



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, June 9, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman**

**Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux**

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 8380 SW Nyberg Street, and are also on file in the Office of the City Manager for public inspection. Any person who has any 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 (voice) or 503.692.0574 (TDD). 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” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

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. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

- 1. Council Recognition of Tualatin Youth Advisory Council
- 2. November 2008 Recreation Bond Measure Update – *Community 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 (Item Nos. 1 – 8)

Page #

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and the 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 "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

- 1. Resolution No. 4792-08 Authorizing Salary Schedules Adjustments, Salary Cost of5
Living Adjustments and Benefit Changes for the City's
Management and Confidential Staff for Fiscal Year 2008-09
- 2. Resolution No. 4793-08 Certifying City of Tualatin Municipal Services8
- 3. Resolution No. 4794-08 Accepting Public Improvements for Chilkat Meadows10
Subdivision
- 4. Resolution No. 4795-08 Accepting Public Improvements for Negru Estates12
- 5. Resolution No. 4796-08 Accepting Public Improvements for SW 103rd Avenue Half14
Street Improvements
- 6. Resolution No. 4797-08 Adopting a Citywide Records Request Policy and Rescinding16
Resolution No. 1773-86
- 7. Resolution No. 4798-08 Awarding Bid for the SW Killarney Lane Sanitary Sewer and22
Waterline Replacement
- 8. Resolution No. 4799-08 Approving an Amendment to the Intergovernmental Agreement25
between the City of Tualatin and Clean Water Services

E. PUBLIC HEARINGS – Legislative or Other

- 1. Ordinance Amending the Historic Landmark Demolition Criteria; Amending TDC38
Section 68.060(1) and (2) (PTA08-03)
- 2. Resolution No. 4800-08 Public Hearing on Proposed Supplemental Budget and Changes
to the Adopted 2007-08 Budget52
- 3. Resolution No. 4801-08 Public Hearing to Consider a Resolution Declaring the City's57
Election to Receive State Revenue Sharing Funds During
Fiscal Year 2008-09

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS (Item Nos. 1 - 6)

- 1. Authorizations for the 2008 Crawfish Festival 59
- 2. Update on I-5/99W Connector Alternatives Analysis Process 68
- 3. Resolution No. 4802-08 Approving a Development Agreement Between the City of..... 69
Tualatin and Bridgeport Apartments LLC
- 4. Ordinance No. 1261-08 Relating to Signs; Removing Freeway-Oriented Activity 110
Signs as Allowed Freestanding Signs; Amending
Nonconforming Sign Provisions; and Amending TDC 20.030,
31.060,35.200, 38.110 and 38.220 (PTA-08-01)
- 5. Ordinance No. 1262-08 Annexing Property Comprised of Approximately 1.4 Acres..... 128
Located at 8930 SW Norwood Road; and Withdrawing the
Property from the Washington County Enhanced Sheriff
Patrol District and the County Urban Road Maintenance
District (Tax Map 2S135D Tax Lot 107) (ANN-08-01)
- 6. Ordinance No. 1263-08 Applying the Institutional (IN) Planning District Designation 134
to Property Located at 8930 SW Norwood Road; and
Amending the Tualatin Community Plan Map 9-1 (PMA-08-02)

H. 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.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: June 9, 2008

PLEASE LIMIT TESTIMONY TO THREE MINUTES


PLEASE PRINT CLEARLY				AGENDA ITEM(S)	PROPOSER (if applicable)	OPPOSER (if applicable)
NAME	ADDRESS	REPRESENTING (if applicable)	AGENDA ITEM(S)			
WENDELL WECKERT	8700 SW Comanche Way					
Jim Bailey	8700 SW Seminole Trl					
KAREN JONES	8680 SW Seminole Trl					
Katie Bailey	8700 SW Seminole Trl					
Norm Parker	4891 Centurions L.O. Boy #7033	Historical Society		El		



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerley

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Nancy McDonald, Human Resources Director

DATE: June 9, 2008

SUBJECT: RESOLUTION AUTHORIZING SALARY SCHEDULES AND INDIVIDUAL SALARY COST OF LIVING ADJUSTMENTS AND BENEFIT CHANGES FOR THE CITY'S MANAGEMENT AND CONFIDENTIAL STAFF FOR FISCAL YEAR 2008-09

ISSUE BEFORE THE COUNCIL:

The City Council is to consider salary adjustments and benefit adjustments for all management and confidential staff.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution.

EXECUTIVE SUMMARY:

Section 1 of the Resolution proposes that the Non-Police Management Salary Schedules and each non-sworn individual employee's rate of pay for the City's Management and Confidential classifications be increased by 2.9%. This is comparable to the negotiated increase for the Tualatin Employees Association based on the Consumer Price Index. This increase will allow the City to maintain the appropriate pay distinction between non-sworn management and non-management employees.

Section 2 of the Resolution proposes that the Police Management Salary Schedule and each sworn management employee's rate of pay be increased by 4.1%. This is comparable to the negotiated increase for the Tualatin Police Officers Association based on the Consumer Price Index and a 1% market adjustment. This increase will allow the City to maintain the appropriate pay distinction between sworn police management and sworn police officers.

Section 3 of the Resolution would increase, by 10% the City's cap on health insurance premiums, with the balance of the premium beyond the City cap being paid by the employee.

FINANCIAL IMPLICATIONS:

Provisions of the salary schedule adjustment and the individual salary increases for management and confidential employees and the increase to the health insurance premium cap are incorporated in the FY 2008-09 budget.

Attachments: A. Resolution

RESOLUTION NO. 4792-08

RESOLUTION AUTHORIZING SALARY SCHEDULES
ADJUSTMENTS, SALARY COST OF LIVING ADJUSTMENTS AND
BENEFIT CHANGES FOR THE CITY'S MANAGEMENT AND
CONFIDENTIAL STAFF FOR FISCAL YEAR 2008-09

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

Section 1. Effective July 1, 2008, the Non-Police Management Salary Schedules shall be increased by a 2.9% cost of living allowance, and the pay rates for said employees shall be adjusted accordingly.

Section 2. Effective July 1, 2008, the Police Management Salary Schedules shall be increased by a 3.1% cost of living allowance and a 1% market adjustment, and the pay rates for sworn management employees shall be adjusted accordingly.

Section 3. Effective July 1, 2008 the City shall increase the employer's tiered contribution to health insurance premium costs by 10%. Management and Confidential staff will be offered a choice of providers, Regence Blue Cross or Kaiser for medical and Regence Blue Cross, Kaiser or Willamette for dental options. Any amount exceeding the employer's contribution will vary depending upon individual selection and are the responsibility of the employee.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

BY _____

Mayor

ATTEST:

BY _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerley

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Donald A. Hudson, Finance Director *[Signature]*

DATE: June 9, 2008

SUBJECT: RESOLUTION CERTIFYING CITY OF TUALATIN
MUNICIPAL SERVICES

ISSUE BEFORE THE COUNCIL:

To be eligible to receive state-shared revenues (cigarette, liquor and highway taxes), the City must certify it provides four or more of certain municipal services.

RECOMMENDATION:

Staff recommends that Council adopt the attached Resolution certifying City of Tualatin municipal services.

EXECUTIVE SUMMARY:

The State requires that cities located in a county having more than 100,000 inhabitants according to the most recent decennial census, must provide four or more of certain municipal services to receive state-shared revenues. The City provides six of the seven municipal services.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state-shared revenues. If the Council does not approve the Resolution, the City will not receive state-shared revenues and we will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

It is estimated, and budgeted, that the City will receive \$45,000 in Cigarette Taxes and \$319,847 in Liquor Taxes in the General Fund and \$1,134,690 in State Gas Taxes in the Road Operating/Gas Tax Fund.

Attachments: A. Resolution

RESOLUTION NO. 4793-08

RESOLUTION CERTIFYING CITY OF TUALATIN MUNICIPAL SERVICES

WHEREAS ORS 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police Protection
2. Fire Protection
3. Street Construction, Maintenance and Lighting
4. Sanitary Sewers
5. Storm Sewers
6. Planning, Zoning and Subdivision Control
7. Water Utility Services; and

WHEREAS the City Officials recognize the desirability of assisting the State officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that the City of Tualatin hereby certifies that it provides the following four or more services enumerated in Section 1, ORS 221,760:

1. Police Protection
2. Street Construction, Maintenance and Lighting
3. Sanitary Sewers
4. Storm Sewers
5. Planning, Zoning and Subdivision Control
6. Water Utility Services; and

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved by Tualatin City Council
Date June 9, 2008
Recording Secretary G. Kealey

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Michael Darby, Engineering Tech II *MD*

DATE: June 9, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR CHILKAT MEADOW SUBDIVISION

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with the Chilkat Meadow Subdivision located at 22455 SW Boones Ferry Road.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed as part of Chilkat Meadow Subdivision (SB 05-09).

The improvements constructed were installation of complete subdivision improvements. These were done as required by Chilkat Meadow Subdivision (SB 05-09); and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

Attachments: A. Resolution

RESOLUTION NO. 4794-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED IN ASSOCIATION WITH CHILKAT MEADOW
SUBDIVISION

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Spectrum Development, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 06-16 to install all public improvements in association with Chilkat Meadow Subdivision, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Notice of Decision issued on April 19, 2006; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

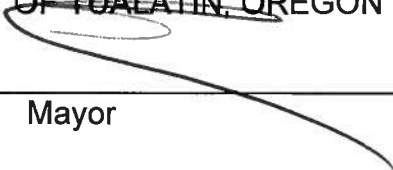
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

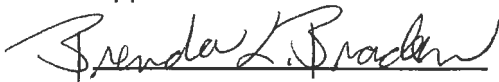
CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST

By  _____
City Recorder

Approved as to Form:

 _____



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Jon L. Sparks, Engineering Technician II *JLSparks*

DATE: June 9, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR NEGRU ESTATES

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with Negru Estates, located at SW 96th Drive.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed as part of Negru Estates.

The improvements were done as required by the Public Facilities Decision issued on April 4, 2007, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

M:/STAFF REPORTS/PI Negru Estates

Attachments: A. Resolution

RESOLUTION NO. 4795-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR NEGRU ESTATES

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued A-Mark Construction, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 07-11 to construct the street improvements on SW 96th Drive including retaining wall, waterline, sanitary sewer, asphalt concrete pavement, crosswalk street stamping, and concrete curb, gutter and sidewalk in association with Negru Estates, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Facilities Decision issued on April 4, 2007; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

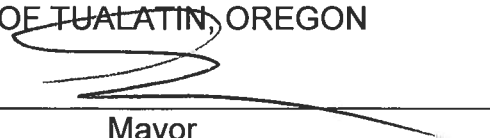
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

By  _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Jon L. Sparks, Engineering Technician II *JLSparks*

DATE: June 9, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR SW 103rd AVENUE HALF STREET IMPROVEMENTS

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with SW 103rd Avenue Half Street Improvements, located at 22385 SW 103rd Avenue.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed as part of SW 103rd Avenue Half Street Improvements.

The improvements were done as required by the Public Facilities Decision issued on March 14, 2005, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

M:/STAFF REPORTS/PI 103rd Half Street

Attachments: A. Resolution

RESOLUTION NO. 4796-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR SW 103rd AVENUE HALF STREET
IMPROVEMENTS

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued A-Mark Construction, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 06-11 to construct the half street improvements on SW 103rd Avenue including asphalt concrete pavement, concrete curb, gutter and sidewalk in association with a residence at 22385 SW 103rd Avenue, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Facilities Decision issued on March 14, 2005; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST


By  _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerby

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager 
DATE: June 9, 2008
SUBJECT: RESOLUTION ADOPTING A CITYWIDE RECORDS REQUEST POLICY AND RESCINDING RESOLUTION NO. 1773-86

ISSUE BEFORE THE COUNCIL:

Adopt an updated policy addressing the procedure for records requests of non-exempt records and to be in compliance with Oregon Public Records Law, ORS 192.410-505.

RECOMMENDATION:

Adopt a Resolution adopting a citywide records request policy and publish a formal public records request form, and repeal Resolution No. 1773-86.

EXECUTIVE SUMMARY:

Oregon Public Records Law, ORS 192.410-505 requires the custodian of public records to adopt procedures for complying with the statutes. Tualatin's procedures were adopted by resolution in 1986. The procedures need to be updated to comply with recent changes in the law.

FINANCIAL IMPLICATIONS:

Costs accrued by city staff associated with records requests, will be reimbursed by the requestor per ORS 192.440.

DISCUSSION:

- On April 14, 2008, the City Council approved Resolution No. 4775-08 adopting a revised Public Records Fee Schedule, which included changes to the fee requests for public records.
- The City has a resolution providing procedures for requests of records, but it has not been updated since 1986.
- In January, 2008, SB 554 was enacted which modified the Oregon Public Records Law represented in the Oregon Revised Statutes (ORS) 192.410-505. The Senate Bill requires cities to publish a written records request policy, stating the name or names of persons requests must be submitted to, fees associated with the request, manner of fee calculations, and staff must provide a written response to requests

with at least *one* of the following:

- Copies of the requested records;
- A request from the public body clarifying the request;
- A statement that the public body is not in possession of the requested records;
- A statement that the public body is in possession of at least some of the requested records, the amount of time the public body needs before the records will be available to the requestor, and a cost estimate for providing the records;
- A statement that the public body is uncertain if it is in possession of the records and the amount of time the public body needs to search for records; or
- A statement that the public records are exempted from public disclosure under state and federal laws.

Attachments: A. Resolution

RESOLUTION NO. 4797-08

RESOLUTION UPDATING PROCEDURES FOR REQUESTS,
INSPECTION AND COPYING OF CITY PUBLIC RECORDS;
PRESCRIBING FEES; AND RESCINDING RESOLUTION NO. 1773-86

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

Section 1. Right to Inspect Public Records

Every person has the right to inspect any non-exempt public record held by a public body, as provided in ORS 192.420. Request for such records must be made under the Oregon Public Records Law and in accordance with this Resolution.

Section 2. Written Requests for Public Records.

A person shall submit requests for inspection and/or copies of public records in writing, on a form prescribed by the City, or by sufficient email or facsimile, for the City to make an appropriate response.

Section 3. Procedure.

1. Written requests for inspection or copies of City records shall be submitted to the City Recorder for response.
2. Upon receipt, staff will date stamp the request.
3. Request for public records shall include the following:
 - a. The name, address, and signature of the person making the request or the authorized representative.
 - b. A statement sufficiently clear and specific to allow staff to determine the nature, content and department where such record may be located. If the requester knows the approximate dates during which the documents would have been created or the subject matter discussed, the approximate dates.
4. The City Recorder or designee shall review the request to determine whether the records are releasable. If the request is vague or unclear, the City Recorder or designee may ask the requester to clarify the request.

5. If the City Recorder denies or refuses a request to produce the records, he or she shall advise the requestor in writing of one of the following:
 - a. A statement that the public body is not in possession of the requested records;
 - b. A statement that the public body is in possession of at least some of the requested records, the amount of time the public body needs before the records will be available to the requestor, and a cost estimate for providing the records;
 - c. A statement that the public body is uncertain if it is in possession of the records and the amount of time the public body needs to search for records; or
 - d. A statement that the records are exempt from public disclosure under state and federal laws.
6. Staff will advise the person making the request that the public records will not be released without the requesting party paying the prescribed fee for such services. If the fee will exceed \$25, staff shall so advise the requester in writing of the cost estimate and proceed with producing the record(s) only upon confirmation that the requester wishes to proceed.
7. When the City refuses to produce the requested records in accordance with the exemptions in the Public Records Act, ORS 192.410 et seq., the City shall prepare a written response and mail it to the requesting party. In the discretion of the City Recorder a copy of this written response may be provided to other interested parties, besides the requesting party.
8. The City shall respond to the request for records within a reasonable time.

