



MEETING AGENDA

TUALATIN PLANNING COMMISSION

October 2, 2012; 6:30 p.m.
COUNCIL CHAMBERS
18880 SW MARTINAZZI AVENUE
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Mike Riley, Chair, Alan Aplin, Bill Beers, Jeff DeHaan, Nic Herriges, Steve Klingerman, and Cameron Grile.

Staff: Aquilla Hurd-Ravich, Planning Manager; Colin Cortes, Assistant Planner
2. **APPROVAL OF MINUTES**
 - A. Approval of September 4, 2012 TPC Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
 - A. An Ordinance Amending Medium Low Density Residential Planning District (RML) Conditional Uses; and Amending TDC 41.030 (PTA-12-04); Legislative
5. **COMMUNICATION FROM CITY STAFF**
 - A. Briefing Response about Tualatin in Trimet
 - B. Update on Oregon Passenger Rail
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commission Members

FROM: Lynette Sanford, Office Coordinator

DATE: 10/02/2012

SUBJECT: Approval of September 4, 2012 TPC Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 9-4-12](#)



City of Tualatin

www.ci.tualatin.or.us

UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF September 4, 2012

TPC MEMBERS PRESENT:

Mike Riley
Alan Aplin
Steve Klingerman
Nic Herriges (*arrived during Agenda Item 2*)
Bill Beers
Jeff DeHaan (*arrived during Agenda Item 2*)
Cameron Grile

STAFF PRESENT:

Aquilla Hurd-Ravich
Kaaren Hofmann
Will Harper
Lynette Sanford

TPC MEMBER ABSENT: None

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

1. **CALL TO ORDER AND ROLL CALL:**

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

2. **APPROVAL OF MINUTES:**

June 5, 2012 and August 9, 2012

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

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

3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):**

None

4. **ACTION ITEMS:**

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

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

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

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

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

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

Refer to TDC Section 64.036 for additional uses.

Mr. Riley called for public comment.

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

Ross Connor, 8923 SE Emily Parkway, Happy Valley, OR, stated that he is a principal real estate broker and has been a reference for the business owners on

how this will affect their properties. Mr. Connor acknowledged that it's evident that the owners want to continue to grow and operate. This overlay will facilitate the financing of new capital and jobs around the area. If this isn't zoned correctly, the prospect for growth will be severely limited. As a planning perspective, there is a lack of industrial land and rail in the Portland Metro area. Rail access is important and the overlay will facilitate this. In conclusion, TIG will continue to contribute to the City and the overlay is important. Mr. Riley asked if the owners currently use the rail line. Mr. Connor responded that they are not currently, but it can be advantageous in the future.

Hank Stukey, PO Box 3616, Portland, OR lives on Parrot Mountain and currently owns eleven plus acres near TIG. He employs 21 people out of the facility and all earn a family wage job. Mr. Stukey stated that they have been in limbo for several years since they were put in the FD 20 zoning pending future annexation in the City. When the SWCP was developed, it had gone from industrial zoning to more of a white glove Manufacturing Business Park. Mr. Stukey added that it makes their businesses non-conforming and difficult to grow and add jobs. They worked out the agreement with the City Council to support the SWCP providing the overlay will allow them to maintain and grow their businesses. Mr. Klingerman asked if the TIG started with these businesses or did they form the group. Mr. Stukey responded that the group formed in 2004 to be included in the Urban Growth Boundary and wanted to be a significant industrial area. Mr. Riley asked if the overlay is about the future operation of this business. Mr. Stuky responded that this allows their uses to be conforming under the SWCP and increase their opportunities.

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

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

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

prior to development and improvements. Annexation may precede development that requires improvements and brings up all the questions of infrastructure such as storm water, provisions, sewer, roads, and who's going to pay.

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

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

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

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

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

A. TSP: Discussion of Refinement Areas #2

Kaaren Hofmann, Engineering Manager, gave an overview on the Transportation System Plan (TSP) Refinement Areas, which included a PowerPoint presentation. Ms. Hofmann explained that the Planning Commission needs to weigh in on forwarding the options within the Refinement Areas to the Transportation Summit on September 20th for further public discussion.

