy those objectives and policies of the Tualatin Community Plan which apply to the proposed use.

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

- 1. Section 32.030 Criteria for Review of Conditional Uses; and*
- 2. Section 60.010 Purpose (Light Manufacturing Planning District [ML]).*

Section 32.030 Criteria for Review of Conditional Uses

Section 32.030 Criteria for Review of Conditional Uses states that the “City Council may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied.” The Analysis and Findings included in this attachment (Attachment C) address the five (5) identified criteria listed in Section 32.030 to aid in the City Council decision on whether or not a proposed conditional use meets applicable TDC requirements.

Section 60.010 Purpose (Light Manufacturing Planning District [ML])

Section 60.010 Purpose 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” and that this “district serves to buffer heavy manufacturing uses from commercial and residential areas.”

Applicant Response: The proposed conditional use permit will allow the conversion of the existing unused field into a usable field and garden for MITCH Charter school. The proposed uses for the field are a track area for exercise, a garden area for providing agricultural education to the students at MITCH and food to the Tualatin community. MITCH Charter School already has a conditional use permit in place for a school use in the ML planning district; however, the addition of the field and garden for the sole use of the school is considered an expansion of the school use and thus requires the school to obtain a conditional use permit. The proposed use is developing an open field area with a similarly developed field and garden area which will continue to buffer heavier manufacturing uses and commercial uses, and is consistent with adjacent uses in the ML planning district. The proposed use meets this standard.

Staff finds that the following conditions of approval are required to meet Criterion 5:

Condition of Approval No. 2: *The applicant shall operate the use consistent with all application materials submitted to the City dated May 16, 2017.*

Condition of Approval No. 3: *The applicant shall comply with the noise standards in TDC 60.085.*

Condition of Approval No. 4: *The applicant shall—separately from the CUP—submit any sign permit applications pursuant to and in compliance with TDC Chapter 38.*

Condition of Approval No. 5: *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.*

Condition of Approval No. 6: *The applicant shall comply with all applicable TDC policies and regulations.*

SUMMARY OF ANALYSIS AND FINDINGS

Based on the application materials, conditions of approval, and the analysis and findings presented above, staff finds that CUP-17-0001 meets all criteria of TDC 32.030 "Criteria for Review of Conditional Uses."



City of Tualatin

www.tualatinoregon.gov

Exhibit B to
Resolution No.
5327-17

"NECESSARY PARTIES"
MARKED BELOW

NOTICE OF APPLICATION SUBMITTAL

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

CASE/FILE: **CUP17-0001** (Community Development Dept.: Planning Division)

PROPOSAL	To approve the conditional use of a kindergarten through grade 12 school—in the form of a garden and athletic field—pursuant to Tualatin Development Code (TDC) 60.040(1)(o) for MITCH Charter School on the existing green space at 19430 SW 90th Court, a property owned and operated by Frontier Communications.
-----------------	---

PROPERTY	Name of Application	MITCH FRONTIER GARDEN & ATHLETIC FIELD				
	<input type="checkbox"/> n/a	Street Address	19430 SW 90th Court			
		Tax Map and Lot No(s).	2S1 23DB 00200			
		Planning District	ML	Overlays <input type="checkbox"/>	NRPO <input type="checkbox"/>	Flood Plain <input type="checkbox"/>
		Previous Applications	AR-81-07	Additional Applications:	CIO INDUSTRIAL	

DATES	Receipt of application	05/16/2017	Deemed Complete	05/19/2017	CONTACT	Name: Charles H. Benson, III	
	Notice of application submittal					05/22/2017	Title: Associate Planner
	Project Status / Development Review meeting						E-mail: CBENSON@tualatin.gov
	Comments due for staff report					07/05/2017	Phone: 503-691-3029
	Public meeting: <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a						Notes: Other approvals: MAR-16-0039
	City Council (CC)	<input type="checkbox"/> n/a				07/24/2017	

City Staff

- City Manager
- Building Official
- Chief of Police
- City Attorney
- City Engineer
- Community Development Director
- Community Services Director
- Economic Development 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 Development Dept.
- Wilsonville Planning Division

Counties

- Clackamas County Dept. of Transportation and Development
- Washington County Dept. of Land Use and Transportation (ARs)
- Washington County Long Range Planning (LRP) (Annexations)

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 Environmental Quality (DEQ)
- 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
- ODOT Maintenance Dist. 2A
- ODOT Rail Division

OR Dept. of Revenue

Utilities

- Republic Services
- 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)