Section 4. Inspection of Records

A person making a public records request may personally inspect the requested public records, but the right to inspect records does not include access to file cabinets or the right to disassemble or change records. Original records may not leave the custody of the City. A staff member must be present while any records are inspected to ensure protection of the records.

Inspection of records will occur during regular City business hours, by appointment, to avoid disruption of current and ongoing matters of City business. All records shall be inspected at the City of Tualatin offices.

Section 5. Payment of Fees.

1. Except as otherwise provided by these rules or the Public Records Act, the City shall not release public records for inspection or as copies to members of the public unless provision is made for the payment of prescribed fees.
2. Prior to making disclosures, the City may require that the person making the request reimburse the City for the costs incurred by it in complying with the request. These costs include, but are not limited to personnel costs, reproduction costs and travel time. The following charges shall be deemed reasonable costs:
 - a. Personnel costs, per quarter hour for searching, locating and, where requested, preparing copies of records.
 - b. Photographs, films, audio tapes, reader and printer reproduction costs and other materials shall be reimbursed at actual costs to be determined by the City Recorder in the particular instance.
 - c. Travel expenses plus other actual costs, necessary to transport personnel to locate and retrieve the information required or requested and to convey the required or requested material to the place of examination.
 - d. The City shall not require reimbursement under this section for costs incurred by the City when an employee of the City, in the employee's role as custodian of the records is a witness in a trial or other court proceeding. When the City is a party to a court proceeding and a request for copies of public records is made by another party or representative of another party to such proceeding in the course of discovery, then the cost to be charged for providing such copies shall be limited to those indicated in 2b. of this Section.

Section 6. Standards for Release of Records.

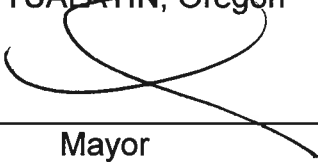
City records shall be released only under the following conditions:

1. The records are "public" records.
2. The records are not exempt from disclosure under ORS 192.410-192.505, or other law exempting such record.
3. When it is unclear whether a particular record is releasable, the matter shall be referred to the City Attorney for advice.

Section 7. Resolution No.1773-86 is rescinded.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

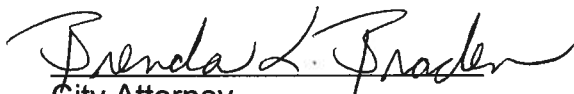
CITY OF TUALATIN, Oregon

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

Approved as to form:



City Attorney



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerley

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *sl*

FROM: Michael A McKillip, City Engineer *mmck*
Kaaren Hofmann, Civil Engineer *kaaren*

DATE: June 9, 2008

SUBJECT: RESOLUTION AWARDING BID FOR THE SW KILLARNEY LANE
SANITARY SEWER AND WATERLINE REPLACEMENT

ISSUE BEFORE THE COUNCIL:

Awarding the SW Killarney Lane Sanitary Sewer and Waterline Replacement project to Camrock Excavation, Inc.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution awarding the SW Killarney Lane Sanitary Sewer and Waterline Replacement project and authorizing the Mayor to execute a contract with Camrock Excavation, Inc. in the amount of \$890,167.32.

EXECUTIVE SUMMARY:

- The budget contains a project to construct a sanitary sewer line and water line replacement in SW Killarney Lane. This sewer line will provide City sanitary sewer to 33 houses, resulting in removal of septic tanks. The old asbestos cement water line will be replaced with a new ductile iron line.
- The Invitation to Bid was published in the Daily Journal of Commerce on May 6, 14 and 20, 2008.
- The bids for this project were opened on Wednesday, May 28, 2008 at 2:00 p.m. four bidders responded as follows:

Camrock Excavation, Inc.	\$ 890,167.32
Emery & Sons	\$1,016,912.00
Eagle – Elsner	\$1,077,707.00
Dunn Construction	\$1,185,689.00

- The Engineer's Estimate for the work was \$966,696.70.
- The lowest responsible bidder is Camrock Excavation, Inc. at \$ 890,167.32.

OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. Construction of the proposed project will provide the following:
 - a. Thirty-three septic tanks will be decommissioned and houses converted to public sanitary sewer.
 - b. This project will also replace the existing AC water pipe in SW Killarney Lane.

Not awarding the contract will result in the following:

1. All work on the project will stop.

FINANCIAL IMPLICATIONS:

Funds are available for this project in the Water & Sewer Operating Funds.

Attachments: A. Resolution

RESOLUTION NO. 4798-08

RESOLUTION AWARDING BID FOR THE SW KILLARNEY LANE
SANITARY SEWER AND WATERLINE REPLACEMENT

WHEREAS the project was advertised in the *Daily Journal of Commerce* on May 6, 14, and 20, 2008; and

WHEREAS four proposals were received prior to the close of the bid period on May 28, 2008; and

WHEREAS Camrock Excavation, Inc. submitted the lowest responsible bid for the project in the amount of \$ 890,167.32; and

WHEREAS there are funds available for this project in the Water and Sewer Operating Funds.

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

Section 1. The contract is awarded to Camrock Excavation, Inc.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Camrock Excavation, Inc. in the amount of \$ 890,167.32.

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 9th day of June 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By 
City Recorder



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kerby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*

DATE: June 9, 2008

SUBJECT: RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF TUALATIN AND CLEAN WATER SERVICES

ISSUE BEFORE THE COUNCIL:

Consideration of an amendment to the current Intergovernmental Agreement (IGA) between Clean Water Services (CWS) and the City of Tualatin. This amendment is necessary due to the following: 1) CWS desire to provide services in the most efficient manner; 2) CWS need for better accountability from the cities for provision of services; and 3) the cities need for more funds to provide local services.

RECOMMENDATION:

Staff recommends Council adopt the attached resolution authorizing the Mayor and City Recorder to sign the attached amendment to the CWS/City of Tualatin IGA.

EXECUTIVE SUMMARY:

The City of Tualatin, along with the cities of Sherwood, Tigard, Beaverton, Hillsboro, Cornelius, and Forest Grove and CWS have spent the last two years working on an amendment to the IGA for provisions of sanitary sewer and surface water management services inside the CWS service area.

This amendment is necessary to achieve the following:

1. Effectively anticipate and meet regulatory requirements.
2. Optimize service delivery to customers.
3. Manage overall capital and operating costs.
4. Maintain consistency between urban incorporated and unincorporated areas.
5. Promote strong communities, enhance City identities and economic vitality.

There have been several working groups involved in this process. City Managers, City Engineers, Operations Directors, and Finance Directors have all been working on this project. All are in agreement that the proposed amendment is what needs to be adopted to allow this process to move forward and improve the provision of sanitary sewer and surface water management in the CWS service area.

All of the participating jurisdictions have indicated that they are supporting these changes.

OUTCOMES OF DECISION:

If Council approves this IGA amendment Tualatin will remain the local service provider for sanitary sewer service in Tualatin. Tualatin will begin setting local rates for monthly service and system development charges for sanitary sewer service in Tualatin.

If Council does not approve this IGA amendment CWS may begin the process of becoming the local service provider in Tualatin.

FINANCIAL IMPLICATIONS:

In the future this IGA amendment will provide financial stability for Tualatin by having Tualatin set the rates for local service and having CWS be responsible for funding of large capital improvement projects.

Attachments: A. Resolution
B. Amendment to IGA

RESOLUTION NO. 4799-08

A RESOLUTION AUTHORIZING THE MAYOR AND CITY
RECORDER TO SIGN AN AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
TUALATIN AND CLEAN WATER SERVICES

WHEREAS the City adopted Resolution No. 4250-04 on June 28, 2004, that authorized an amendment to the Intergovernmental Agreement (IGA) with Clean Water Services (CWS); and

WHEREAS Section 8 of said IGA allows the agreement to be amended upon approval of the governing bodies of both parties; and

WHEREAS the attached amendment will clarify responsibilities and increase coordination between CWS and the City.

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

Section 1. The Mayor and City Recorder be authorized to sign the attached amendment to the IGA with CWS.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN

By _____

Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By _____

City Recorder

AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT BETWEEN CITY OF TUALATIN AND
CLEAN WATER SERVICES

THIS AMENDMENT is made and entered into as of the _____ day of _____, 2008, between the **City of Tualatin**, a municipal corporation of the State of Oregon, hereinafter referred to as "City," and **Clean Water Services**, a municipal corporation and county service district, hereinafter referred to as the "District."

WHEREAS City and District entered into an Intergovernmental agreement (IGA) on January 4, 2005 for the operation of sanitary sewer and surface water facilities; and

WHEREAS Section 7 of that IGA allows the agreement to be amended upon approval of the governing bodies of both parties; and

WHEREAS that IGA is now in need of amendment.

NOW, THEREFORE, it is agreed that the IGA be amended as follows:

1. In the recitals, Revise the second "Whereas" statement to read:

WHEREAS as a county service district organized under ORS 451, the District has the legal authority for the sanitary sewerage and storm water (surface water) management programs within its boundaries consistent with relevant laws, rules and agreements. The District performs watershed, sub-basin and facility planning, develops standards and work programs, is the permit holder, and operates and maintains wastewater treatment facilities, ~~surface water collection system and the public~~ sanitary sewer conveyance systems, and the public surface water collection systems within ~~unincorporated areas and within certain cities within its~~ boundaries. ~~The District also performs various ancillary functions throughout the basin and within various cities;~~ and

2. In Section 1, Definitions, add the following new definitions, number them alphabetically, and renumber the existing definitions:
 - A. Local Program – The elements of the work program that are available for the City to perform.
 - B. District Wide Program – The elements of the work program that are performed exclusively by the District in all areas within the District's boundary.
 - C. Roadside Facilities include all of the following stormwater facilities within road rights of way:

1. Roadside Ditches and Swales are man-made ditches on one or both sides of roadways, within the road right-of-way and generally intended for the collection and conveyance of storm and surface water runoff from the road.
2. Driveway Culverts are short pipes passing under driveways connecting two sections of roadside ditch.
3. Roadside Ditch Cross Piping is the piping system connecting a roadside ditch or roadside piping system on one side of the road to a roadside ditch or roadside piping system on the other side of the road, and being at the grade of the roadside ditches or piping systems.
4. Roadside Piping Systems are shallow pipes and inlets on one or both sides of a road, which are generally at a similar grade as typical roadside ditches, and generally lack manholes.

3. Revise Section 2 to read:

“Section 2. Determination of Programs, Rules, Policies and Standards

The District is responsible for the management and operation of the **public** sanitary sewer and storm and **public** surface water systems within its boundary, and is the designated permittee who shall obtain and enforce timely compliance with relevant Federal and delegated State Clean Water Act permits for treatment plants, collection systems, and stormwater. The District, after considering input from the cities, shall adopt orders, standards, specifications, work programs, **reporting requirements**, and performance criteria for the proper and effective operation of the sanitary sewer and storm and surface water systems and to comply with State and Federal permits, laws and regulations. In addition, the District, after considering input from the cities, shall have the authority to make changes to its orders, work programs, **reporting requirements**, and performance Standards. Any such changes to work programs, **reporting requirements**, and performance standards that the Board determines are **necessary to meet or are** required by state and/or federal permits or regulations will become effective 90 days from the date of notice to City by District or as mutually agreed to. Any changes to work programs, **reporting requirements**, and performance standards, not required by state and/or federal permits and regulations, shall be mutually agreed to by the District and City before they become effective. Proposed changes not required by state and/or federal permits and regulations should be communicated between the District and the City in or before December of the year before they are to be implemented to allow District and City to budget appropriately for the following fiscal year.

A. City agrees to follow and enforce the Orders, Standards, specifications, work programs, **reporting requirements**, and performance criteria promulgated by the District, subject, however, ~~to program funding and~~ to the extent that City may be lawfully authorized to act. The City shall not be responsible for any failure to act or defect in performance caused by ~~lack of adequate program funding~~, inadequacies in the Work Program and Performance Standards as adopted by the District, or lack of lawful authority to act. ~~Lack of adequate~~

~~funding from the District and~~ Compliance with the Work Program and Performance Standards as adopted by the District shall be absolute defenses to any claim against the City under this Agreement. City further agrees to notify District of apparent violations of the subject Orders, Standards, specifications, work programs, and performance criteria, of which it has knowledge, which may require District legal action or enforcement.

4. Revise Section 3.A.1 to read:

The purpose of this agreement is to delegate to and contract with the City to perform specific ~~functions~~portions of the Local Program. The responsibilities of the District and City are defined in this Section and Appendix A. Exhibit A is a map showing boundaries of responsibility between the District and City and is hereby made a part of Appendix A and incorporated into this agreement.

5. Revise Section 3.B.2 to read:

Responsibilities defined in this Section and Appendix A may be modified by the District Board after receiving input from the City and determining the change is necessary to ~~meet or~~ comply with State or Federal permits, laws or regulations. The District Board shall not reduce the total scope of City responsibilities without consent of the City unless there is a change in the program or funding requiring the reduction, or unless the Board determines the City has failed to correct identified instances of nonperformance related to the adopted standards that are necessary to ~~meet or~~ comply with state or federal permits, laws or regulations. ~~The District Board may adopt procedures regarding determination of nonperformance.~~

6. Revise Section 3.B.3 to read:

Upon reasonable notice from City to District, District shall assume responsibility for any portion of the Local Program defined in this Section and Appendix A. Reasonable notice shall be at least 6 months, unless agreed to in writing by the District and City. Corresponding adjustments to the revenue allocation shall be made to reflect the change in responsibility upon implementation of such changes. City shall be responsible for correcting or paying to have corrected any deficiencies in the system resulting from non-performance of the programs under its responsibility, ~~subject, however, to funding availability.~~ For any Local Program activity the City previously elected to be performed by the District, the City may at any time request that activity be transferred back to being a City responsibility by following the procedures in Section 3.B.1 above. The District shall approve the request unless the District determined the City can not provide a reasonably equivalent level of overall efficiency. The date of the transfer of responsibility shall be as mutually agreed to, or in no case longer than one year from the date of the request.

7. Revise Section 3.C.2 to read:

Require persons who are proposing 'development', as defined in the District's Design and Construction Standards Resolution and Order, to obtain a Service Provider Letter from the

District. City shall not issue a stormwater connection permit without verification that the District has issued a Service Provider Letter.

8. Revise Section 3.C.6 to read:

Inform the District in writing not less than 30 days prior to initiating or entering into any agreement for the financing or incurring of indebtedness relating to the storm and surface water system or the sanitary sewerage system. Revenues ~~allocated by the District to the City defined in Section 4 of this agreement~~ for the performance of functions identified in Appendix A are considered restricted, and may only be used to perform those functions (including reasonable administration and security for bonds) delegated to the City for such things as operation and maintenance of the sanitary or storm and surface water system. City shall not obligate any assets or facilities of the District's sanitary or storm and surface water system for any debt. For purposes of debt funding, the District's asset schedule for storm and surface water and sanitary sewer facilities shall be the basis for determining ownership within City boundaries. In general, sanitary sewer lines 24" and over are the property of the District regardless of location, as are sanitary treatment plants and pump stations, and storm and surface water quality and quantity facilities that are one acre or greater in surface area.