Ms. Hofmann began by explaining the Goals and Objectives the Task Force recommended. The seven goals are:

- Access and Mobility
- Safety
- Vibrant Community
- Equity
- Economy

- Health/Environment
- Ability to be implemented

Ms. Hofmann added that there were questions about the costs of the projects. The 65th extension project is expected to cost \$39 million. The cost of widening Boones Ferry Road north of Martinazzi is projected at \$17 million.

From their July meeting, they looked at an option that:

- Constructs a two-land road connecting from Tualatin Road to Hall Blvd north of the river
- Widens Boones Ferry Road to five lanes between Martinazzi and Lower Boones Ferry
- Assumes extension of 65th Avenue

Ms. Hofmann then explained the benefits and impacts of these options. The result was the Technical Team did not offer a recommendation. Ultimately, this needs to be a community decision. The Task Force recommendation was: 7 greens (1 agency), 7 reds, and 1 yellow. Mr. Klingerman stated that Boones Ferry Road is already congested and if we widen it, it will get worse, bringing more traffic into the center of town

Ms. Hofmann asked the Commission members if they would like to move these recommendations to the Summit. MOTION by Aplin, SECONDED by Beers to pass along the recommendations. MOTION PASSED 3-2-2 (in favor Aplin, Beers, Riley; opposed DeHaan, Klingerman; abstaining Herriges, Grile).

The next topic was Refinement Area #5, Tualatin-Sherwood Road. The goal statement is to relieve congestion and improve safety for all modes. Option #1 included widening Tualatin-Sherwood Road to five lanes between Teton and Cipole. The road is currently five lanes east of Teton. Option #2 was to retain the three lane section. The Technical Team and the Task Force both recommended moving five-lane option forward to the Summit. MOTION by Aplin, SECONDED by Grile to move forward. MOTION PASSED 7-0.

The next topic Ms. Hofmann explained was Refinement Area #6, Boones Ferry Road. The goal statement was to reduce congestion and improve safety on Boones Ferry Road throughout Tualatin. It was broken up into the following three segments, with Ms. Hofmann detailing the options for each one:

- North of Martinazzi
- Through Downtown
- South of Warm Springs

The Technical Team's recommendation is to move forward with Segment A: five lanes; Segment B: three lanes; Segment C: three lanes. The Task Force recommendation is to move forward with: Segment A: five lanes; Segment B: three lanes with added improvements to the Martinazzi intersection; and Segment C: three

lanes with added bus pull-outs. Mr. Beers asked if the TSP 2035 fit together with Basalt Creek planning. Ms. Hofmann responded that the 2035 plan assumes the area is built out and is included in this. Ms. Hurd-Ravich added that in the Basalt Creek Refinement Plan, one of the options shows the connector will be five lanes at full build out, assuming growth in the area east of I-5.

MOTION by APLIN, SECONDED by BEERS to move forward with the Task Force recommendation. MOTION PASSED 7-0.

Ms. Hofmann continued to discuss Refinement Area #7, Downtown Connectivity. There were very few changes recommended to this area. Mr. Klingerman mentioned with the trains coming, you cannot turn left westbound on Tualatin Sherwood Road, and traffic backs up into downtown. Ms. Hofmann responded that she will examine that area. Mr. Klingerman inquired about the north/south corridor by the Kmart site and the possibility of putting a road or bridge to connect that area to street where Club Sports is currently located. Ms. Hofmann responded that there is a plan for a pedestrian bridge in that area. Ms. Hofmann added that an auto bridge over and under the lake were screened out. In conclusion, the Task Force recommendation was to forward to Summit: Intersection improvements at Tualatin-Sherwood Road and Boones Ferry Road and to remove the Pedestrian/Bike Bridge over the lake. MOTION by BEERS, SECONDED to DeHaan to move forward with the Task Force recommendation. MOTION PASSED 7-0.

The last topic on the PowerPoint presentation was to revisit Refinement Area #4, Herman Road and Tualatin Road. The Task Force recommendation was to forward to the Summit: Refined solution which includes a signal at Tualatin/Teton and improvements to Teton Avenue (center turn lanes, improvements to Tualatin-Sherwood Road/Teton Avenue) but does not include lowering the speed limit. MOTION by Aplin, SECONDED by Klingerman to accept the Task Force recommendation. MOTION PASSED 6-1 with Beers opposed.