*Paper Copies

**Exhibit B to
Resolution No.
5327-17**

- 1.032: Burden of Proof
- 31.071 Architectural Review Procedure
- 31.074 Architectural Review Application Review Process
- 31.077 Quasi-Judicial Evidentiary Hearing Procedures
- Metro Code 3.09.045 Annexation Review Criteria
- 32.030 Criteria for Review of Conditional Uses
- 33.020 Conditions for Granting a Variance that is not a Sign or a Wireless Communication Facility
- 33.022 Criteria for Granting a Sign Variance
- 33.024 Criteria for Granting a Minor Variance
- 33.025 Criteria for Granting a Variance
- 34.200 Tree Cutting on Private Property without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited
- 34.210 Application for Architectural Review, Subdivision or Partition Review, or Permit
- 34.230 Criteria (tree removal)
- 35.060 Conditions for Granting Reinstatement of Nonconforming Use
- 36.160 Subdivision Plan Approval
- 36.230 Review Process (partitioning)
- 36.330 Review Process (property line adjustment)
- 37.030 Criteria for Review (IMP)
- 40.030 Conditional Uses Permitted (RL)
- 40.060 Lot Size for Conditional Uses (RL)
- 40.080 Setback Requirements for Conditional Uses (RL)
- 41.030 Conditional Uses Permitted (RML)
- 41.050 Lot Size for Conditional Uses (RML)
- 41.070 Setback Requirements for Conditional Uses (RML)
- 42.030 Conditional Uses Permitted (RMH)
- 42.050 Lot Size for Conditional Uses (RMH)
- 42.070 Setback Requirements for Conditional Uses (RMH)
- 43.030 Conditional Uses Permitted (RH)
- 43.060 Lot Size for Conditional Uses (RH)
- 43.090 Setback Requirements for Conditional Uses (RH)
- 44.030 Conditional Uses Permitted (RH-HR)
- 44.050 Lot Size for Conditional Uses (RH-HR)
- 44.070 Setback Requirements for Conditional Uses (RH-HR)
- 49.030 Conditional Uses (IN)
- 49.040 Lot Size for Permitted and Conditional Uses (IN)
- 49.060 Setback Requirements for Conditional Uses (IN)
- 50.020 Permitted Uses (CO)
- 50.030 Central Urban Renewal Plan – Additional Permitted Uses and Conditional Uses (CO)
- 50.040 Conditional Uses (CO)
- 52.030 Conditional Uses (CR)
- 53.050 Conditional Uses (CC)
- 53.055 Central Urban Renewal Area – Conditional Uses (CC)
- 54.030 Conditional Uses (CG)
- 56.030 Conditional Uses (MC)
- 56.045 Lot Size for Conditional Uses (MC)
- 57.030 Conditional Uses (MUCOD)
- 60.040 Conditional Uses (ML)
- 60.041 Restrictions on Conditional Uses (ML)
- 61.030 Conditional Uses (MG)
- 61.031 Restrictions on Conditional Uses (MG)
- 62.030 Conditional Uses (MP)
- 62.031 Restrictions on Conditional Uses (MP)
- 64.030 Conditional Uses (MBP)
- 64.050 Lot Size for Permitted and Conditional Uses (MBP)
- 64.065 Setback Requirements for Conditional Uses (MBP)
- 68.030 Criteria for Designation of a Landmark
- 68.060 Demolition Criteria
- 68.070 Relocation Criteria
- 68.100 Alteration and New Construction Criteria
- 68.110 Alteration and New Construction Approval Process
- 73.130 Standards
- 73.160 Standards
- 73.190 Standards – Single-Family and Multi-Family Uses
- 73.220 Standards
- 73.227 Standards
- 73.230 Landscaping Standards
- 73.300 Landscape Standards – Multi-Family Uses
- 73.310 Landscape Standards – Commercial, Industrial, Public and Semi-Public Uses
- 73.320 Off-Street Parking Lot Landscaping Standards
- 73.320 Off-Street Parking and Loading
- 73.470 Standards
- 73.500 Standards



City of Tualatin

www.tualatinoregon.gov

Exhibit B to
Resolution No. 5327-17
CITY OF TUALATIN
RECEIVED
MAY 16 2017

COMMUNITY DEVELOPMENT
PLANNING DIVISION

APPLICATION FOR CONDITIONAL USE PERMIT

Code Information:			
Code Section:		Condition Use to Allow: school track/field/garden area	
Assessor's Map Number: 2S123DB	Tax Lot #: 00200	Lot area in acres:	
Address of Property: 19430 SW 90th Ct			
City: Tualatin	State: OR	ZIP Code:	
Existing Buildings (# and type):		Current use: Frontier Communications bldg	
Applicant			
Name: Melissa Meyer		Company Name: Mitch Charter School	
Address: 19550 SW 90th Court			
City: Tualatin	State: OR	ZIP Code:	
Phone: 503-939-6725	Fax:	Email: mmeer@mitchcharterschool.org	
Applicant's Signature:		Date:	
Property Owner			
Name: Frontier Communications Northwest			
Address: 401 Merritt			
City: Norwalk	State: CT	ZIP Code: 06851	
Phone:	Fax:	Email:	
Property Owner's Signature:		Date:	
(Note: Letter of authorization is required if not signed by owner)			
Contact			
Name: Amanda Hoffman			
Address: 30945 SW Boones Ferry Road			
City: Wilsonville	State: OR	ZIP Code: 97070	
Phone: 503-476-4883	Fax:	Email: ajhoffman11@gmail.com	

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.