9. Revise Section 4 to read:

Section 4. Determination of Monthly Service Charge Rates and System Development Charges; and Division of Revenue; Operating Procedures and Rules Relating to Revenue and Reporting

~~A. After consultation between City and district staff, the District Board shall determine and certify annually for both the sanitary sewerage system and for the storm and surface water system the monthly service charge and system development charge. The City agrees to impose these charges as a minimum. The City may impose additional charges as allowed in Section 4.E.4.~~

~~B. After consultation between City and district staff, the District Board shall determine and certify annually for both the sanitary sewerage system and for the storm and surface water system the portion of the monthly service charge and system development charge to be retained by the City for performance of the functions defined in this Agreement and for the City's share of annual debt service payment. Except as provided in Section 4.D, District shall notify City by the September preceding the start of the next Fiscal Year of any proposed decrease in the monthly service charge and system development charge to be retained by the City and any other proposed changes that could affect the City's 5-Year Sanitary Sewer or Stormwater Financial Forecast Plans.~~

~~C. The District Board shall not implement any significant change in the division of monthly service charge revenue from that shown in the Rates and Charges Resolution and Order No. 01-34 effective Fiscal Year 2001/2002 until July 1, 2004 with the following exceptions:~~

- ~~1. The Board may make routine principal and interest adjustments for debt service repayment.~~
- ~~2. The Board may make adjustments in response to significant increases or decreases in program responsibilities~~

A. Setting of Rates and Charges

1. After consultation between City and District staff, the District Board shall determine and certify for the Storm and Sanitary Sewer programs:
 - a. District Wide System Development Charges that apply in all areas within the District boundary.
 - b. Local System Development Charges that apply to areas outside of the City Limits.
 - c. District Wide Monthly Service Charge Rates that apply in all areas within the District boundary.
 - d. Monthly Service Charge Rates for the Local Program that apply to the areas outside the City limits.
 - e. Funding levels for elements of the Local Program performed by the District within the City's Area of Geographic Responsibility.
 - f. Funding levels for elements of the Local Program performed by the District within the City Limits but outside of the City's Area of Geographic Responsibility.
 - g. Funding levels for elements of the Local Program performed by the City outside of the City Limits but inside the City's Area of Geographic Responsibility.
 - h. Funding levels for elements of the Local Program performed by the District within the City Limits but outside of the City's Area of Geographic Responsibility where the City identifies a higher level of service than in the District's adopted standards.
 - i. Elements within items "e" through "h" of this subsection may be expressed in terms of monthly service charge rates or rates per unit of facility.
2. The City shall set for the Storm and Sanitary Sewer programs:
 - a. Local System Development Charges that apply to areas inside the City Limits.
 - b. Monthly Service Charge Rates for the Local Program that apply to the areas inside the City Limits.

B. Collection of Rates and Charges as set in Section A above

1. The District shall collect for both the Storm and Sanitary Sewer programs:
 - a. System Development Charges in areas where the District issues connection permits.
 - b. Local and District Wide Monthly Service Charges in areas where the District provides the billing function.
2. The City shall collect for both the Storm and Sanitary Sewer programs:

- a. Local and District Wide System Development Charges in areas where the City issues connection permits.
- b. The Monthly Service Charges for the District Wide Rate and the Local Rate in areas where the City provides the billing function.

C. Transfer and Remittance of Funds

1. The District shall transfer to the City the portion of the Storm and Sanitary Sewer revenue from the Local Rate collected for the elements of the Local Program performed by the City in areas that are inside the City's Area of Geographic Responsibility, but where the District does the billing.
2. The City shall transfer to the District for the Storm and Sanitary Sewer Programs:
 - a. Revenue from the District Wide System Development Charges collected by the City.
 - b. Revenue from the District Wide Monthly Service Charge Rate collected by the City.
 - c. The portion of the revenue from fees and the Local Monthly Service Charge rate for the elements of the Local Program performed by the District within the City Limits and within the City's Area of Geographic Responsibility.
 - d. The portion of the revenue from fees and the Local Monthly Service Charge rate for the elements of the Local Program performed by the District within the City Limits but outside the City's Area of Geographic Responsibility.
 - e. Funds for performance of elements of the work program by the District within the City Limits but outside the City's Area of Geographic Responsibility where the City has identified a higher level of service than in the adopted District standards.

~~D. Changes in the division of revenue will typically be made as a part of the annual Fiscal Year budget process. However, the division of revenue may be adjusted by the District to recognize changes in responsibilities that occur outside the normal budget cycle after coordination and communication with the Cities. Any such mid-year changes in the division of revenue initiated by the District Board shall only be implemented when the Board determines such a change is necessary to comply with State or Federal permits, laws or regulations. If there is a mid-year change in responsibilities, which the District determines to be significant, the District Board may, upon 60 days notice to City, adjust the division of revenue outside of the annual budget process. Determination by the District of the items in Section 4.A.1 will typically be made as a part of the annual Fiscal Year budget process. However, these rates and funding levels may be adjusted by the District to recognize changes that occur outside the normal budget cycle after coordination and communication with the Cities. Any such mid-year changes initiated by the District Board shall only be implemented when the Board determines such a change is necessary to comply with State or Federal permits, laws or regulations, or that are due to changes in responsibility.~~

E. Operating Procedures Relating to Revenue

- ~~1. City shall remit to the District the portion of sanitary sewer service charges and systems development charges collected, and storm and surface water service charges and systems development charges collected, less the City Portion, as identified in Section 4.B.~~
1. Payments shall be remitted on a monthly basis, with a report on District designated forms.
2. Payments ~~to the District~~ of revenue collected by the billing party shall be due within 20 days following the end of each month, unless the payment has been appealed by the billing party.
3. City may charge and collect a **Local Monthly Service Charge** or System Development Charge at a higher rate per DUE and ESU than that set by the District when the City determines it is needed for the **Local City Program elements performed by the City system.** ~~The City shall retain 100% of these additional revenues collected.~~ Such additional charge shall be consistent with the services provided by City and with applicable federal rules in order to preserve eligibility for grants and other funding programs.
- ~~4. City may request District to perform permit and inspection services for private development construction of public storm and surface water facilities and sanitary sewer facilities, and for erosion control. City shall remit to the District the fee set forth in District's Rates and Charges to compensate District for its costs for such services performed relative to these fees, as prescribed by District Order or separate agreement with City.~~
4. For Industrial Waste fees, District shall remit to City **5 percent a percentage** of system development charges, **and 15 percent of the volume**, and monthly service charges collected ~~within the City's Area of Responsibility equal to the percentages of service charges retained by the City as defined in Section 4.B.~~ District shall retain one hundred percent (100%) of the annual Industrial Waste permit fee, and any penalty fees, COD, SS (as those terms are defined in the Rates and Charges) and other fees related to Industrial Waste that may be assessed.
- 5.. City will institute administrative procedures to diligently maintain regular billings and collection of fees, adjust complaints thereto, and pursue delinquency follow-ups and take reasonable steps for collection thereof.
6. City and District shall each establish separate accounts for the storm and surface water program and sanitary sewerage program for the purpose of accounting for

service charges and systems development charges collected and received pursuant to this agreement.

7. District or City may at any reasonable time upon reasonable notice inspect and audit the books and records of the other with respect to matters within the purview of this Agreement.
8. City and District shall each prepare and submit to each other a performance report of the storm and surface water functions, and the sanitary sewer functions for which each is responsible. After consultation with the City, District will specify the requirements, frequency, and content of the performance report.
9. The City and District may, each at its own cost, install permanent and temporary volume and quality monitoring stations, and other monitoring equipment, to determine the effectiveness of City and District programs.
10. Interest shall accrue on late monthly payments as specified in Section 4.~~CE-1~~ at a rate of 1.25 times the monthly Local Government Investment Pool (LGIP) earnings rate as posted for the previous month, and will be applied each month to the unpaid balance.
11. The City and District will form a CIP Review Committee along with representatives from other Cities within the District's boundary for the purpose of recommending the prioritization and funding of sanitary sewer and Stormwater collection system projects. Board will adopt the CIP funding and project selection only after holding a public hearing to allow the Cities to provide additional input to the Board.

10. Revise Section 5.G to read:

District and City acknowledge that District may receive notices of violation or fines from state or federal agencies for violations of state or federal rules. As the permittee and the entity that establishes standards and controls payment, District shall be responsible for responding to notices of violations and for payment of all fines. District shall invite the City to participate in any discussions with State and Federal agencies regarding notices of violation involving City actions or responsibility. City will cooperate with District in the investigation and response to any notice of violation involving actions relating to actions or responsibilities of the City. If a fine is imposed, City shall reimburse District to the extent that the fine results from non-performance of adopted programs or non-compliance with District, State, or Federal rules or policies by the City and those acting on behalf of the City. If possible, the City shall reimburse the District prior to the date due for payment of the fine. ~~The City shall not be responsible for reimbursement if the City's non-performance or non-compliance was caused by lack of adequate funding by District.~~ If more than one party is responsible, the City's responsibility for reimbursement payment will be allocated based on the degree of responsibility and degree of fault of the City. Disputes over the amount of reimbursement shall be resolved by the dispute resolution process set out in Section 6 of this Agreement. ~~To the extent that the City is required to perform any work to correct a violation,~~

~~District shall provide adequate funding for the work to be performed, unless the violation was caused by the City's omission or misconduct.~~

11. Revise Section 7 to read:

1. This Agreement shall supersede all prior agreements of similar scope and subject matter, including amendments and the “City Committee Agreement” between the parties with respect to sanitary sewerage and service, storm and surface water management; provided that, except as expressly modified herein, all rights, liabilities, and obligations of such prior agreements shall continue. This agreement shall be effective upon its execution by both parties hereto, and unless terminated earlier, shall end at the end of the day on June 30, 2027 and shall continue in effect for four renewable terms of five years each.
2. ~~This Agreement shall be deemed automatically renewed for a single succeeding five-year term up to a limit of 25 years, unless either party gives the other written notice not less than one year prior to the nominal expiration of term of its intent not to renew this agreement.~~ This agreement may be terminated when either party gives the other written notice per the dates in the table below of its intent not to renew this agreement, and the agreement shall then terminate on June 30 of the following calendar year.

Notice given on or prior to June 30 of	Termination effective at the end of the day on June 30 of
2009	2010
2010	2011
2011	2012
2016	2017
2021	2022

3. The notice of termination may be withdrawn at any time prior to the termination date with written approval of the City’s Chief Executive Officer and District General Manager.
4. If District enters into an intergovernmental agreement with any other city in its territory covering the same subject as this Agreement and if any of the provisions of the other agreement differ from this Agreement, the City may elect to replace any provision of this Agreement with the parallel provision from the other agreement, with the exception of Appendix A and Exhibit A. The replacement shall be effective on receipt by District of written notice from the City. This Agreement may not otherwise be modified except by written amendment or as otherwise specified in this Agreement.

IN WITNESS WHEREOF, this instrument has been executed in duplicate by authority of lawful actions by the Council and District's Board of Directors.

CLEAN WATER SERVICES

By _____
General Manager

Approved as to Form:


Attorney for District

CITY OF TUALATIN, OREGON


By _____
Mayor

Attest: 

City Recorder



City Attorney



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: June 9, 2008

SUBJECT: ORDINANCE AMENDING THE HISTORIC LANDMARK
DEMOLITION CRITERIA; AMENDING TDC SECTION 68.060(1)
AND (2). (PTA-08-03)

ISSUE BEFORE THE CITY COUNCIL:

Whether the City Council should approve modifications to the demolition criteria for historic resources clarifying the criteria to be met and that one of three criteria is to be met.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 4-1 on May 7, 2008, recommending that the City Council approve PTA-08-03 and motioning that additional language be added to the proposed amendment as shown in Attachment A.

Staff recommends that the Council recommend that the City Council consider the staff report and attachments and direct staff to prepare an ordinance granting approval of PTA-08-03 based on the draft ordinance in Attachment D.

EXECUTIVE SUMMARY:

- This matter is a legislative public hearing.
- The applicant is the Community Development Director.
- The interpretation of the demolition criteria adopted in 1993 was first questioned during City Council review of HIST-05-02, the 2005 application requesting demolition of the Robinson Store at 18810 SW Boones Ferry Road.
- The Council discussed amendment of the demolition criteria during its 1/14/2008 work session. The Council agreed to direct staff that TDC Section 68.060(1) be

clarified and to revisit the general spirit and intent of the historic preservation ordinance at a later date.

- Review of the criteria was part of the larger planning effort documented in the *Community Vision and Strategic Action Plan* of the Tualatin Tomorrow initiative, specifically efforts related to “Natural and Cultural History Preservation.”
- TDC Section 68.040, last amended 4/22/2002, lists 26 historic landmarks. Of these, staff administratively removed one on 6/19/2002 and fire consumed one on 1/03/2008, leaving 24 standing and listed landmarks.
- On 4/15/2008, the Planning Division held an open house (neighborhood/developer meeting) for the owners of the historic landmarks inventoried in TDC Section 68.040.
- The proposed text amendment language is provided in Attachment A. Background is included as Attachment B. The plan amendment approval criteria are addressed in the Analysis and Findings section of this report (Attachment C).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032 “Amendments” and 68.060 “Demolition Criteria.” The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- Before granting the PTA-08-03, the City Council must find that it meets the criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment C) compares the application with the plan amendment criteria.
- Based on input from the Tualatin Historical Society, TPAC member Paul Sivley suggested new language for Section 68.060(2)(b)(ii) as shown in Attachment C. The TPAC recommended approval of PTA-08-03 with this language included.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

1. Makes clear that an applicant must satisfy one of three criteria to obtain approval to demolish a historic landmark listed in TDC Section 68.040.
2. Broadens the criteria of obtaining approval to demolish a historic landmark.
3. Modifies the onerous criteria for demolition with the resulting possibility that additional resources could be designated at a future date knowing that this is a means to removing historic resources from Section 68.040 if desired.

Denial of the PTA request would result in the following:

1. TDC Section 68.060(1) “Demolition Criteria” remains as is.
2. Questions of Code interpretation of demolition criteria remain in doubt.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for TPAC 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:

Because a City department is the applicant, an application fee is not applicable. Funds have been allocated in the FY 2007/08 budget to prepare City initiated amendments.

PUBLIC INVOLVEMENT:

The Planning Division held an open house for owners of historic landmarks and interested parties on 4/15/2008. Staff mailed notice of the open house to the aforementioned parties. Two property owners attended representing the Luster House on Sagert Street and the Black House on Myslony Street. As of this writing, two persons who were unable to attend, including a staff member of the Tualatin Historical Society, contacted staff to inquire about the nature of amendment. The Community Development Director discussed the proposed language with Norm Parker, president of the Tualatin Historical Society, on April 17, 2008. At TPAC on May 7, 2008, Yvonne Addington, Vice President of the Tualatin Historical Society, requested that the historic preservation ordinance be strengthened such that it lessens the chance of demolition of the old Tualatin Elementary School.