The next steps in this process include packaging all the recommendations, conducting a traffic analysis of the system, and the Transportation Community Summit on September 20th.

B. Linking Tualatin: Receive Plan, Review and Provide Comment on Implementation Actions, and Formulate a Message about Transit and the SW Corridor.

Ms. Hurd-Ravich confirmed that we're currently on the last step of Linking Tualatin. This evening, we're going to present an overview of the Tualatin Conceptual Plan, review and comment on the implementation actions with modification proposed by the Task Force, and make a statement about linking public transit in Tualatin to the rest of the region.

Matt Hastie, a Consultant from Angelo Planning Group, presented the Linking

Tualatin Conceptual Plan which included a PowerPoint presentation. Mr. Hastie mentioned that we are going to focus on the implementation strategies and welcome the Commissioners comments.

Mr. Hastie began with the comments and potential changes from Council. These include:

- Clarify “adoption” process, impact on future land use decisions
- Ensure proposed land use changes don’t preclude other city priorities
- Concern about controversial areas
- Discuss site-specific ideas with property owners and others

Ms. Hurd-Ravich stated that some of the feedback we heard from the Council was that we need to conduct more outreach with the property owners. Also, the Southwest Corridor Plan is slowing down and will be completed by June, 2013. In November, we’ll take to Council the Linking Tualatin Transportation Plan, and recommended options. The second phase will be land use changes. Mr. Riley asked if we are one of the last cities to approve these projects. Mr. Hastie replied that Sherwood is still early in its process.

Mr. Hastie went on to discuss the Development Code Amendments Ideas in detail. The Task Force did not have anything to add, but they were in consensus. Mr. Klingerman stated that when this industrial area takes shape, putting in tools so people don’t have to go far to get what they need (stores, restaurants, etc) Mr. DeHaan added that this may drive density higher. Mr. Klingerman asked what the definition was of a Planned Unit Development. Mr. Hastie responded that it consists of broader mix of uses within the development and offers more flexibility. Mr. Klingerman asked about the possibility of another WES station between Wilsonville and Tualatin and possibly more rail freight traffic. Mr. Hastie responded that they have not discussed that topic in detail.

The next slide Mr. Hastie discussed was Other Land Use and Development Strategies. This includes working with property owners, employers and residents to better access their needs, consider different funding tools to pay for public facilities, and explore specific ideas with prospective buyers. The Task Force agreed with the strategies.

Mr. Hastie then discussed a few other land use and development strategies. These allow increased densities, density bonuses or transfers to create higher employment densities; improve communication and continuously review regulatory requirements related to permitting, review processes, development fees, and design standards; and promote state, regional or federal programs that provide tax incentives or subsidies. Mr. Klingerman stated that since doing business in Tualatin is such a long process, we can possibly lose future business opportunities. Mr. Herriges brought up issue of parking minimums and maximums. Mr. Hastie replied in some cases, reducing parking requirements may be required. Mr. Beers stated that we’re not giving many subsidies to the business owners and thinks we can do better. Mr.

DeHaan liked the idea of encouraging development in Tualatin and to add incentives.

The last slide Mr. Hastie discussed was Transit Services and Facilities. The needs have been identified and they'll be working on refining and prioritizing plans and locations. They will be coordinating with TriMet and Metro to advocate for the City's needs. Discussion continued with questions being asked and answered.

Ms. Hurd-Ravich asked the Commission members what message they would like to send to regional leaders:

Mr. Klingerman stated his fear was that may not accept the plan we give them and not accept the key components.

Mr. Beers acknowledged that it takes 90 minutes to get from Tualatin to Swan Island, where there are family-wage jobs, and that's unreasonable.

Mr. DeHaan stated that Oregon City has embraced the rail and want to be on the main line. Tualatin should also be promoting the WES.

Mr. Grile wanted to reduce the time needed to move within the region and locally via transit.

Mr. Aplin thought the value of a clear and easy to manipulate from a defined place around WES was important.