Applicant's Signature:

Date:

12.14.16

Office Use

Case No:

Date Received:

Received by:

Fee: Complete Review:

Receipt No:



605 Central Expressway South, Suite 250, Allen, TX 75013
www.frontier.com

April 4, 2017

City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Or 97062

Reference: Authorization to Execute Development-Related Documents for the green space located at 19430 SW 90th Court, Tualatin, OR 97062.

To Whom it May Concern:

Frontier Communications Northwest has licensed MITCH Charter School to use the green space located at 19430 SW 90th Court, Tualatin, OR 97062 and is authorized as the licensee to sign documents with the City that are usual and customary in connection with the Conditional Use Permit to install a school garden area, a 6' walking path, a 6' oval track area, play field, and a greenhouse space within the 10,000± square foot area.

This document (1) does not extend to signing documents that will be recorded, (2) does not extend to signing non-City documents, and (3) is revocable with prior notice to the City.

Frontier Communications Northwest, Inc.



By: KELLEY STEWART
Title: DIRECTOR PRES



MITCH CHARTER SCHOOL FRONTIER GARDEN & ATHLETIC FIELD PROJECT
CONDITIONAL USE PERMIT APPLICATION

The request before Staff is consideration of a conditional use permit for MITCH Charter School, to allow a garden and field expansion.

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 prepared narrative below addresses the criteria.

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

Applicant Response: The subject property, Tax Lot 2S1 23DB 00200, is located in the Light Manufacturing (ML) Planning District. Yes "Schools for kindergarten through 12" is a conditional use in the ML Planning District pursuant to TDC 60.040(1)(o).

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

Applicant Response:

Size: The minimum lot size within a ML Planning District is 20,000 SF, or approximately .046 acres (per TDC 60.060). The subject property is approximately 1.52 acres and MITCH/Frontier is not proposing any changes to the lot size.

The site size is suitable for the proposed use.

Shape: The subject property is rectangular, is already developed, and MITCH/Frontier is not proposing any changes to the lot shape.

The lot shape is suitable for the proposed use.

Location: The subject property is located within a ML Planning District with access via one existing driveway onto SW 90th Ct.

The location is suitable for the proposed use.

Topography: The property is flat.

**Exhibit B to
Resolution No.
5327-17**

Improvements: The property has been developed and includes off-street parking and loading, lighting, landscaping, frontage improvements, utility improvements and access to SW 90th Ct. There is one existing driveway onto SW 90th Ct, approximately 30 feet wide. There is open green space on the northern end and eastern end of the site.

Natural Features: Because the site is already developed, no natural features remain. On-site landscaping includes buffers along the north and east property lines and islands within the parking lot area and against the building and street frontage.

As noted, no changes to the building exterior or the existing parking and loading areas with this application. It is understood that approval of this Conditional Use Permit does not approve any site redevelopment or exterior building modifications, and that after Conditional Use Permit approval is obtained the applicant will seek approval from the City pursuant to TDC 73.040(1) and TDC 73.100 (1) and (2).

- (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.

Applicant Response:

Transportation Systems

Primary access to the site will continue to be provided by one 30-foot-wide driveway onto SW 90th Court, a cul-de-sac providing direct connections to SW Tualatin/Sherwood Road. Trip generation is based on ITE codes is reliant on building square footage or construction of attractions and locations of events plus safety deficiencies would be based on vehicle circulation. As no building, parking, attractions or event locations are proposed to be constructed as part of this development, no trips will be added or new vehicle circulation created. Therefore, no traffic study is requested or needed.

Off-Street Parking

Based on Tualatin Development Code (TDC) off-street parking provisions in TDC 73.370(2). The parking area for the school is not proposed to be modified by this proposal. In addition, this proposal does not increase the need for additional parking as it does not add additional students to the school.

Public Facilities and Services

Public sewer, water currently exist and are adequate to serve the property and the proposed use. The proposal includes 420 linear feet of drainage control piping installed along the retaining walls.

**Exhibit B to
Resolution No.
5327-17**

- (4) The proposed use will not alter the character of the surrounding area in any manner, which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying Planning District.

Applicant Response: The property sits between properties all zoned Light Manufacturing (ML) planning district. There are no residential areas adjoining the subject property. Surrounding land uses by cardinal direction and planning district are:

North: Light Manufacturing (ML) Planning District
Sherwin Williams, Circle Bolt and Nut, etc.
Light Manufacturing (ML) Planning District
East: Cardenas Motorsports
South: Light Manufacturing (ML) Planning District
MITCH Charter School
West: Light Manufacturing (MP) Planning District
TECO

There are a number of mixed commercial and industrial uses already operating in the area, including Sherwin Williams, Diamond Pro NW, Cardenas Motorsports, etc. And notably, Tualatin Early Intervention, which conducts similar school-type operations in the same ML planning district. As such, the proposed use will continue to build the character of this area as a mixed commercial/industrial area for Tualatin.

- (5) The proposal will satisfy those objectives and policies of the Tualatin Community Plan which apply to the proposed use.