- Attachments:**
- A. Proposed text amendment language
 - B. Background
 - C. Analysis and Findings
 - D. Draft ordinance

ATTACHMENT A

PTA-08-03: PROPOSED TEXT AMENDMENT LANGUAGE

Section 68.060(1)

(1) In determining whether a request for demolition of a landmark shall be approved, approved with conditions or denied, the Planning-Community Development Director shall ~~make a decision that the landmark is~~find that one of the criteria below has been met:

(a) ~~No longer~~The landmark is no longer historically ~~or architecturally~~ significant; ~~and,~~

(b) The landmark is no longer architecturally significant.

(c) That the benefits of demolishing the landmark and the construction of the identified conflicting permitted uses ~~(s)~~ or uses outweigh the value to the community of preserving the landmark.

(2) The following factors shall be used by the Planning-Community Development Director in making a decision on demolitions:

(a) The information used in the original designation of the landmark;

(b) Any evidence the applicant or property owner has provided demonstrating that there would be no reasonable, long-term economic benefit to the property owner from preservation of the landmark. In making this determination, the owner must show that all uses or adaptive uses of the landmark have been thoroughly examined. For example:

(i) The fact that a higher economic return would result from demolition than preservation is insufficient to meet this criterion.

(ii) A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet the criterion (i.e., selling, partially preserving, or moving the landmark ~~is~~are an options that shall be considered).

(c) ...

TPAC recommended the proposed language in blue in subsection (2) on May 7, 2008 as part of its motion.

ATTACHMENT B

PTA-08-03: BACKGROUND

PTA-08-03 is a plan text amendment to Tualatin Development Code (TDC) Section 68.060(1) "Demolition Criteria" regarding historic landmarks.

In 2005, the City Council reviewed HIST-05-02, an application to demolish the Robinson Store at 18810 SW Boones Ferry Road. The review raised questions about how to interpret the demolition criteria in the TDC. The Council requested that staff revisit the criteria. On January 14, 2008, the Community Development Director presented slides related to clarification of the criteria as well as building maintenance standards, which were of interest to the Council. History preservation was among the Council's Strategic Action Plan Goals. The intent of the criteria as originally adopted in 1993 was that a landmark needed to be found no longer either architecturally or historically significant, but not both, to be demolished. The Council directed staff to make this more explicit and to involve the Tualatin Historical Society when the Tualatin Planning Advisory Committee (TPAC) was to review the plan text amendment. At a later date, the Council would review the general spirit and intent of TDC Chapter 68.

Prior to TPAC, the Community Development Director on April 15, 2008 held an open house for the owners of the historic landmarks listed in TDC Section 68.040 and the Tualatin Historical Society. The proposed language of the text amendment is Attachment A.

ATTACHMENT C

PTA-08-03: ANALYSIS AND FINDINGS

Tualatin Development Code (TDC) Section 1.032 lists the eight criteria for approval of a plan amendment.

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.

PTA-08-03 furthers the public interest by clarifying a significant policy that establishes the parameters by which to review a request to demolish a historic landmark.

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

Granting the amendment at this time best protects the public interest because it facilitates review by the City Council and because the City presently has no submitted requests to demolish a historic landmark.

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

Tualatin Development Code (TDC) Section 16.030 "Historic Preservation" – a part of the Tualatin Community Plan (TCP) – lists twenty-five (25) objectives of the historic preservation program. The applicable objectives are listed below:

(1) Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest within the City;

While PTA-08-03 broadens slightly the criteria an applicant must meet to obtain approval of the demolition of a historic landmark, the criteria remain substantively similar to those in the existing ordinance. The amendment fulfills a City Council directive to clarify the criteria in order to facilitate the review of future requests. It also serves the Council's consideration of the overall spirit and intent of historic preservation. The scope of the amendment is minor compared to that of the overall historic preservation ordinance, which would continue to promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest within the city. The objective is met.

(2) Foster community and neighborhood pride and sense of identity based on recognition and use of historic resources;

The amendment seeks to clarify that portion of the historic preservation ordinance allowing for demolition and to broaden the options of landowners. It thereby facilitates review by the City Council of future demolition requests and allows the Council to balance this and other objectives. The TDC would continue to require an applicant to meet a set of criteria in order to obtain approval to demolish a historic landmark. The objective is met.

(3) Strengthen the economy of the City by encouraging property owners to preserve historic resources for tourists, visitors and residents;

The amendment provides greater latitude to landowners seeking to profit from historic landmarks and facilitates Council review of demolition requests by clarifying the parameters of review, thereby enabling the Council to balance multiple public objectives. The objective is met.

(4) Encourage public awareness, understanding and appreciation of the City's history and culture;

The amendment would leave intact the overall requirement of the ordinance, namely to allow demolition of a designated historic landmark only if an applicant presents sufficient reason. Requests will continue to involve public participation. The objective is met.

(5) Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Tualatin;

By broadening the options of owners of historic landmarks, the City and a future applicant can more readily reach consensus on a particular landmark by mitigating or accommodating conflicting uses such that the enjoyment of historic resources may continue. The objective is met.

(6) Identify and preserve diverse architectural styles reflecting periods of the City's historical and architectural development, encourage complementary design and construction for alterations affecting historic resources and encourage relocation of historic resources over demolition;

The amendment would not alter the encouragement to relocate rather than demolish historic resources. Additionally, the ordinance will continue to require applicants to rebut the City's accumulated research that led to the designation of the historic landmarks listed in TDC Section 68.040 in fulfillment of a major state planning goal. The objective is met.

(7) Enhance property values and increase economic and financial benefits to the City and its inhabitants;

The amendment would broaden options for owners of historic landmarks such that they can more easily conserve landmarks while accommodating economic enterprise. The City benefits from the accommodation of enterprises and the conservation of landmarks. This amendment meets the objective.

(8) Identify and resolve conflicts between the preservation of historic resources and alternative land uses;

The amendment would ease review by the City Council of future demolition requests, particularly by allowing a fuller understanding of each criterion. In both the existing and proposed text of TDC Section 68.060(1), there remains the criterion “that the benefits of demolishing the landmark and the construction of the identified conflicting permitted use(s) outweigh the value to the community of preserving the landmark.” This allows public scrutiny and Council review of the level of compliance of individual requests with Objective 8. The amendment would help to identify and resolve conflicts between the preservation of historic resources and alternative land uses by clarifying demolition review criteria.

(9) Integrate the management of historic resources into public and private land management and development processes;

The amendment would ease review by the City Council of future demolition requests and would not compromise this objective. The TDC would continue to require an applicant to meet a set of criteria in order to obtain approval to demolish a historic landmark.

(10) Carry out the provisions of Statewide Planning Goal 5;

OAR 660-015-0000(5) elaborates Oregon Statewide Planning Goal 5 “Natural Resources, Scenic and Historic Areas, and Open Spaces.” Goal 5 encourages local governments to evaluate historic resources and maintain current inventories of them; TDC Chapter 68, including the inventory that is Section 68.040, fulfills Goal 5. The proposed text amendment would not interfere with this statewide planning goal.

(11) Prepare a report describing the comprehensive history of the City’s past; and

This objective was previously met and is no longer relevant.

(12) Identify and list additional properties to the current list of protected historic resources.

This amendment does not preclude future additions to the historic landmark inventory in TDC Section 68.040.

(13) Upon annexation, potential historic resources located outside of the City, but within the City’s planning area shall proceed through the significance review,

conflicting use and economic, social, environmental and energy analysis;

This amendment is not relevant to this objective because it is general to all historic properties and not related to any particular annexed property.

(14) Review the impacts on landmarks when public improvement projects are proposed;

In both the existing and proposed text of TDC Section 68.060(1), there remains the criterion “that the benefits of demolishing the landmark and the construction of the identified conflicting permitted use(s) outweigh the value to the community of preserving the landmark.” This allows public scrutiny and Council review of a request raised by a public improvement project.

(15) Retain landmarks in the Low Density Residential (RL) Planning District on parcels which cannot be partitioned or subdivided by preserving and not demolishing or relocating them;

This amendment is not relevant to this objective because it is general to all historic properties and not related to any particular property.

(16) Retain landmarks located on parcels which can be partitioned or subdivided in the Low Density Residential (RL) Planning District by property owners and developers integrating the resource into proposed lot configurations and development proposals;

This amendment is not relevant to this objective because it is general to all historic properties and not related to any particular property.

(20) Encourage adaptive reuse of landmarks in commercial planning districts and discourage relocation and demolition;

The amendment preserves the existence and substantive nature of the criteria established to dissuade property owners from requesting demolition of historic landmarks. The City Council will continue to review future requests for demolition against the criterion “that the benefits of demolishing the landmark and the construction of the identified conflicting permitted use(s) outweigh the value to the community of preserving the landmark.”

4. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of the areas in the City;

TDC Section 68.040 as amended 4/22/2002 lists 26 historic landmarks throughout the City, of which the Richardson House was administratively removed from the list on 6/19/2002 and the Nyberg House burned in January 2008. The plan text amendment

would apply to these historic landmarks and others yet to be designated, and the amendment does not influence and is not influenced by any particular area(s) of the city.

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

The plan text amendment is legislative because it is not specific to any property. While properties having historic landmarks are finite in number, the amendment is not related to any specific landowner's development or redevelopment intentions. Because of this, the criterion is not applicable.

Trends in land improvement and development;

As the city develops and redevelops to accommodate its projected resident population, conflicting uses will continue to arise. As a consequence of the 2005 request to demolish the Robinson Store in (HIST-05-02), this amendment seeks to clarify that portion of the historic preservation ordinance allowing for demolition and to broaden the options of landowners. The amendment serves to facilitate the future accommodations of conflicting uses and so meets the criterion.

Property values;

The plan text amendment is legislative because it is not specific to any property and will have no material detriment to any particular property, so the criterion is not applicable.

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

As the city develops and redevelops to accommodate its projected resident population, conflicting uses will continue to arise as landowners seek to profit from land including through the accommodation of economic enterprises. As a consequence of the 2005 request to demolish the Robinson Store in (HIST-05-02), this amendment seeks to clarify that portion of the historic preservation ordinance allowing for demolition and to broaden the options of landowners. The amendment serves to facilitate the future accommodations of conflicting uses and also facilitates the balancing of several public objectives. For example, the request to demolish the Robinson Store necessitated weighing the merits of preserving the landmark and those of widening a public thoroughfare to improve transportation, and the former outweighed the latter. This amendment will facilitate deliberation on conflicting objectives during future demolition requests. The criterion is met.

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

Because the amendment is legislative it is not specific to any property, it does not affect any specific existing or future right-of-way or other public access and so the criterion is not applicable.

about historic resources. OAR 660-015-0000(5) elaborates Oregon Statewide Planning Goal 5 “Natural Resources, Scenic and Historic Areas, and Open Spaces.” Goal 5 encourages local governments to evaluate historic resources and maintain current inventories of them; TDC Chapter 68, including Section 68.040, fulfills Goal 5. The proposed text amendment would not interfere with this statewide planning goal.

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

This criterion is not applicable because the March 2008 edition of the Urban Growth Management Functional Plan (UGMFP) effective 4/25/2007, codified as Metro Code Section 3.07, makes no reference to historic preservation.

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.

This criterion is not applicable.

ORDINANCE NO. _____

ORDINANCE AMENDING THE HISTORIC LANDMARK DEMOLITION
CRITERIA; AND AMENDING TDC 68.060 (PTA-08-03)

WHEREAS Tualatin Development Code (TDC) 68.060 establishes criteria for the
for the demolition of a historic landmark; and

WHEREAS the staff recommends to Council that the TDC be amended to clarify
the criteria; and

WHEREAS the Tualatin Planning Advisory Committee (TPAC) recommends to
Council that the TDC be amended to clarify and improve the criteria; and

WHEREAS Council finds the amendment to be appropriate. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC Section 68.060 is amended to read as follows:

(1) In determining whether a request for demolition of a landmark shall be
approved or approved with conditions, the Planning Community Development
Director shall ~~make a decision that the landmark is~~ find that one of the criteria
below has been met:

(a) ~~No longer~~ The landmark is no longer historically or architecturally
significant.

(b) The landmark is no longer architecturally significant.

(c) That the benefits of demolishing the landmark and the construction of
the identified conflicting permitted use~~(s)~~ or uses outweigh the value to the
community of preserving the landmark.

(2) The following factors shall be used by the Planning Community Development
Director in making a decision on demolitions:

(a) The information used in the original designation of the landmark;

(b) Any evidence the applicant or property owner has provided demonstrating
that there would be no reasonable, long-term economic benefit to the property
owner from preservation of the landmark. In making this determination, the
owner must show that all uses or adaptive uses of the landmark have been
thoroughly examined. For example:

(i) The fact that a higher economic return would result from demolition
than preservation is insufficient to meet this criterion.

(ii) A lack of adequate funds to pursue potential uses or adaptive uses is
insufficient to meet the criterion (i.e., selling, partially preserving, or
moving the landmark is ~~are~~ an options that shall be considered).

INTRODUCED AND ADOPTED this 23rd day of June, 2008.

Draft

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:


BY _____
City Recorder




STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: June 9, 2008

SUBJECT: PUBLIC HEARING ON PROPOSED SUPPLEMENTAL BUDGET
AND CHANGES TO THE ADOPTED 2007-2008 BUDGET

ISSUE BEFORE THE COUNCIL:

Public Hearing to discuss the proposed supplemental budget and appropriation transfers in the 2007-2008 adopted budget

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a fund. Oregon Revised Statutes 294.480, *Supplemental budget in certain cases; no increase in property taxes permitted*, allows for an increase under certain circumstances. One such circumstance is when an occurrence or condition which had not been ascertained at the time of the preparation of the budget.

ORS 294.480 spells out the process for adopting a supplemental budget. In one of the cases described below, the proposed increase in total expenditures is greater than 10% of the adopted budget. Therefore, the City Council can adopt the supplemental budget at a regular meeting of the governing body by resolution, after holding a public hearing on the supplemental budget. Notice of the public hearing is required to be published as required by Budget Law. This notice was published on June 4, 2008.

Additionally, it occasionally becomes necessary after the budget is adopted to increase the total expenditures of a category within a fund. Oregon Revised Statutes 294.450, *Transfers of appropriations within fund or from one fund to another; appropriation of pass-through revenues*, allows for the transfer of existing appropriations within the same

fund. A transfer of appropriation is a decrease of one existing appropriation and a corresponding increase of another existing appropriation. In this case, the net effect to the fund is zero. To transfer an appropriation, the governing body must pass a resolution authorizing the transfer. An appropriation transfer does not require a public hearing be held.

The public hearing this evening is necessary due to increased expenditures related to the City Center Remodel. Unanticipated change orders, increased permit fees, contracted security services, partial remodeling of the Council Building and moving expenses to move staff to temporary locations necessitates increasing the total expenditure budget. Additionally, actual beginning cash was higher than budgeted by \$111,160 due to expenses that were anticipated to be incurred in fiscal year 2006-2007 were not incurred until after July 1, 2007 and the fund has earned \$16,000 of interest not budgeted. The total impact of these changes requires a total increase to the budget in the amount of \$477,160. The remaining \$350,000 will come from transfers from the General Fund, Engineering and Building Fund, Water and Sewer Operating Funds and the Leveton Tax Increment District Project Fund.