5. COMMUNICATION FROM CITY STAFF:

None

6 FUTURE ACTION ITEMS:

None.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Ms. Hurd-Ravich stated that there will be two TPC meetings in October. The regular TPC meeting will be held on October 2nd will cover Linking Tualatin. It will be held in the Council Chambers. The second meeting will be held October 16th in the Police Training Room and TSP will be the main topic.

Ms. Hurd-Ravich also mentioned that there is a Planning Commissioner Training being held on September 27th in Salem. If any of the Commission members would like to attend, please contact her.

8. ADJOURNMENT

MOTION by Klingerman, SECONDED by Riley to adjourn the meeting at 10:29 pm.
MOTION PASSED 7-0.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commission Members

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Colin Cortes, Assistant Planner

DATE: 10/02/2012

SUBJECT: An Ordinance Amending Medium Low Density Residential Planning District (RML) Conditional Uses; and Amending TDC 41.030 (PTA-12-04); Legislative

ISSUE BEFORE TPC:

The issue before the Tualatin Planning Commission (TPC) is consideration of Plan Text Amendment 12-04 that restores the original list of conditional uses to the code that were mistakenly overwritten. PTA-09-09 overwrote the conditional uses by accidentally duplicating the list of permitted uses. TDC 41.020 listed permitted uses within the Medium Low Density (RML) Planning District, while TDC 41.030 listed conditional uses within RML. This clerical error resulted in identical lists of permitted and conditional uses. PTA-12-04 restores the distinction between permitted and conditional uses.

RECOMMENDATION:

Staff recommends that TPC consider the staff report and supporting attachments, make a recommendation to the Council, and direct staff to prepare an ordinance granting approval of PTA-12-04.

EXECUTIVE SUMMARY:

The catalyst for this PTA is an anticipated application for a conditional use in RML: a small-lot subdivision (of the property at 9355 SW Stono Drive). Staff discussed the anticipated small lot subdivision and the larger context of the TDC clerical error during the August 14 Strategy Group meeting.

This matter is a land use action requiring a legislative public hearing: a Plan Text Amendment to the Tualatin Development Code (TDC). The applicant is the City.

The objectives of the amendment are to:

- Correct a TDC error
- Eliminate confusion about whether a use within RML is permitted or conditional
- Facilitate receipt of an anticipated application for a small-lot subdivision, which is a conditional use within RML

The goal is to eliminate TDC errors.

In 2010 PTA-09-09 amended listed conditional uses in the Low Density Residential (RL) Planning District (TDC 40) and the listed permitted uses in the RML Planning District (TDC 41). The adopted Ordinance 1317-10 did not intend change the RML list of conditional uses; the only intended revision of RML uses was to add “nursing facility” as a permitted use and specify the maximum density of such a use.

This PTA-12-04 is scheduled for the City Council hearing on October 22, 2012. If the Council approves this PTA, it would adopt the enabling ordinance during its next meeting on November 12, 2012.

The applicable local policies and regulations that apply to the amendment are in TDC Section 1.032 Amendments “Burden of Proof.” Before granting the proposed Plan Text Amendment, the City Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment C) examines the amendment. Because the amendment is a legislative action, the 120-day rule codified in Oregon Revised Statutes (ORS) 227.178(2) is not applicable.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

- The correct text of TDC 41.030 is restored
- Elimination of confusion about whether a use within RML is permitted or conditional
- Facilitation of receipt of an anticipated application for a small-lot subdivision, which is a conditional use within RML

Denial of the PTA request would result in the following:

- TDC 41.030 remains in error
- Confusion remains about whether a use within RML is permitted or conditional
- The City and the anticipated applicant for a small-lot subdivision, which is a conditional use within RML, likely debate whether the request should be processed as a permitted or conditional use
- The City and future applicants for any conditional use within RML likely debate whether a request should be processed as a permitted or conditional use

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the TPC are:

- Recommend the Council approve the proposed PTA with alterations.
- Recommend the Council deny the request for the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2012/13 budget accounts for the cost of City-initiated land use applications.