1. *Section 7.040 Manufacturing Planning District Objectives, Subsection (2) Light Manufacturing Planning District (ML);*
2. *Section 32.030 Criteria for Review of Conditional Uses; and*
3. *Section 60.010 Purpose (Light Manufacturing Planning District [ML]).*

Section 7.040 Manufacturing Planning District Objectives, Subsection (2) Light Manufacturing Planning District (ML)

Section 7.040 Manufacturing Planning District Objectives, Subsection (2) Light Manufacturing Planning District (ML) states that this planning district is "suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke."

Applicant Response: This project includes converting an unused open field into a usable developed field and garden for the use of MITCH Charter School. All activities are non-hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The proposed use meets this standard.

**Exhibit B to
Resolution No.
5327-17**

Section 32.030 Criteria for Review of Conditional Uses

Section 32.030 Criteria for Review of Conditional Uses states that the "City Council may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied."

Applicant Response: The Analysis and Findings included in this narrative address the five (5) identified criteria listed in Section 32.030 to aid in the City Council decision on whether or not a proposed conditional use meets applicable TDC requirements.

Section 60.010 Purpose (Light Manufacturing Planning District [ML])

Section 60.010 Purpose 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" and that this "district serves to buffer heavy manufacturing uses from commercial and residential areas."

Applicant Response: The proposed conditional use permit will allow the conversion of the existing unused field into a usable field and garden for MITCH Charter school. The proposed uses for the field are a track area for exercise, a garden area for providing agricultural education to the students at MITCH and food to the Tualatin community. MITCH Charter School already has a conditional use permit in place for a school use in the ML planning district, however the addition of the field and garden for the sole use of the school is considered an expansion of the school use and thus requires the school to obtain a conditional use permit. The proposed use is developing an open field area with a similar developed field and garden area which will continue to buffer heavier manufacturing uses and commercial uses, and are consistent with adjacent uses in the ML planning district. The proposed use meets this standard.

The proposed use is consistent with plan policies.

SUMMARY OF ANALYSIS AND FINDINGS

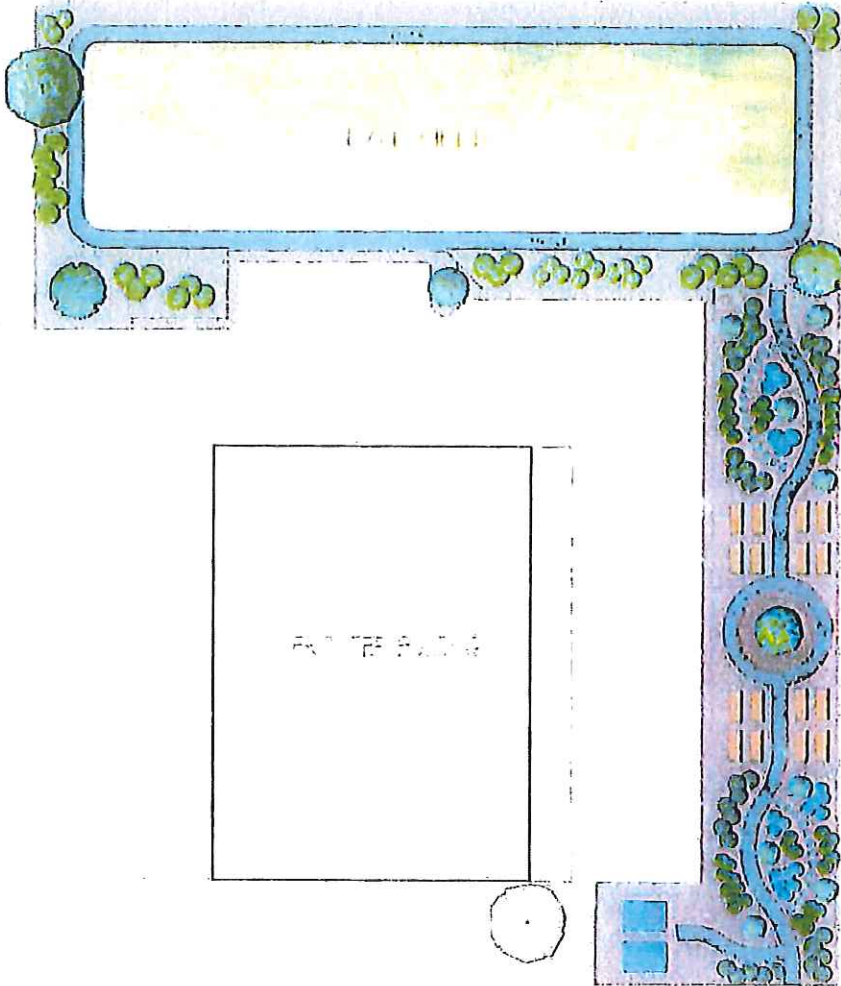
Therefore, the proposal for the addition to the MITCH Charter School use of a field area and garden in the Frontier open field space is consistent with the above criteria for a Conditional Use Permit. We urge Staff and the Tualatin City Council to approve this expansion in order to improve the outdoor access and agricultural education for MITCH Charter School students.

Please let me know if I can answer any questions about our proposal.