Not required to be part of the public hearing, but included in the resolution are the following resolution transfers:

Projects #WA0803 and #WA0804 are projects in the Water Fund for Cathodic Protection for the C1 Reservoir and for the TPWL in Oleson Road that were required to be completed this year, but were not included in the budget. There is sufficient money in Water Operating Fund - Contingency to cover the \$55,000 project costs.

In Fiscal Year 2006-2007, \$350,000 was transferred from the LID Fund to the Road Development Fund for the Zian Court settlement, but were not needed. The funds now need to be returned to the LID Fund. While there is available money in the budget for this transfer, an appropriation transfer needs to occur within the Road Development Fund to move appropriations from capital outlay to transfers.

Additional expenses related to the City Council retreat and travel, increased printing and postage costs for the newsletter and computer support and maintenance costs in the General Fund. There is sufficient money in Contingency for these additional expenses.

OUTCOMES OF DECISION:

Failure to pass the resolution puts the City in danger of not complying with Local Budget Law.

FINANCIAL IMPLICATIONS:

In most cases, the net effect to the affected funds is zero, as it is simply a transfer of already approved appropriations. The impact to the City Center Remodel Fund is to increase the budget by \$477,160.

Attachments:

- A. Resolution
- B. Exhibit A to the Resolution

RESOLUTION NO. 4800-08

RESOLUTION APPROVING CHANGES TO THE ADOPTED 2007-2008
BUDGET

WHEREAS after the budget process for the 2007-2008 fiscal year was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation; and

WHEREAS revenues, including beginning cash, in excess of the budgeted amount were received in the 2007-2008 fiscal year to cover the additional expenses

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, a supplemental budget, including transfers of appropriations, is necessary; and

WHEREAS Oregon Revised Statutes 294.480 allows for the preparation and adoption of a supplemental budget and Oregon Revised Statutes 294.450 allows for the transfer of appropriations decreasing an existing appropriation in a fund and increasing an existing appropriation in the same fund.

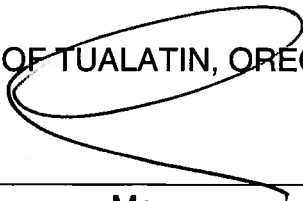
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council wishes to comply with Local Budget Law, adopt a supplemental budget for the 2007-2008 fiscal year and transfer existing appropriations within the same fund; and

Section 2. Additions to the budget and appropriation transfers should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY  _____
City Recorder

Resolution No. 4800-08

Exhibit A

**City of Tualatin
Fiscal Year 2007 - 2008
Budget Changes, June 2008**

To	Amount	From	Amount	Notes
Water Operating - Capital Outlay	\$ 15,000	Water Operating - Contingency	\$ 15,000	Project #WA0803
Road Development - Transfer	\$ 40,000	Road Development - Fund Projects	\$ 40,000	Project #WA0804
City Center Remodel Fund Proj	\$ 350,000		\$ 350,000	
		City Center Remodel - Contingency	\$ 150,000	Decrease Contingency
	\$ 627,160	City Center Remodel - Beginning Cash	\$ 111,160	Increase Beginning Cash
		City Center Remodel - Earned Interest	\$ 16,000	Increase Interest
		Transfer from General Fund	\$ 150,000	Increase Transfers In
		Transfer from Engineering/Building	\$ 87,500	Increase Transfers In
		Transfer from Water Operating	\$ 47,000	Increase Transfers In
		Transfer from Sewer Operating	\$ 47,000	Increase Transfers In
		Transfer from Leveton Project Fund	\$ 18,500	Increase Transfers In
Transfer to City Center Remodel:				
General Fund	\$ 150,000	General Fund Contingency	\$ 150,000	
Engineering/Building	\$ 87,500	Engineering/Building Contingency	\$ 87,500	
Water Operating	\$ 47,000	Water Operating Contingency	\$ 47,000	
Sewer Operating	\$ 47,000	Sewer Operating Contingency	\$ 47,000	
Council - Consultants	\$ 7,000	General Fund Contingency	\$ 44,500	
Council - Conf & Meetings	\$ 15,000			
Admin - Printing & Supplies	\$ 7,500			
Non-Dept - Computer Supp/Maint	\$ 15,000			





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary G. Kerley

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: June 9, 2008

SUBJECT: PUBLIC HEARING TO CONSIDER A RESOLUTION DECLARING
THE CITY'S ELECTION TO RECEIVE STATE REVENUE
SHARING FUNDS DURING FISCAL YEAR 2008-09

ISSUE BEFORE THE COUNCIL:

Whether or not to receive State Revenue Sharing Funds

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

In order for the City to receive state shared revenues, the City must have levied property taxes in the prior fiscal year, pass a resolution approving participation in the program and hold two public hearings on the use of state revenue sharing funds. The first public hearing, before the budget committee, is to discuss possible uses of the funds. This public hearing was held on June 2, 2008. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state-shared revenues. If the Council does not approve the Resolution, the City will not receive state-shared revenues and we will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$212,400 in the General Fund for general city operations.

Attachments: A. Resolution

RESOLUTION NO. 4801-08

A PUBLIC HEARING DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS DURING THE 2008-09 FISCAL YEAR

WHEREAS ORS 221.770 requires that the City Council pass a resolution declaring the City's election to receive State Revenue Sharing funds; and

WHEREAS the 2008-09 budget for the City of Tualatin contains State Shared Revenues as a resource in the budget year beginning July 1, 2008; and

WHEREAS the Budget Advisory Committee held a public hearing to discuss possible uses of state revenue sharing funds on June 2, 2008 and the City Council held a public hearing on June 9, 2008 to discuss the proposed use of the funds for Fiscal Year 2008-09.

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

Section 1. Pursuant to ORS 221.770 the City hereby elects to receive State Revenue Sharing Funds for Fiscal Year 2008-09.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY *S. Ambrose*
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY




Approved By Tualatin City Council



Date June 9, 2008

Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Department 
Carl Switzer, Parks and Recreation Coordinator 

DATE: June 9, 2008

SUBJECT: AUTHORIZATIONS FOR THE 2008 CRAWFISH FESTIVAL

ISSUE BEFORE THE COUNCIL:

The Council will consider authorizing the use of City resources and facilities by the Chamber of Commerce for its annual Crawfish Festival.

RECOMMENDATIONS:

Staff recommends that the Council authorize the use of City resources and facilities as outlined in the Executive Summary (below).

EXECUTIVE SUMMARY:

The theme for the 58th Annual Crawfish Festival is "Crawfish of the Caribbean" and will be open to the public Friday, August 8 through Sunday, August 10, 2008.

Carla Thaler, Executive Director of the Tualatin Chamber of Commerce, has submitted the 2008 Crawfish Festival proposal. The proposal requests of the City the following:

Use of Parks and Park Facilities – The Chamber requests all day use of all areas of Tualatin Community Park from Thursday, August 7 through Sunday, August 10, 2008 (including the Van Raden Community Center and Senior Center on Saturday, August 9). They also request all day use of the Tualatin Commons on Friday, August 8 and Saturday, August 9, 2008. Council authorization gives the Chamber of Commerce the ability to program these spaces, including the ability to exclude some users, during these times. See Attachment A.

STAFF REPORT: AUTHORIZATIONS FOR THE 2008 CRAWFISH FESTIVAL

June 9, 2008

Page 2 of 3

Use of the City's Parking Lots – The Chamber requests the use of all core area parking lots from Friday, August 8 through Sunday, August 10, 2008. They also request the use of the police station parking lot for their volunteers to park in on Saturday, August 9, 2008 as they have done before. See Attachment B.

Road Closures - The Chamber requests road closures for the parade and the Crawfish Crawl 5k race/walk. The parade route will necessitate temporary closures of S.W. Martinazzi Avenue, S.W. Seneca Street, S.W. Nyberg Street, S.W. Lower Boones Ferry Road, S.W. 84th Avenue on the morning of Saturday, August 9, 2008 between the hours of 9:30 a.m. and 11:30 a.m. The Crawfish Crawl route will necessitate temporary closures of S.W. Seneca Street, S.W. 84th Avenue, S.W. Boones Ferry Road, and S.W. Tualatin Road on the morning of Saturday, August 9, 2008 between the hours of 7:30 a.m. and 9:00 a.m. See Attachment C.

Financial Assistance – The Chamber requests a donation of \$5,000.00 to help support the event.

Alcohol – The Chamber requests that they be allowed to have alcohol service at the Crawfish Cook-off at the Tualatin Commons on Friday, August 8, 2008 and also in the beer garden in Tualatin Community Park on Saturday, August 9, 2008.

Signage – The Chamber requests permission to have a Crawfish Festival banner hung on the City's sign holder on Tualatin-Sherwood Road and on the light poles along S.W. Lower Boones Ferry Road from July 7, 2008 to August 10, 2008. They also request permission to place directional signs on public property to manage vehicle traffic coming to and from events.

Utilities – The Chamber requests that the City donate the use of water and electricity at Tualatin Community Park and Tualatin Commons from Friday, August 8 through Sunday, August 10, 2008.

Staff Time – The Chamber requests that City donate the time and materials for staff to plan for the events, prepare the sites, hang banners, remove trash, and other work as necessary to support the operation of the events. See Attachment D for Schedule and Events.

OUTCOMES OF DECISION:

If the City Council accepts the proposal as presented the Chamber of Commerce will use City resources and facilities for its annual Crawfish Festival as set forth in the Executive Summary. The Parks and Recreation Coordinator will continue to act as the City's liaison to the Chamber of Commerce to facilitate the execution of the authorized proposal, establish functional conditions of approval, monitor compliance with conditions of approval, and ensure the City's parks and facilities are properly used.

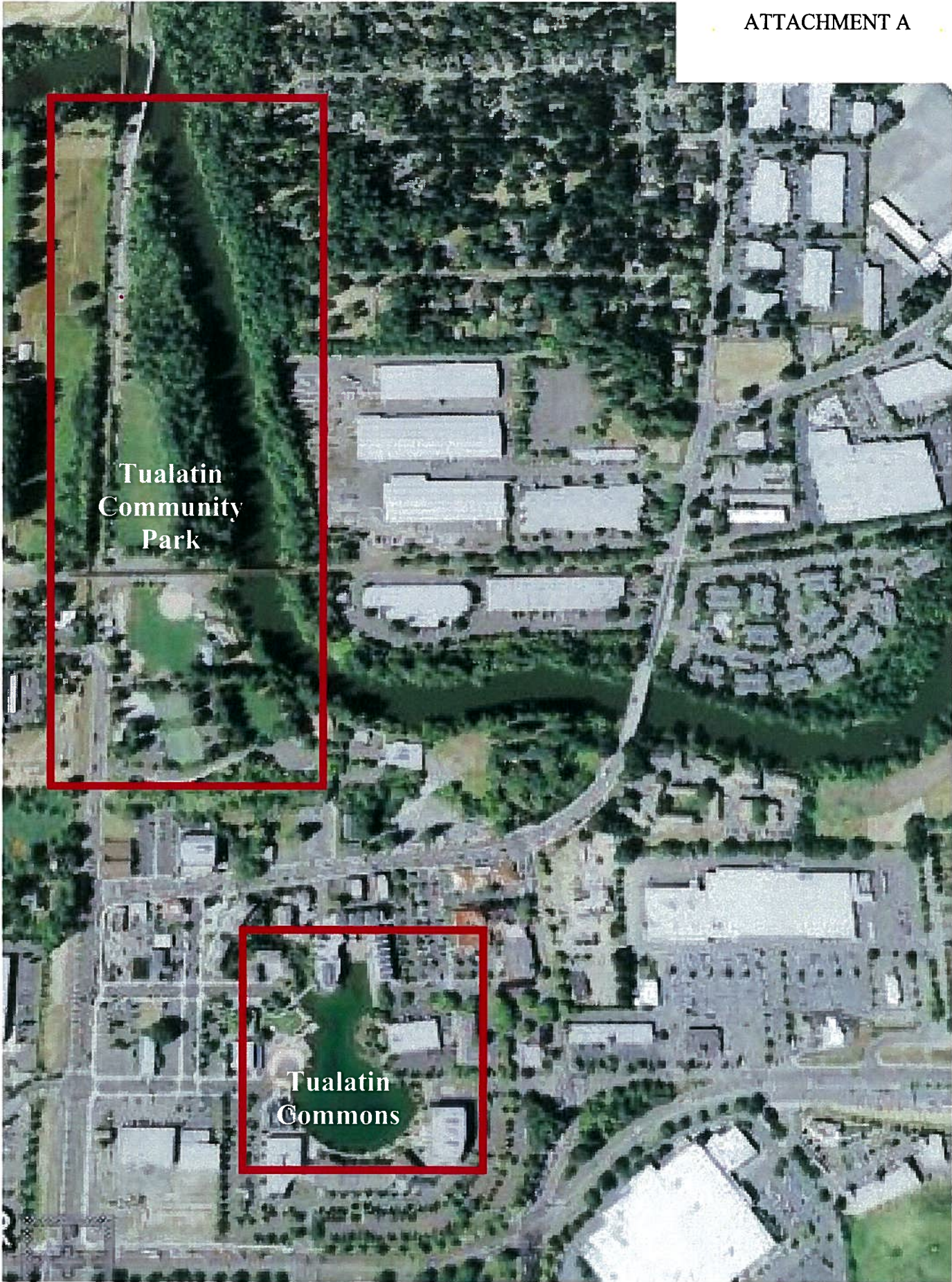
FINANCIAL IMPLICATIONS:

The City will donate many hours of employee time, the cost of small improvements and upgrades to the park system, the cost of electricity and water, and forego rental revenue from park rentals to accommodate the Crawfish Festival. The City is also being asked for a \$5,000 donation.

The City has budgeted for the \$5,000 contribution to the Crawfish Festival and other in-kind support requested of the City.