Attachments: A. Original TDC 41.020 & 41.030
 B. PTA-12-04 Draft Amending Text
 C. PTA-12-04 Analysis & Findings

Chapter 41

Medium Low Density Residential Planning District (RML)

Sections:

- 41.010 Purpose.
- 41.015 Permitted Density.
- 41.020 Permitted Uses.
- 41.030 Conditional Uses Permitted.
- 41.040 Lot Size for Permitted Uses.
- 41.050 Lot Size for Conditional Uses.
- 41.060 Setback Requirements for Permitted Uses.
- 41.070 Setback Requirements for Conditional Uses.
- 41.075 Setback Requirements Adjacent to the Norwood Expressway.
- 41.080 Projections Into Required Yards.
- 41.090 Structure Height.
- 41.100 Access.
- 41.110 Off-Street Parking and Loading.
- 41.120 Floodplain District.
- 41.130 Community Design Standards.
- 41.140 Landscape Standards.
- 41.150 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.
- 41.320 Density Transfer Project Savings Clause.

41.010 Purpose.

To provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas, except as otherwise provided in TDC 41.320. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 719-87 §1, passed May 11, 1987; Ord. 828-91 §3, passed March 25, 1991; Ord. 868-92 §4, passed May 11, 1992; Ord. 921-94 §3, passed April 25, 1994; Ord. 933-94 §18, passed Nov. 28, 1994; Ord. 956-96 §18, passed Jan. 8, 1996; Ord. 988-97 §5, passed Dec. 8, 1997; Ord. 1025-99 §2, passed Jul. 26, 1999.]

41.015 Permitted Density.

Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 41.150.

(2) The maximum density for single-wide manufactured dwelling parks or parts of parks used for single-wide units shall not exceed 12 dwelling units per net acre. The 80% minimum density shall be based on 10 dwelling units per net acre, not 12.

(3) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre. The 80% minimum density shall be based on 10 dwelling units per net acre, not 15. [Ord.

956-96 §19, passed Dec. 8, 1996. Amended by Ord. 1026-99 §29, passed Aug. 9, 1999.]

41.020 Permitted Uses.

No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:

(1) Townhouses and multi-family dwellings, including duplexes and triplexes.

(2) Condominiums constructed in accordance with TDC 40.030(2).

(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.

(4) Single family dwellings in a small lot subdivision.

(5) Greenways, and Natural Areas, including but not limited to bike and pedestrians paths and interpretive stations.

(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.

(7) Residential homes.

(8) Residential facilities.

(9) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump is-

lands of any automobile service station, irrespective of any structures in between.

(10) Sewer and water pump stations and pressure reading stations.

(11) Wireless communication facility attached, provided it is not on a single family dwelling or its accessory structures.

(12) Wireless communication facility located within 300 feet of the centerline of I-5.

(13) Accessory dwelling units in a small lot subdivision as provided in TDC 34.300 - 34.310.

(14) Transportation facilities and improvements. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 614-84 §3, passed Jan. 9, 1984; Ord. 824-91 §2, passed Feb. 11, 1991; Ord. 828-91 §4, passed March 25, 1991; Ord. 849-91 §12, passed Nov. 25, 1991; Ord. 866-92 §3, passed April 27, 1992; Ord. 885-93 §1, passed Feb. 8, 1993; Ord. 921-94 §4, passed April 25, 1994; Ord. 965-96 §10, passed Dec. 9, 1996; Ord. 979-97 §11, passed July 14, 1997; Ord. 988-97 §6, passed Dec. 8, 1997; Ord. 1025-99 §3, passed July 26, 1999; Ord. 1026-99 §30, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

41.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.

(1) A conditional use listed in TDC 40.030(4).

(2) Small-lot subdivisions conforming to the following:

(a) All subdivision improvements shall conform to TDC Chapter 36.

(b) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(c) The minimum lot area shall be 4,500 square feet.

(d) The minimum average lot width shall be 30 feet.

(e) The minimum lot width shall be 30 feet on a cul-de-sac street.

(f) The maximum building coverage shall be 45 percent.

(g) For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) - (12).

(3) Wireless communication facility, except within approved small lot subdivisions. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 614-84 §4, passed Jan. 9, 1984; Ord. 923-94 §4, passed May 9, 1994; Ord. 965-96 §11, passed Dec. 9, 1996; Ord. 1025-99 §4, passed July 26, 1999; Ord. 1026-99 §31, passed Aug. 9, 1999.]