Respectfully,


Melissa Meyer, Executive Director-MITCH Charter School
19550 SW 90th Court
Tualatin, OR 97062

MITCH CHARTER SCHOOL FRONTIER GARDEN



MAY 16 2017

COMMUNITY DEVELOPMENT
 PLANNING DIVISION

Assessment & Taxation Report

General Property Information

Site Address: 19430 SW 90TH CT, TUALATIN OR, 97062
 Tax Lot ID: 25123DB00200
 Property Account ID: R1198787,
 Property Classification: 0030 - MISC. PROPERTY CENTRALLY ASSESSED BY DOR - [See full list of Codes](#)
 Neighborhood Code: YTSH
 Latitude / Longitude: 45.3792701 / 122.769857
 2009-2010 Tax Statement: [R1198787.pdf](#)
 2010-2011 Tax Statement: [R1198787.pdf](#)
 2011-2012 Tax Statement: [R1198787.pdf](#)
 2012-2013 Tax Statement: [R1198787.pdf](#)
 2013-2014 Tax Statement: [R1198787.pdf](#)
 2014-2015 Tax Statement: [R1198787.pdf](#)
 2015-2016 Tax Statement: [R1198787.pdf](#)
 2016-2017 Tax Statement: [R1198787.pdf](#)

Sales / Deed Information

Sale Date	Sale Instrument	Deed Type	Sale Price
			\$
			\$
			\$

Assessed Values for Account R1198787

Roll Date: 09/21/2016
 Taxcode: 023.76
 Market Land Value: \$0
 Market Bldg Value: \$0
 Special Market Value: \$0
 Market Total Value: \$0
 Taxable Assessed Value: \$0
 Legal: ITTEL INDUSTRIAL PARK Lot:7
 Lot Size: Acres: N/A
 Bldg Sq Ft: 0
 Year Built: N/A

Exhibit B to
Resolution No.
5327-17

N.W.1/4 S.E.1/4 SECTION 23 T2S R1W WM,
WASHINGTON COUNTY, OREGON
SCALE 1" = 100'

25 I 23DB

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

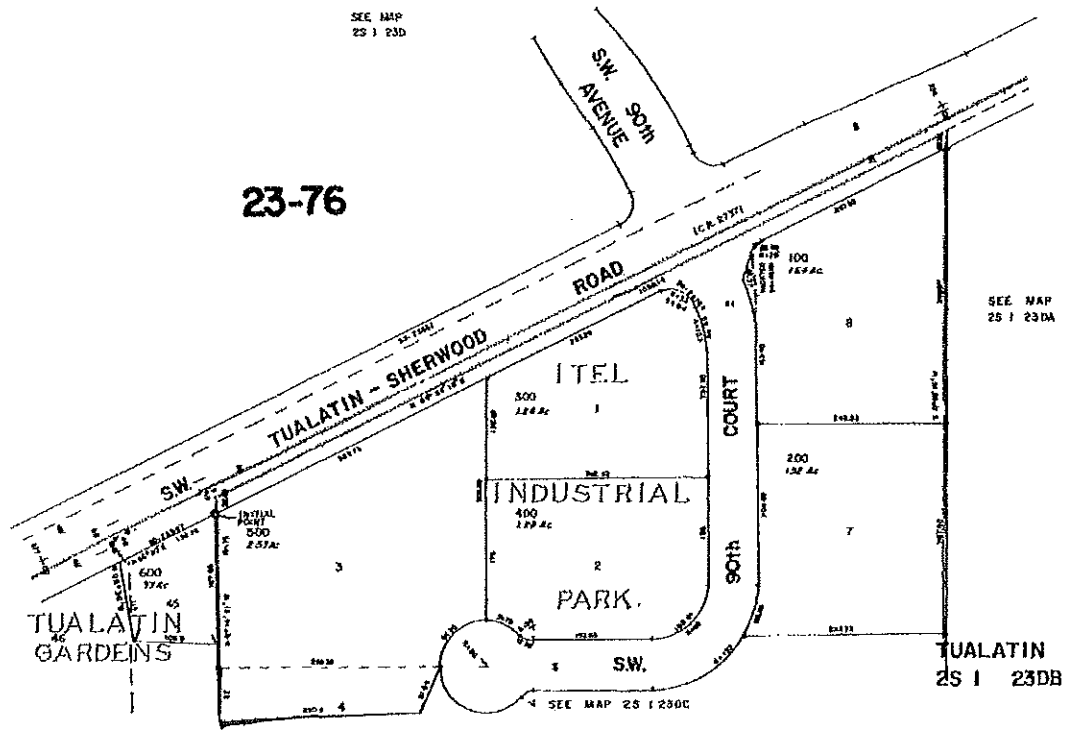


Exhibit B to
Resolution No.
5327-17

NE 1/4 SE 1/4 SECTION 23 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1" = 100'