C: Carla Thaler, Executive Director, Tualatin Chamber of Commerce
Department Heads

Attachments: A. Central City Map
 B. Parking Lot Map
 C. Road Closure Maps
 D. Schedule



Tualatin
Community
Park

Tualatin
Commons

TUALATIN

Geographic Information System

**Central Urban
Renewal Area**

Core Area Parking
District 2001

Map 4

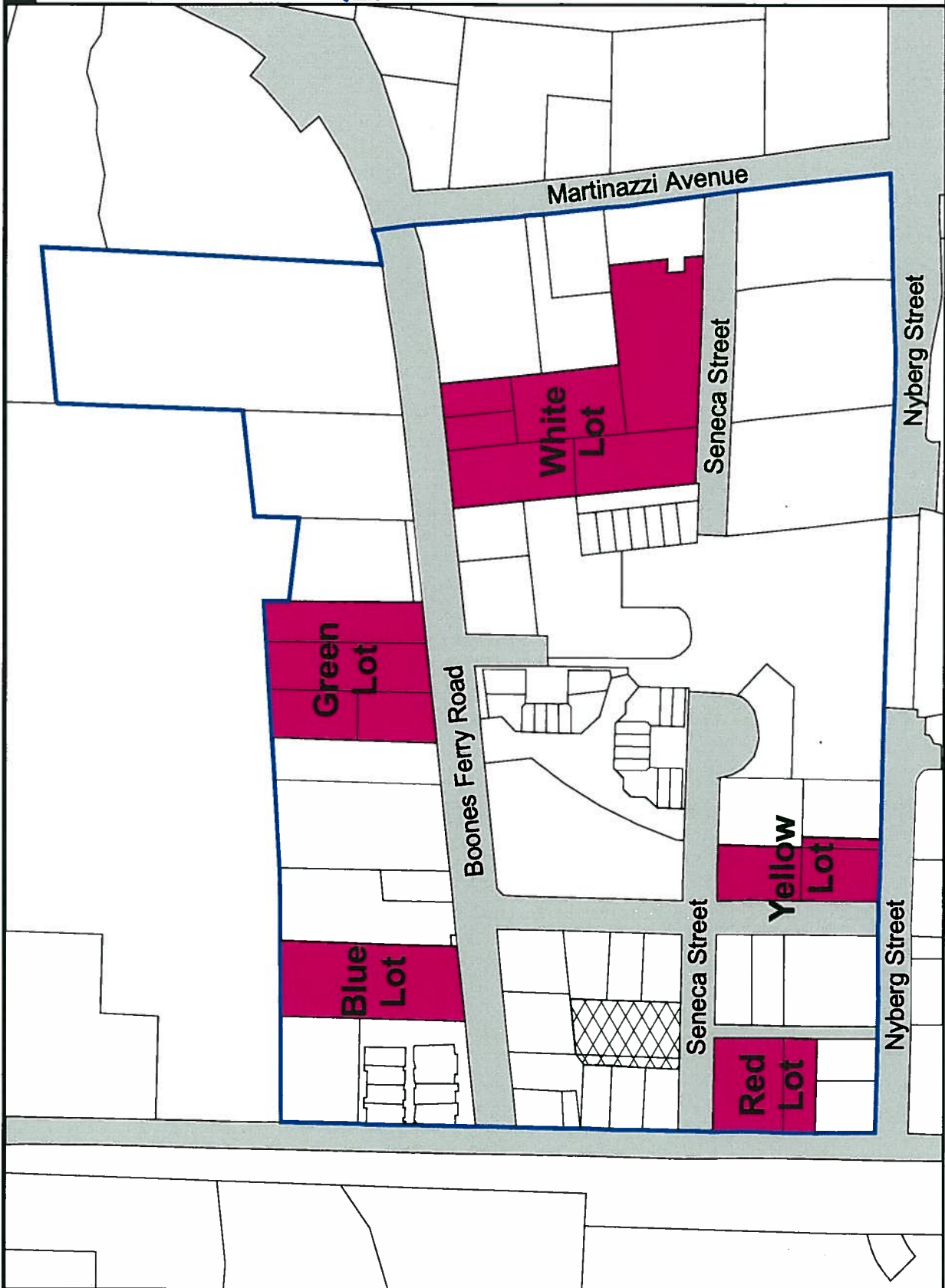
- Core Area Parking District
- Public Parking
- Future Public Parking Lot

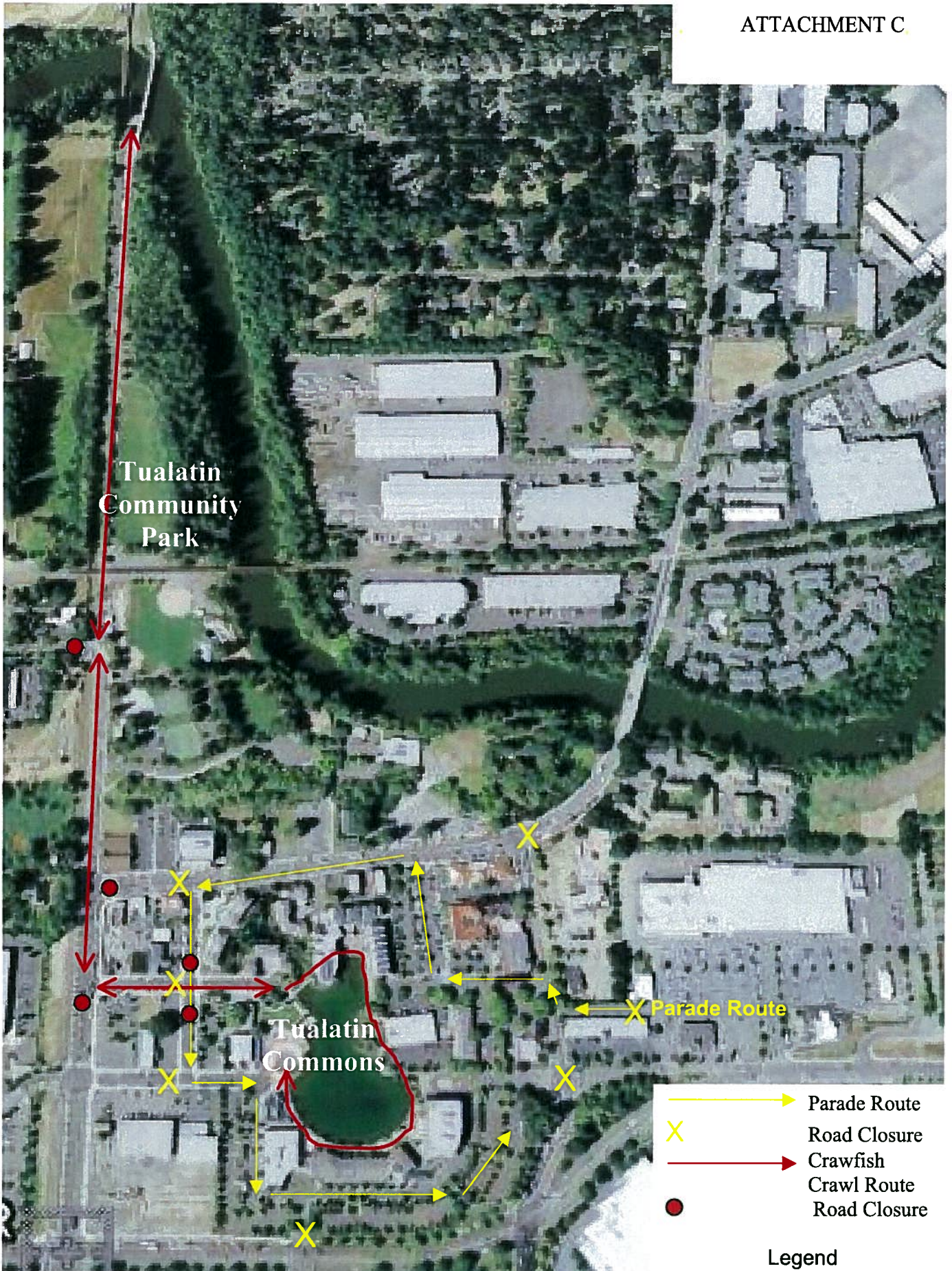
Tualatin Development
Commission

RF 1:2,500



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the user should be aware that the information is not guaranteed to be 100% accurate. The user should consult the City of Tualatin for more information.





SCHEDULE and EVENTS

Overview of Friday Events:

Sponsor Reception – The sponsor reception at the Cook-Off. Hayden's will put up tents to accommodate up to 200 festival sponsors and dignitaries. Hayden's will provide all the food and alcohol at the event, and will use their OLCC alcohol permit.

Friday Night Cook-Off – Takes place at the Tualatin Commons in the plaza area. Restaurants from the metropolitan area design a special crawfish dish, which is then judged by our panel of experts. Festival attendees may purchase sample size entrees from each of the restaurants for \$1.00 each. Our alcohol vendor will be selling beer & wine, and a band plays on the stage in the Plaza. Estimated attendance is 3,000.

Tualafest – An established Tualatin event that will be incorporated in the Festival for the first time, The Battle of the Bands. This will happen at the Community Park and will be a youth focused event.

Overview of Saturday Events:

Pancakes On The Plaza – Sponsored once again by Shari's Restaurant. Breakfast is served between 7:30am and 9:45am.

Remote Control Boat Demonstration – This is held on the Lake of the Commons to entertain people while they are eating breakfast and to encourage them to hang around the Commons after the parade is over, especially while the crowd dissipates. They will be running until 2:00pm.

Parade – A community parade. See Attachment G for parade route.

KidSpace – The KidSpace will be located at the Northeast corner of the South Marketplace Area (lawn below the VanRaden Building). Mad Science will be back again this year doing hands on science experiments, dry ice demonstrations and the making of slime with the kids, along with a stage show(s) on the Crawdad Stage. KidSpace is open from 10am to 6:00pm.

Crawdad Stage – This stage will feature children's entertainment demonstrations by local dance schools and live music acts.

Atsa My Dawg Show – A non-traditional dog show. This year it will be moved into the central area of the park near the main stage.

Crawfish Eating Contest – An adult contest featuring a 15 minute crawfish eating contest.

Kid's Crawfish Eating Contest – A 2 minute version of the adult contest.

Saturday Stages – The Main Stage has 3 acts play for 2 hours each, starting at 12:00pm and ending at 8:00pm. The Crawdad Stage starts between 11:30am and 12:30pm, depending the number of groups booked for the day, and closes at 6pm.

Food Vendors – The food vendors are located in the north part of the park on the baseball fields (North Marketplace).

Marketplace Vendors – Our South Marketplace area is open from 10:00am to 6:00pm and consists of booths selling commercial and handmade items, as well as commercial and non-profit organizations handing out literature. As most people head to the North Marketplace area, where

the Main Stage and the food vendors are, at 6:00pm to hear the last band, we do allow the South Marketplace vendors to close down at 6:00pm if they wish. It also facilitates the other vendors closing up at 8:00pm if ½ the park is already cleared out.

Kids Art Show – A coloring contest that is distributed at various locations in Tualatin that are returned to Umpqua Bank.

Teen Scene – A new event for 2008 featuring a professional skateboard demonstration, youth-focused dance performance and a basketball clinic.

Overview of Auxiliary Events:

Saturday & Sunday, August 2 & 3:

- **Tualatin Adult Co-ed Softball Tournament** – This is an Auxiliary Event of the Tualatin Crawfish Festival. The tournament is held each year the weekend before the Tualatin Crawfish Festival. Jeff Taylor-Webber is the key volunteer and he works directly with the Community Services Department to reserve the fields he needs for the tournament.

Friday, August 8:

- **Kayak Rides** – As an added element on Friday night, we have kayaks available for rides in the Lake of the Commons. People will get in and out of the kayaks at the northwest portion of the commons plaza that juts out into the lake. (See Attachment E for exact placement). This will be an Auxiliary Event run by GI Joes. All city rules and regulations regarding water usage of the lake will be complied with.

Saturday, August 9:

- **Crawfish Crawl** – The Crawfish Crawl is a 5K race/walk that starts and ends at the Tualatin Commons. A map of the race route is included as ATTACHMENT J. Race organizer will be make special effort to inform residents within the race boundaries of street closures with flyers, hung one week before event.
- **Woodcarvers Demonstration** – To be held in either the VanRaden Center or the Senior Center, this demonstration will feature 14 craftsmen doing small-scale hand carving.
- **Quilt Show** – A quilt display and demonstration held at the Senior Center.

Sunday, August 10:

- **Car Show** – A car show in Haggen Food's parking lot. There will be no road closures and all signage will be on the Hedges Green property.

PROPOSED 2008 CRAWFISH FESTIVAL OVERALL SCHEDULE

July 1 Hang banners/post signs around town to promote Festival

Saturday and Sunday

Aug 2-3 Tualatin Adult Co-Ed Softball Tournament

Thursday, August 7

9:00am Mark vendor spaces in Community Park, set up fencing

Friday, August 8

6:00am **Commons Plaza:**
Set up staging/sound at plaza

12:00pm Set up for food vendors

6:00pm Crawfish Cook-Off Food Court opens (ends at 10:00pm)

GI Joe's Kayak rides begin (ends at 8:30pm)

Tualafest begins (ends at 9:00pm)

7:00pm Judged cook-off begins

7:30pm On-stage musical entertainment begins (ends at 9:30pm)

9:30pm Food Court closes

Community Park:

all day Set-up: all sound & staging, vendors and auxiliary events/rides

Saturday, August 9 (Pending)

6:30am Set up for pancake breakfast at Commons Plaza

7:00am Parade check-in begins

7:30am Pancakes-on-the-Plaza Breakfast at Tualatin Commons Plaza (ends

9:45am)

8:00am Crawfish Crawl begins (ends 8:45am)

10:00am Parade begins (ends 11:00am)

10:00am Community Park officially opens

Western Woodcarvers show / demonstration opens (ends 6:00pm)

11:30am Crawdad Stage Entertainment begins (ends 6:00pm)

12:00pm Main Stage Entertainment begins (ends 8:00pm)

12:30pm Atsa My Dawg Show begins (ends 1:30pm)

2:15pm Kids Crawfish Eating contest near main stage (ends 2:15)

2:30pm Adult Crawfish Eating contest near main stage (ends 3:00)

3:45pm Kids Watermelon Eating Contest near main stage

6:00pm Announcement of Treasure Hunt winner

Marketplace South vendor area and Crawdad Stage close

8:00pm Marketplace North vendor area and Main Stage close

8:30pm Festival officially ends

9:00pm Community Park closes

Sunday, August 10

Morning Community Park clean up by Boy Scout Troop(s)

All Day Hagggen Foods Car Show



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*

DATE: June 9, 2008

SUBJECT: UPDATE ON I5-99W CONNECTOR
ALTERNATIVES ANALYSIS PROCESS

ISSUE BEFORE THE COUNCIL:

Council will receive an update from staff on the status and process involving the I5-99W Connector Project Alternatives Analysis.

RECOMMENDATION:

No action is needed at this time. Council will need to consider a recommendation later in this process.

EXECUTIVE SUMMARY:

The I5-99W Connector Project is completing work on the technical analysis of the six alternatives selected for evaluation.

The six alternatives are:

- Alternate 1 No build
- Alternate 2 Transportation Demand Management and Transportation System Management (TSMTDM)
- Alternate 3 Enhance Existing system Alternative (EESA)
- Alternate 4 Connector from I5 to 99W in the Cipole Area
- Alternate 5 Connector from I5 to 99W in the Home Depot area
- Alternate 6 Connector from I5 to 99W in the Brookman Road area

Information will be presented on these alternatives and the upcoming open houses.



Approved By Tualatin City Council

Date June 9, 2008

Recording Secretary J. Kerby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Doug Rux, Community Development Director *[Signature]*
Cindy Hahn, Assistant Planner *[Signature]*

DATE: June 9, 2008

SUBJECT: RESOLUTION APPROVING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF TUALATIN AND BRIDGEPORT
APARTMENTS LLC

ISSUE BEFORE THE COUNCIL:

City Council consideration of adopting a resolution approving a Development Agreement (the "Agreement") between the City of Tualatin and Bridgeport Apartments LLC (the "Developer") for redevelopment of the Tualatin portion of the former Schneider Trucking and Lane International sites (the "Site") located on SW Lower Boones Ferry Road. (See Attachment A for location map.)

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action does not require a public hearing.
- The area covered by the Agreement encompasses 4.35 acres in Tualatin (Tax Lots 1300, 1800, and 1900 of Assessor's Map 2S113DC) generally located at 18045, 18067 and 18075 SW Lower Boones Ferry Road. The entire Alexan Bridgeport project site also includes approximately 4.61 acres in the City of Durham (Tax Lot 1400 of Assessor's Map 2S113DC) and, therefore, is comprised of a total of approximately 8.96 acres.
- The City of Tualatin has approved three (3) land use applications associated with potential redevelopment of the Site: PTA-07-03 (ORD No. 1246-07), PTA-07-04 (ORD NO. 1247-07), and PMA-07-01 (ORD NO. 1248-07).