PTA-12-04 ATTACHMENT B

DRAFT AMENDING TEXT

Added text is underlined while deleted text is in ~~strikethrough~~:

Section 41.030 Conditional Uses Permitted.

~~No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:~~

- ~~(1) Townhouses and multi-family dwellings, including duplexes and triplexes.~~
- ~~(2) Condominiums constructed in accordance with TDC 40.030(2).~~
- ~~(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.~~
- ~~(4) Single family dwellings in a small lot subdivision.~~
- ~~(5) Greenways, and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.~~
- ~~(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.~~
- ~~(7) Residential homes.~~
- ~~(8) Residential facilities.~~
- ~~(9) Nursing facility.~~
- ~~(10) Family day care provider, 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.~~
- ~~(11) Sewer and water pump stations and pressure reading stations.~~
- ~~(12) Wireless communication facility attached, provided it is not a single-family dwelling or its accessory structures.~~
- ~~(13) Wireless communication facility located within 300 feet of the centerline of I-5.~~
- ~~(14) Accessory dwelling units in a small lot subdivision as provided in TDC 34.300-34.310.~~
- ~~(15) Transportation facilities and improvements.~~

~~The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.~~

- ~~(1) A conditional use listed in TDC 40.030(4).~~
- ~~(2) Small-lot subdivisions conforming to the following:
 - ~~(a) All subdivision improvements shall conform to TDC Chapter 36.~~
 - ~~(b) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.~~
 - ~~(c) The minimum lot area shall be 4,500 square feet.~~
 - ~~(d) The minimum average lot width shall be 30 feet.~~
 - ~~(e) The minimum lot width shall be 30 feet on a cul-de-sac street.~~
 - ~~(f) The maximum building coverage shall be 45 percent.~~~~

(g) For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8)-(12).
(3) Wireless communication facility, except within approved small lot subdivisions.

PTA-12-04 ATTACHMENT C:

ANALYSIS & FINDINGS

In 2010 PTA-09-09 amended listed conditional uses in the Low Density Residential (RL) Planning District (TDC 40) and the listed permitted uses in the Medium Low Density Residential (RML) Planning District (TDC 41). The adopted Ordinance 1317-10 did not intend change the RML list of conditional uses; the only intended revision of RML uses was to add “nursing facility” as a permitted use and specify the maximum density of such a use.

PTA-12-04 corrects the clerical error by restoring the original list of conditional uses to the code that were mistakenly overwritten and thereby restores the distinction between permitted and conditional uses.

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

1. Granting the amendment is in the public interest.

This PTA corrects a clerical error. PTA-09-09 overwrote TDC 41.030 through accidental duplication of the text of TDC 41.020. TDC 41.020 listed permitted uses within the Medium Low Density (RML) Planning District, while TDC 41.030 listed conditional uses within RML. The error resulted in confusingly identical lists of permitted and conditional uses. This correction restores the distinction.

PTA-09-09 also addressed this criterion. This PTA-12-04 eliminates confusion about permitted and conditional uses among the City, potential developers, and the public and serves the objectives to:

- Correct a TDC error
- Eliminate confusion about whether a use within RML is permitted or conditional
- Facilitate receipt of an anticipated application for a small-lot subdivision (of the property at 9355 SW Stono Drive), which is a conditional use within RML

The amendment serves the goal of eliminating TDC errors.

For these reasons, granting the amendment is in the public interest.

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

PTA-09-09 also addressed this criterion by allowing for additional conditional uses that allow broader use of private property in the RML Planning District, such as a small-lot subdivision. This PTA-12-04 facilitates receipt of an anticipated

Attachment C

Analysis & Findings

application for a small-lot subdivision (of the property at 9355 SW Stono Drive), making it both needed and timely.

For these reasons, the public interest is best protected by granting the amendment at this time.

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

PTA-09-09 also addressed this criterion. Within the Tualatin Community Plan, which is the City comprehensive plan and Chapters 1-30 of the TDC, TDC 4.050 Community Growth Objective (6) states, "Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs."