2S 1 23DA

CANCELLED TAX LOT MAPS
FOR 2S 1 23DA, 2S 1 23DB, 2S 1 23DC, 2S 1 23DD, 2S 1 23DE, 2S 1 23DF, 2S 1 23DG, 2S 1 23DH, 2S 1 23DI, 2S 1 23DJ, 2S 1 23DK, 2S 1 23DL, 2S 1 23DM, 2S 1 23DN, 2S 1 23DO, 2S 1 23DP, 2S 1 23DQ, 2S 1 23DR, 2S 1 23DS, 2S 1 23DT, 2S 1 23DU, 2S 1 23DV, 2S 1 23DW, 2S 1 23DX, 2S 1 23DY, 2S 1 23DZ

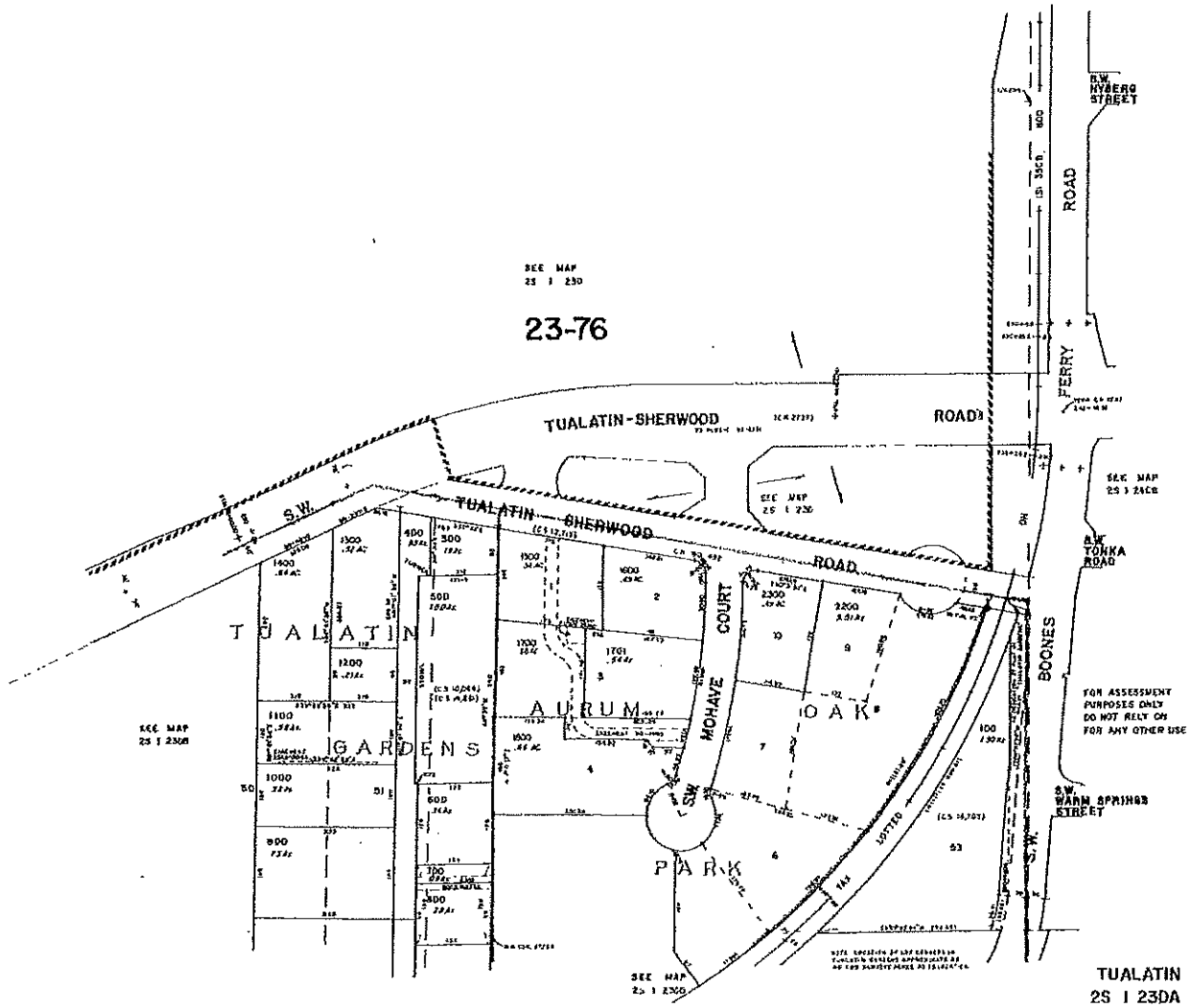


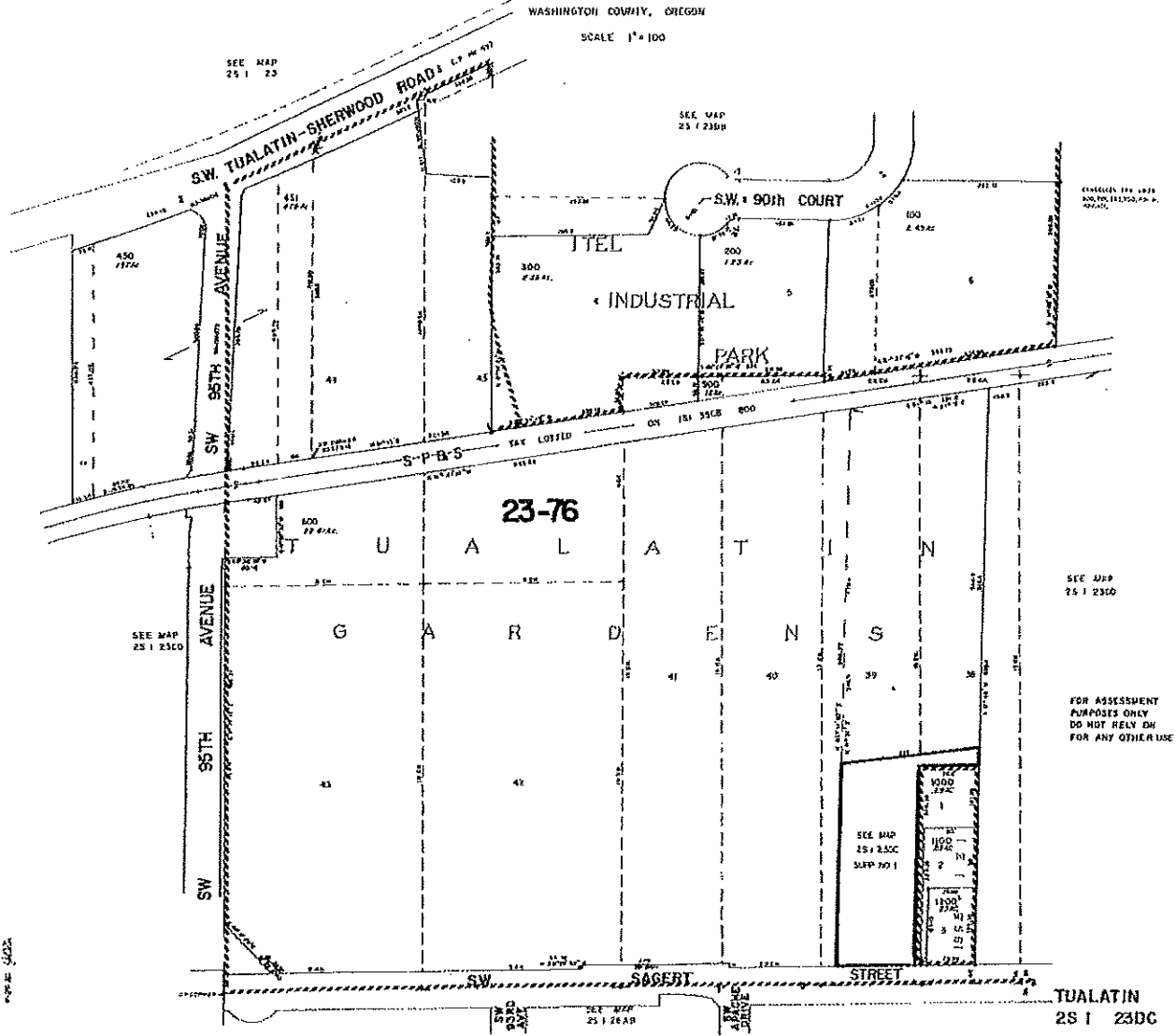
Exhibit B to
Resolution No.
5327-17

SW 1/4 SE 1/4 SECTION 23 T2S R1W WM

2S 1 23DC

WASHINGTON COUNTY, OREGON

SCALE 1" = 100'

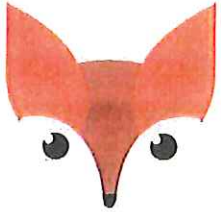


SEE MAP
25 1 23DC

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

TUALATIN
2S 1 23DC

PLAT NO. 2422



MITCH
Charter School

Inspiring colorful acts of greatness

January 24, 2017

RE: MITCH Charter School Field & Garden Expansion

Dear Property Owner:

You are cordially invited to attend a meeting on February 23, 2017 at 6:30PM at MITCH Charter School to discuss a proposed Conditional Use Permit and Architectural Review for a field and garden expansion for the school located at