- The City of Tualatin has approved an Urban Services Intergovernmental Agreement (the “IGA”) with the City of Durham associated with potential redevelopment of the Site (RES NO. 4738-07).
- The City of Durham has approved land use applications establishing zoning and development regulations, and is in the process of negotiating a Development Agreement with Bridgeport Apartments LLC, for the Durham portion of the Site.
- The proposed Agreement has been prepared in accordance with IGA Section 2.3.6 for the purpose of addressing the project’s development-related issues such as, but not limited to, number of residential units, vehicular circulation and pedestrian connectivity, traffic impacts, and off-site improvements.
- A series of agreement points have been reached in the Agreement with the Developer. Details of these points are outlined in the **DISCUSSION** section of this staff report.

OUTCOMES OF DECISION:

If the City Council approves the resolution with the accompanying Agreement, the City and Developer will have an agreement, which will remain in effect until the final Certificate of Occupancy is obtained for the project, outlining the procedures and processes for redevelopment of the Site.

If the City Council does not approve the resolution with the accompanying Agreement, the City and Developer will not have an agreement outlining the procedures and processes for redevelopment of the Site. Any development of the Site will occur through the City’s Architectural Review process.

ALTERNATIVES TO RECOMMENDATION:

If the Council wishes to approve the resolution and Agreement, but with modifications, staff will coordinate with the Developer on the modifications and return at a later date with the modifications.

If the Council chooses to not move forward with the resolution and Agreement, staff will inform the Developer of the Council’s decision.

FINANCIAL IMPLICATIONS:

Staff resources have been budgeted in Fiscal Year 07-08 to work on the Agreement and subsequent review of the project.

DISCUSSION:

There are ten (10) sections contained in the Agreement. Each is briefly described below:

1. Section 1 identifies the area affected by the Agreement.
2. Section 2 identifies the project affected by the Agreement.
3. Section 3 outlines the scope of development including:
 - Maximum number of multifamily residential units and square footage of retail and restaurant space within the mixed-use project on the Tualatin portion of the Site (154 units, 18,000 sq.ft. retail, 6,000 sq.ft. restaurant);
 - Quality of design and compatibility with surrounding development;
 - Consistency with the Mixed Use Commercial Overlay District (MUCOD) standards; and
 - Consistency with the Community Design standards of Architectural Review.
4. Section 4 identifies the traffic impacts of the project and transportation improvements proposed as part of the project including:
 - Traffic signal at primary Site access onto SW Lower Boones Ferry Road;
 - Frontage improvements along SW Lower Boones Ferry Road including a deceleration lane;
 - Secondary emergency access onto SW Lower Boones Ferry Road;
 - Median in SW Lower Boones Ferry Road at emergency access, with possibility of landscaping if approved by Washington County; and
 - Traffic mitigation at SW Lower Boones Ferry Road/SW Upper Boones Ferry Road intersection with a \$20,000.00 deposit towards signal retiming.
5. Section 5 identifies other off-site improvements including:
 - Pedestrian connectivity and the need for a public easement along the east side of the Site perpendicular to SW Lower Boones Ferry Road to create a connection between SW Lower Boones Ferry Road and SW Bridgeport Road; and
 - Sanitary sewer upgrades that may be needed to mitigate capacity impacts from the project.

The section also discusses timing of paying of System Development Charges and Traffic Impact Fees.
6. Section 6 discusses on-site improvements and services including:
 - Garbage and recycling service; and
 - Tree replanting by the City using tree restitution monies paid by Robert Kearney in April/May 2004 in restitution for illegally cutting down 25 trees on the former Schneider Trucking Facility site.

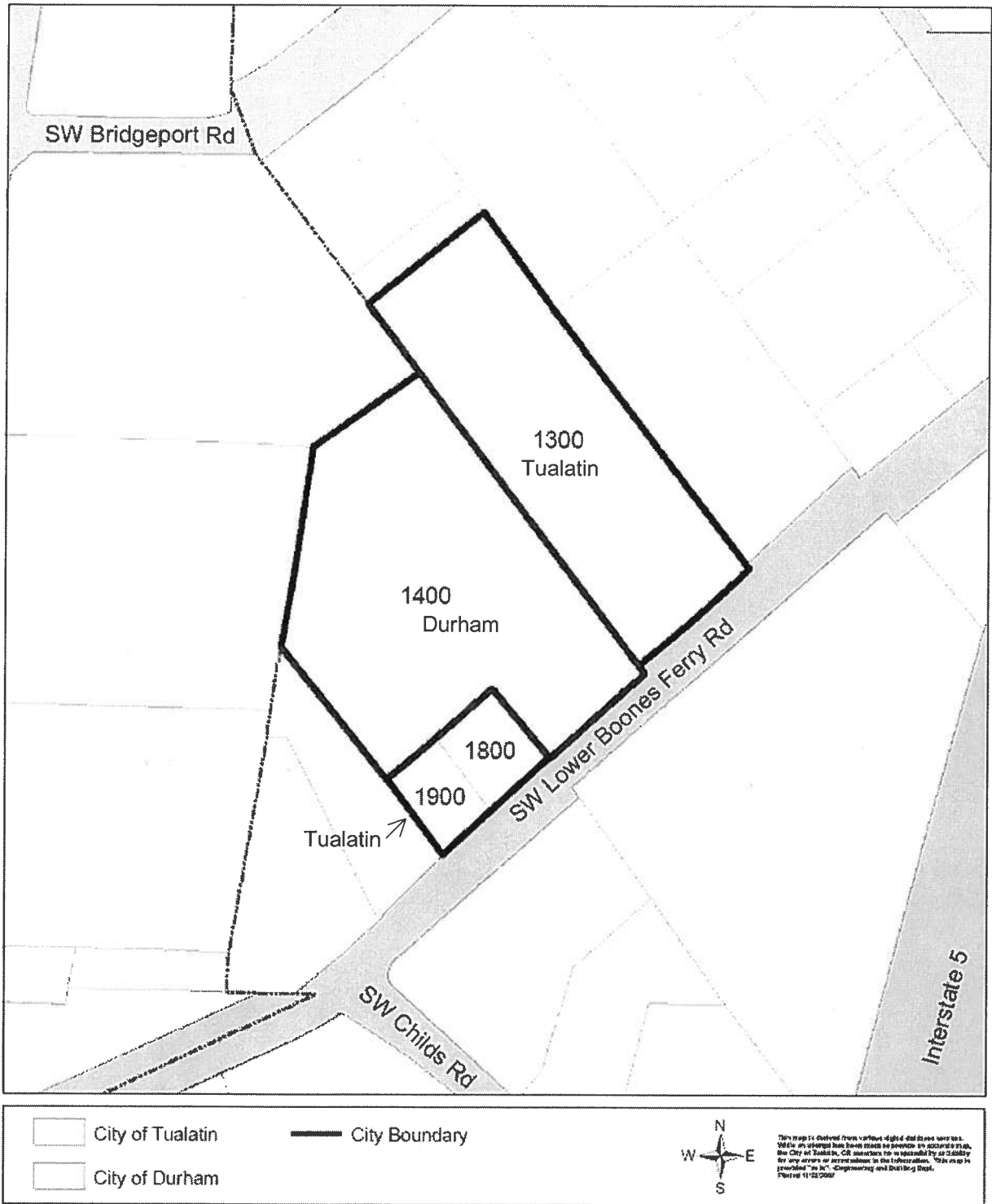
7. Section 7 is the Term of Agreement. As proposed, the Agreement would remain in effect until the final Certificate of Occupancy is obtained for the project.
8. Section 8 concerns Assignment of the Agreement. As proposed, the Agreement would apply only if the Site is developed as the project defined in the Agreement.
9. Section 9 is a statement concerning general compliance with laws.
10. Section 10 outlines the process for modifying the Agreement.

PUBLIC INVOLVEMENT:

A formalized public involvement program is not required in the development and approval of a Development Agreement.

- Attachments:**
- A. Location Map
 - B. Resolution with Development Agreement Exhibit

Location Map for Alexan Bridgeport Project



RESOLUTION NO. 4802-08

RESOLUTION APPROVING A DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF TUALATIN
AND BRIDGEPORT APARTMENTS LLC

WHEREAS the City of Tualatin and Bridgeport Apartments LLC (the "Developer") have negotiated principles for a Development Agreement governing development of Tax Lots 1300, 1800, and 1900 on Assessor's Map 2S1 13DC, the subject property; and

WHEREAS it would be to the benefit of the City of Tualatin and the Developer to coordinate planning, engineering and permit review of the development of the subject property.

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

Section 1. The Mayor is authorized to sign the Development Agreement between the City of Tualatin and Bridgeport Apartments LLC, Exhibit A.

INTRODUCED AND ADOPTED THIS 9th day of June, 2008.

~~CITY OF TUALATIN, OREGON~~

By _____
Mayor

ATTEST:

By *[Signature]*
City Recorder

Resolution No. 4802-08

**DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN AND
BRIDGEPORT APARTMENTS LLC**

RECITALS

- A. This development agreement (“Agreement”) is entered into between the City of Tualatin (“Tualatin” or “City”) and Bridgeport Apartments LLC, a Delaware limited liability company (“Bridgeport Apartments”).
- B. The subject property, which was formerly the site of the Schneider Trucking and Lane International facilities, includes approximately 4.61 acres within the City of Durham (“Durham”) and approximately 4.35 acres within Tualatin (Exhibit A).
- C. On January 9, 2008, Tualatin and Durham entered into an Urban Services Intergovernmental Agreement (“IGA”) in which both cities agreed to “work with the developer of the Site to negotiate a development agreement that addresses development-related issues, such as, but not limited to, limiting traffic impacts, number of residential units, required off-site improvements and applicable criteria.” IGA, Section 2.3.6 (Exhibit B).
- D. An entity which is affiliated with Bridgeport Apartments or managed by Bridgeport Apartments (such entity is referred to as “Developer”) intends to be the developer of the Site (defined in Section 1 of this Agreement). Developer intends to redevelop the Site with a mixed-use project titled the Alexan Bridgeport Project for which an Architectural Review application was submitted to Tualatin on April 14, 2008 (the “Project”) and subsequently modified on May 28, 2008. The Scope of Development is defined in Section 3 of this Agreement.
- E. The Parties desire to enter into this Agreement, in accordance with IGA Section 2.3.6, for the purpose of addressing the Project’s development-related issues (such as, but not limited to, number of residential units, vehicular circulation and pedestrian connectivity, traffic impacts, and off-site improvements) for Developer’s proposed development of the Site (see Section 1). Because the Project is subject to land use approval by the City, the City cannot predetermine conditions of approval; however, the Agreement sets forth the Parties’ expectations for the Project.
- F. This Agreement is not a statutory development agreement (ORS Chapter 94).

NOW, THEREFORE, the Parties hereby agree as follows:

SECTION 1. AREA AFFECTED BY THIS AGREEMENT. The area affected by this Agreement is property generally referred to as that portion of the former Schneider Trucking site and Lane International facility located at 18045, 18067 and 18075 SW Lower Boones Ferry Road and comprising approximately 4.35 acres in Tualatin (Tax Lots 1300, 1800, and 1900 of Map 2S113DC). The entire Alexan Bridgeport project site also includes approximately 4.61

acres in Durham (Tax Lot 1400 of Map 2S113DC) and, therefore, is comprised of a total of approximately 8.96 acres as shown on Exhibit A, however, the area affected by this Agreement is only that portion located within Tualatin.

SECTION 2. PROJECT AFFECTED BY THIS AGREEMENT. This Agreement shall apply only if the Site is developed as the Project.

SECTION 3. SCOPE OF DEVELOPMENT. If the Site is developed as the Project, Developer shall cause to be completed a development with the following characteristics:

3.1 A mixed-use development including a maximum of 370 multifamily residential units (apartments and live-work units) and a maximum of 24,000 square feet of retail and restaurant space on the 8.96-acre Site of which approximately 4.61 acres are in Durham and approximately 4.35 acres are in Tualatin. An Architectural Review application was submitted to Tualatin on April 14, 2008, which includes the following distribution of multifamily residential units and commercial space between Tualatin and Durham:

	Tualatin	Durham	Total
Residential Dwelling Units			
Studio	0	19	19
1 Bedroom	115	102	217
2 Bedroom	23	71	94
3 Bedroom	8	4	12
Live/Work (1 Bedroom)	0	12	12
Townhouse (2 Bedroom)	8	6	14
Total	154	214	368
Commercial *1			
Specialty Retail	18,000	0	18,000
Restaurant	6,000	0	6,000
Total	24,000	0	24,000

*1 April 14, 2008 Architectural Review application indicates 22,603 square feet of retail space; however, the Transportation Impact Analysis prepared by Kittelson & Associates, Inc. (March 2008) assumes 24,000 square feet of retail space including a 6,000 square foot restaurant and 18,000 square feet of specialty retail.

Exhibit C includes a site plan for the proposed Project. The Parties acknowledge that the Architectural Review application was modified on May 28, 2008, and may be further modified through the land use process.

3.2 Development that reflects the architectural richness and quality of the design concepts and elevations, and that includes building materials and detailing similar to that discussed at the Joint Design Advice Charette for the Alexan Bridgeport Project in Durham and Tualatin with the Tualatin Architectural Review Board and Durham Planning Commission and Design Review Board on November 29, 2007 (Exhibit D), and that is compatible with, appropriate to, and compliments the design of other development in the general vicinity with

respect to location, design, size, color and materials of the exterior of all structures. The design presented in the Architectural Review submittal on April 14, 2008, and revised on May 28, 2008, per staff comments, represents Developer's efforts to respond to the comments received at the Joint Design Advice Charette. The Parties expect that the design concepts will continue to be refined through the land use process.

3.3 Development consistent with the purposes of the Mixed Use Commercial Overlay District (MUCOD) including: (1) To recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area. Retail, office business services and personal services are emphasized, but residential uses are also allowed. (2) To recognize that when developed under certain regulations commercial and residential uses may be compatible in the General Commercial District. [TDC 57.010]

3.4 Development consistent with all the design standards of the MUCOD with particular emphasis on the following: New development is expected to create a high-quality mixed-use area, provide a convenient pedestrian and bikeway system and utilize streetscape to create a high-quality image for the area [TDC 57.200(1)(a)]. New development is expected to contribute to the character and quality of the area [TDC 57.200(1)(b)]. Mixed-use development is defined as "development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, research and development, retail, public or entertainment, in a compact urban form" [TDC 57.005].

3.5 Development that complies with the criteria and standards for Architectural Review Approval as specified in TDC 73.050 including: (1)(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved; (b) The proposed design of the development is compatible with the design of other development in the general vicinity; and (c) The location, design, size, color and materials of the exterior of all structure are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

SECTION 4. TRAFFIC IMPACTS FROM THE PROJECT

4.1 Transportation Impact Analysis. The Transportation Impact Analysis for the Project (Kittelson & Associates, Inc., March 2008) follows up on the zone change traffic impact analysis, which was required to examine the reasonable worst-case traffic scenario for the Site. The March 2008 Project-specific report demonstrates the following:

4.1.1 Trip Generation. Traffic impacts from the Project will be significantly less than the reasonable worst-case scenario for the Site. For example, the zone change traffic analysis estimated 720 p.m. peak hour trips as the reasonable worst-case scenario. The Project-specific report demonstrates that the Project will generate only 255 p.m. peak hour trips. Overall, the Project is estimated to generate approximately 2,865 net new trips on a typical weekday, including 195 during the a.m. peak hour and 255 during the p.m. peak hour.