The changes to the list of conditional uses allowed in residential planning districts was intended to minimize conflicts between residential development and non-residential uses that have an activity level, scale of building and facility and traffic impacts that are not suitable or appropriate for residential areas. PTA-09-09 conformed to TDC 4.050(6). This PTA-12-04 would not interfere with conformance.

For the reasons above, the proposed amendment conforms with the applicable objectives of the Tualatin Community Plan.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

As described under Criterion 1, this PTA corrects a clerical error.

This factor does not apply because this PTA-12-04 proposes no change to the permitted uses within the RML Planning District. Additionally, by their nature conditional uses are subject to review and approval based on the criteria within TDC 32.030, including the fourth criteria that, "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," which is similar to this factor. Therefore, the factor is consciously considered.

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

This factor does not apply because this PTA-12-04 proposes no change to the permitted uses within the RML Planning District. Additionally, by their nature conditional uses are subject to review and approval based on the criteria within TDC 32.030, including the second criteria that, "The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography,

existence of improvements and natural features,” which is similar to this factor. Therefore, the factor is consciously considered.

Trends in land improvement and development.

This factor does not apply because this PTA-12-04 proposes no change to the permitted uses within the RML Planning District. Additionally, by their nature conditional uses are subject to review and approval based on the criteria within TDC 32.030, including the third criteria that, “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,” which is similar to this factor. Therefore, the factor is consciously considered.

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

As described under Criterion 1, this PTA corrects a clerical error. PTA-09-09 also addressed this criterion by allowing for additional conditional uses that allow broader use of private property in the RML Planning District. This PTA-12-04 would not interfere with conformance. The factor is consciously considered.

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

As described under Criterion 1, this PTA corrects a clerical error. This factor directly applies to a Plan Map Amendment (PMA) or a PTA involving specific tax lots within a planning district. Because neither PTA-09-09 nor this PTA-12-04 address specific properties as a subset of the RML Planning District, the factor does not apply. The factor is consciously considered.

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

Neither PTA-09-09 nor this PTA-12-04 involved or involve any revisions affecting natural resources. Additionally, both the environmental overlays district such as the Natural Resource Protection Overlay (NRPO) in TDC 72 and Clean Water Services (CWS) regulations protect and conserve said resources regardless of planning district. This PTA-12-04 would not interfere with conformance. The factor is consciously considered.

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

Neither PTA-09-09 nor this PTA-12-04 involved or involve any revisions affecting natural resources. Additionally, both the environmental overlays district such as the Natural Resource Protection Overlay (NRPO) in TDC 72 and

Clean Water Services (CWS) regulations protect and conserve said resources regardless of planning district. This PTA-12-04 would not interfere with conformance. The factor is consciously considered.

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

Neither PTA-09-09 nor this PTA-12-04 involved or involve any revisions affecting health, safety, or aesthetics. TDC 73 Community Design Standards regulates said surroundings and conditions regardless of planning district. Additionally, the review and approval of a conditional use through TDC 32 allows the City to consider this factor and impose conditions as needed. This PTA-12-04 would not interfere with conformance. The factor is consciously considered.

Proof of change in a neighborhood or area

Because the City as the applicant does not assert proof of change in a neighborhood or area, the factor does not apply and is consciously considered.

Mistake in the Plan Text or Plan Map.

As described under Criterion 1, this PTA corrects a clerical error. This factor applies to this PTA-12-04 because the PTA corrects a mistake in the Tualatin Development Code, which incorporates the Tualatin Community Plan. The factor is consciously considered.

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

Because neither PTA-09-09 nor this PTA-12-04 affected or affects such a plan, the criterion does not apply.

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

Statewide Planning Goals 1 Citizen Involvement, 2 Land Use Planning, and 8 Recreational Needs applied to PTA-09-09, which did not interfere with conformance with them. Because this PTA-12-04 does not relate to or interfere with conformance with these goals, the criterion does not apply.

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

PTA-09-09 addressed this criterion through applicable Urban Growth Management

Functional Plan (UGMFP) Titles 1 and 7 by not interfering with the supply of affordable or market rate housing. Because this PTA-12-04 does not affect these supplies or other UGMFP titles, the criterion does not apply.

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

Because neither PTA-09-09 nor this PTA-12-04 affected or affects vehicle trip generation, the criterion does not apply.