19430 SW 90th Court, Tualatin, Oregon, 97062.

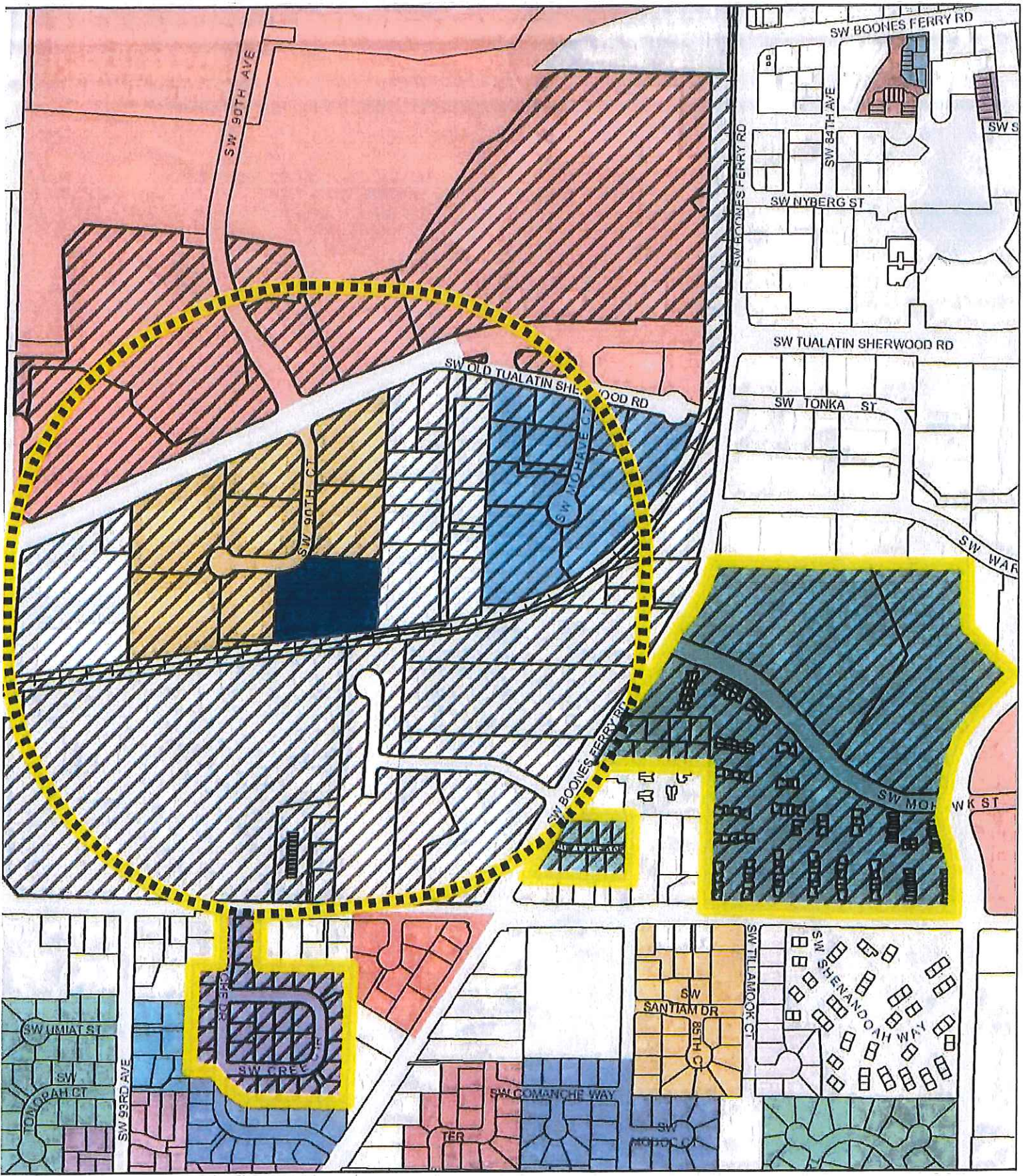
The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding it.

Cordially,

A handwritten signature in black ink that reads "Melissa S. Meyer". The signature is fluid and cursive, with a large loop at the end.

Melissa S. Meyer
Executive Director
MITCH Charter School

503.639.5757



1000' Buffer



1000' Buffer with Subdivisions



Selected Taxlots



**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Melissa Meyer, being first duly sworn, depose and say:

That on the 23rd day of February, 2017, 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.

Melissa Meyer

Signature

SUBSCRIBED AND SWORN to before me this 23rd day of February, 2017.



Katie S. Provence

Notary Public for Oregon
My commission expires: 10/13/17

RE: _____

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

NOTICE
NEIGHBORHOOD / DEVELOPER MEETING
__/__/2010 __:__.m.
SW _____
503-____-____

24" 18"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain orange composed of the RGB color values Red 254, Green 127, and Blue 0. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

MITCH Frontier Garden project, I

hereby certify that on this day, 1 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: Melissa S. Meyer
(PLEASE PRINT)

Applicant's Signature: Melissa Meyer

Date: 2-23-17

**Exhibit B to
Resolution No.
5327-17**

Neighborhood Development Meeting Notes

MITCH Charter School Field Expansion & Garden

2/23/17

Visitors: Charles Benson-City of Tualatin and multiple internal stakeholders of MITCH

Discussed: The CUP process and requirements around our proposal. No one external attended the neighborhood meeting. We internally discussed timeline and the excitement about the field and garden being added to MITCH to enhance the student's experience. We also discussed the additional requirements that may arise after obtaining Land Use approval.



City of Tualatin

www.tualatinoregon.gov

CONDITIONAL USE PERMIT CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain lime green composed of the RGB color values Red 146, Green 208, and Blue 80. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the MITCH FRONTIER GARDEN project, I hereby certify that on this day, May 19, 2017 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: MELISSA S. MEYER
(PLEASE PRINT)

Applicant's Signature: Melissa Meyer

Date: May 19, 2017