4.1.2 Study Intersections. Kittelson concluded that, with mitigation to be provided in connection with the Project, all of the study intersections will operate at acceptable levels of service. All of the study intersections are forecast to operate at acceptable levels of service (LOS D or better) during the weekday a.m. and p.m. peak hours, with the following exceptions:

4.1.2.1 The critical eastbound through-left movements at the SW Lower Boones Ferry Road/Project primary access intersection will operate at LOS F and will be over capacity during both the a.m. and p.m. peak hours. This intersection will meet operating standards if mitigated with a traffic signal.

4.1.2.2 The critical eastbound approach of the SW Lower Boones Ferry Road/Private Driveway intersection (rear access serving the REI, Whole Foods, etc., via the Gionet property) will operate at LOS F during the weekday; however, there is adequate capacity ($v/c = 0.41$) to accommodate the approximately 30 vehicles at this approach, and vehicles have alternative access via the main entry which is a traffic signal at SW Bridgeport Road.

4.1.2.3 Weekday p.m. peak hour queues at the SW Upper Boone Ferry Road/Lower Boones Ferry Road intersection would not be significantly increased by the proposed project. Nevertheless, Kittelson noted that the existing queuing issues, not caused by the Project, could be slightly improved by modifying the traffic signal timing to provide protected/permitted left turns at the east and west approaches.

4.1.3 Recommended Mitigation. The Transportation Impact Analysis (Kittelson & Associates, Inc., March 2008) for the Project provides the following list of recommended mitigation measures:

4.1.3.1 The primary site access intersection on SW Lower Boones Ferry Road should be constructed with a southbound right-turn deceleration lane for vehicles entering the site. A traffic signal should be constructed to accommodate future year total traffic volumes.

4.1.3.2 The secondary access driveway, necessary for emergency access, should be restricted to right-out movements from the site, with a traversable median on SW Lower Boones Ferry Road to allow emergency vehicle access.

4.1.3.3 Landscaping, signage, and above ground utilities should be located and maintained to preserve adequate intersection sight distance at the access points.

4.1.3.4 Crashes at the SW Lower Boones Ferry Road/SW Bridgeport Road intersection should be monitored to determine whether recent changes in crash frequencies indicate any safety mitigations are needed.

4.2 Traffic Signal at Primary Site Access onto SW Lower Boones Ferry Road. The Transportation Impact Analysis includes a signal warrant analysis for the proposed SW Lower Boones Ferry Road/Primary Access intersection. The analysis was conducted according to the procedures outlined in the Manual of Uniform Traffic Control Devices (MUTCD) for future year total traffic conditions. This analysis demonstrates that Warrant 1 (8 hour), Warrant 2 (4 hour), and Warrant 3 (peak hour) for a traffic signal (the "Traffic Signal") and related right turn deceleration lane into the Site (the "Turn Lane") will be met with build out of the commercial

development and occupancy of 250 residential units of the Project. See Exhibit E for a detail of the Site Access and Right Turn Deceleration Lane.

4.2.1 Washington County has jurisdiction over SW Lower Boones Ferry Road in the vicinity of the Site and will determine if the Traffic Signal and Turn Lane are warranted. Washington County's May 15, 2008 Staff Report responding to the Project's land use submission includes conditions to construct the deceleration right turn lane and traffic signal which suggests they will likely approve the construction of these improvements. Additionally, the County will make the determination on when the signal will become operational.

4.2.2 If the Traffic Signal and Turn Lane are approved by Washington County, the Developer agrees to dedicate required right-of-way/easements, obtain necessary permits, construct the required improvements, and pay all associated costs of permitting, construction and installation. The Developer will receive no traffic impact fee (TIF) credit for these improvements.

4.3 Frontage Improvements Along SW Lower Boones Ferry Road. As a part of this Agreement and in accordance with Section 2.3.4 of the IGA (the "Frontage Improvements"), the Developer agrees to obtain necessary permits, construct the required improvements, and pay all associated costs of permitting, construction and installation of the required improvements along the Site's frontage on SW Lower Boones Ferry Road.

4.3.1 Undergrounding Utilities on SW Lower Boones Ferry Road. As part of the frontage improvements on SW Lower Boones Ferry Road, the Developer will underground any overhead utility lines located on the Project's side of SW Lower Boones Ferry Road.

4.3.2 Accelerated Site Work. Frontage improvements and utility work within the right of way must be approved by Washington County through several different permits. A Facilities Permit application cannot be submitted until a staff report is issued in the City's land use process, and typical processing time for the Facilities Permit is up to six months after application. The City agrees to work with Developer to issue City permits for on-site work before the County Permits are issued. The Developer will be required to be deemed complete at the County with an approximate review timeline, have an approved Public Works Permit (except for the County permit), and an approved Water Quality Permit before any acceleration will be considered. The Developer also agrees that all work undertaken prior to obtaining a County permit will be done at their own risk. The Parties agree that under no circumstances shall a Certificate of Occupancy or Temporary Certificate of Occupancy be issued before the Developer completes all required work within the right of way and the work is accepted by the appropriate agency.

4.4 Secondary Project Access onto SW Lower Boones Ferry Road. Developer agrees that secondary Project access (west end of the Project) will be limited to a right-out egress, with a traversable median on SW Lower Boones Ferry Road to allow emergency vehicle ingress. If allowed by Washington County, the Developer will landscape and irrigate the median and be responsible for ongoing maintenance. Exhibit E shows the proposed location of the secondary access and traversable median on SW Lower Boones Ferry Road.

4.5 Traffic Mitigation at SW Lower Boones Ferry Road/SW Upper Boones Ferry Road Intersection. As discussed in Section 4.1.2.3 above, Kittelson's Transportation Impact Analysis determined that weekday p.m. peak hour queues at the SW Upper Boone Ferry Road/Lower Boones Ferry Road intersection would not be significantly increased by the Project. Kittelson also noted an existing queuing issue, not caused by the Project, and stated that the existing problem could be slightly improved by modifying the traffic signal timing to provide protected/permitted left turns at the east and west approaches. Kittelson did not conclude that traffic signal timing was required to mitigate impacts from the Project. However, as a gesture of Developer's willingness to cooperate in the effort to improve traffic conditions in the general area, Developer will deposit with the City \$20,000.00 to be applied toward retiming the traffic signal at the SW Lower Boones Ferry Road/SW Upper Boones Ferry Road Intersection at a future date.

SECTION 5. OTHER OFF-SITE IMPROVEMENTS

5.1 Pedestrian Connectivity. Facilitating pedestrian connectivity within the Site as well as off-site to surrounding properties is a priority of the Parties. The area in the vicinity of the Site is emerging as a dynamic mixed-use area, with retail, office, entertainment, residential and service uses, all within walking distance of one another. Pedestrian connectivity is another traffic mitigation measure because it enables people to avoid using vehicles for short trips, thus preserving the capacity of the transportation system.

In accordance with Tualatin's Pedestrian Plan [TDC 11.640(1)] providing a connected network of pedestrian facilities is important for: (a) serving shorter pedestrian trips from neighborhoods to area activity centers, such as schools, churches, and neighborhood commercial uses; (b) providing access to public transit; and (c) meeting residents' recreational needs." The City's street standards call for sidewalks to be provided along all new streets, and identifies the part of Tualatin in which the Site is located as a Pedestrian District per Metro's Regional Transportation Plan (RTP) and Tualatin's Transportation System Plan (TSP) [TDC 11.640(4); Figure 11-4]. A Pedestrian District is defined in the RTP (p. 1-57, 8-10-00) as an area of "high, or potentially high, pedestrian activity where the region places priority on creating a walkable environment... These areas will be characterized by buildings oriented to the street and boulevard-type street design features such as wide sidewalks with buffering from adjacent motor vehicle traffic, marked street crossings at all locations with special crossing amenities at some locations, special lighting, benches, bus shelters, awnings, and street trees." Because the Site is located in a Pedestrian District, as well as in the MUCOD, which similarly requires pedestrian connectivity both within a site and to abutting street frontages [TDC 57.300(8)], and subject to the provisions of Architectural Review [TDC Chapter 73], the City will require pedestrian connectivity both internal and external to the Site in connection with development applications for the Site and for adjacent properties that may develop or redevelop in the future. Exhibit F indicates the general location of pedestrian connections internal and external to the Site.

5.1.1 As a good faith effort to encourage adjacent property owners to allow pedestrian connections across their property, once the Project is constructed and prior to obtaining a Certificate of Occupancy (CO), the Developer agrees to grant easements to the public allowing pedestrian access across the Site in designated pedestrian accessways that are maintained by the Developer (or the Developer's assignee) at their own expense. One easement

shall be perpendicular to SW Lower Boones Ferry Road (roughly northwest-southeast in orientation) along the eastern part of the Site, as generally depicted on Exhibit G. Developer shall provide City notice of any closure of the pedestrian access for 72 hours or longer.

5.1.2 To achieve the pedestrian connectivity goals stated above, Tualatin, where appropriate, may assist the Developer in negotiating off-site public pedestrian access easements over properties neighboring the Site. Specific assistance includes, but is not limited to, the Verizon-owned parcel to the north of the Site, the REI-owned parcel to the north and east of the Project, and the Gionet-owned parcel to the east of the Project.

5.2 Sanitary Sewer. Tualatin has identified potential existing sanitary sewer capacity restrictions downstream of the Site, due to the approved Plan Text and Plan Map Amendments. The Project will contribute waste to the Pipe Sections, which may warrant the need to upgrade the Pipe Sections to mitigate capacity impacts from the Project. The Developer needs to provide a sewer modeling analysis to determine if the Project warrants upgrades to the Pipe Sections (the "Pipe Sections Upgrades"). If the modeling analysis concludes that upgrades are warranted, those upgrades will be constructed by either by the City or by Developer, depending upon whether the upgrades fall within the City's Capital Improvement Project as provided below. All work associated with replacement of the Pipe Sections shall be complete prior to issuance of a Certificate of Occupancy for any building on the Site. If the City's project is not complete, the Developer will need to construct the improvements necessary to provide sanitary sewer service for this Project.

5.2.1 Upgrades to be Constructed by the City. For Pipe Section upgrades that already are part of the City's Capital Improvement Project work program, the City will construct the Pipe Section replacements and Developer will pay its proportional share of the needed improvement, in addition to any Sanitary Sewer System Development Charges.

5.2.2 Upgrades to be Constructed by Developer. For Pipe Section upgrades that are not part of the City's Capital Improvement Project work program, or if the City's project does not occur, Developer will cause the Pipe replacements to be constructed at its cost, including the required permits. Developer will pay all Sanitary Sewer System Development Charges, but may be eligible for credits against those charges if Pipe Section upgrades constructed by Developer create additional sewer capacity beyond that necessary to serve the Project.

5.3 Timing of Paying System Development Charges ("SDCs") and Traffic Impact Fees ("TIFs"). In order to construct the Project, it is expected that Developer will need to seek a number of permits that may be considered building permits, such as, but not limited to, demolition permits, site work permits, plumbing permits for site work, and permits to pour concrete. The Developer shall pay the applicable SDCs and TIFs at the time an approved major building permit for a multifamily residential or retail structure is retrieved by the Developer (i.e., not the minor permits described above).

SECTION 6. ON-SITE IMPROVEMENTS AND SERVICES.

6.1 Garbage and Recycling Service. Allied Waste Services (“Allied”) typically provides garbage and recycling service in Tualatin, and Pride Disposal Company (“Pride”) typically provides garbage and recycling service in Durham. Although Section 4.5.1 of the IGA indicates that a separate agreement may need to be entered into to determine how garbage and recycling service will be provided to the Site because the Site includes property within each city and each garbage/recycling provider’s territory, it is expected that garbage and recycling services within the Project will be handled as provided in this Section, unless an alternative written agreement is reached between Allied and Pride and approved by the City with respect to the Project.

6.1.1 Garbage and recycling enclosures for residential and commercial development located within Tualatin will be located on the Tualatin portion of the Site and will be serviced by Allied Waste Services.

6.1.2 Garbage and recycling enclosures for residential and commercial development located within Durham will be located on the Durham portion of the Site and will be serviced by Pride Disposal Company.

6.2 Tree Planting by City Using Kearney Tree Restitution Monies. The City has \$2,974.16 in account 001-0000-481.01-03 (posted April/May 2004) paid by Robert Kearney in restitution for illegally cutting down 25 trees on the property he then owned at 18045 SW Lower Boones Ferry Road (former Schneider Trucking Facility site). The money is to be used to plant trees on the site at such time as it is redeveloped. The trees must be planted by the City, but are to be maintained by the developer of the property. Therefore, pursuant to court order, the Developer agrees to grant the City a right of entry to plant trees, in addition to those proposed by Developer as landscaping, on the Tualatin portion of the Site in mutually agreed upon locations with mutually agreed upon tree species and caliper size using the restitution monies. Developer further agrees to maintain the trees planted by the City as part of the landscaping of the Site.

SECTION 7. TERM OF AGREEMENT. This Agreement shall be effective upon final signature and shall remain in effect until the final Certificate of Occupancy is obtained for the Project. If the Developer chooses not to develop the Site as the Project, the Developer shall provide City with a written Notice of Intent to Terminate the Agreement. This Notice shall be presented to the City Council. Upon the termination of this Agreement, Parties shall be released from all obligations under this Agreement.

SECTION 8. ASSIGNMENT OF AGREEMENT. As provided in Section 2, this Agreement applies only if the Site is developed as the Project. If the Developer chooses to transfer the Site to another entity (“Transferee”) and Transferee intends to develop the Site as the Project, the Developer shall provide City with a written Notice of Intent to Transfer the Site. This Notice shall be presented to the City Council. After the transfer is presented to City Council, the Agreement shall be assigned to Transferee and Developer shall be released from all obligations under this Agreement. If the Transferee intends to develop the Site for a use other than the Project, upon the transfer of the Site to Transferee, Developer and City shall be automatically released from all obligations under this Agreement. If the Transferee chooses to assign or


terminate this Agreement, Transferee shall provide City with written notice of any assignment or termination. This notice shall be presented to the City Council. Subject to the foregoing, this Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, administrators and assigns.

SECTION 9. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state and local ordinances, statues and regulations that are applicable to the services provided under this Agreement.

SECTION 10. MODIFICATION. This writing is intended as the final expression of the agreement between the parties with respect to the included terms and as complete and exclusive statement of the terms of the Agreement. Amendments to this Agreement are valid only if made in writing and signed by both Parties.

In WITNESS THEREOF, the parties have executed this Agreement on the date set below their signatures.

CITY OF TUALATIN, OREGON

By: 

Lou Ogden, Mayor
City of Tualatin

Date: June 9, 2008

ATTEST:

By: 

City Recorder

Approved as to legal form:

By: 


City Attorney

DEVELOPER

Bridgeport Apartments LLC, a Delaware limited liability company

By: NW 114 Bridgeport Apartments Limited Partnership, a Delaware limited partnership, its member

By: NW 115 Bridgeport Apartments GP LLC, a Delaware limited liability company, its general partner

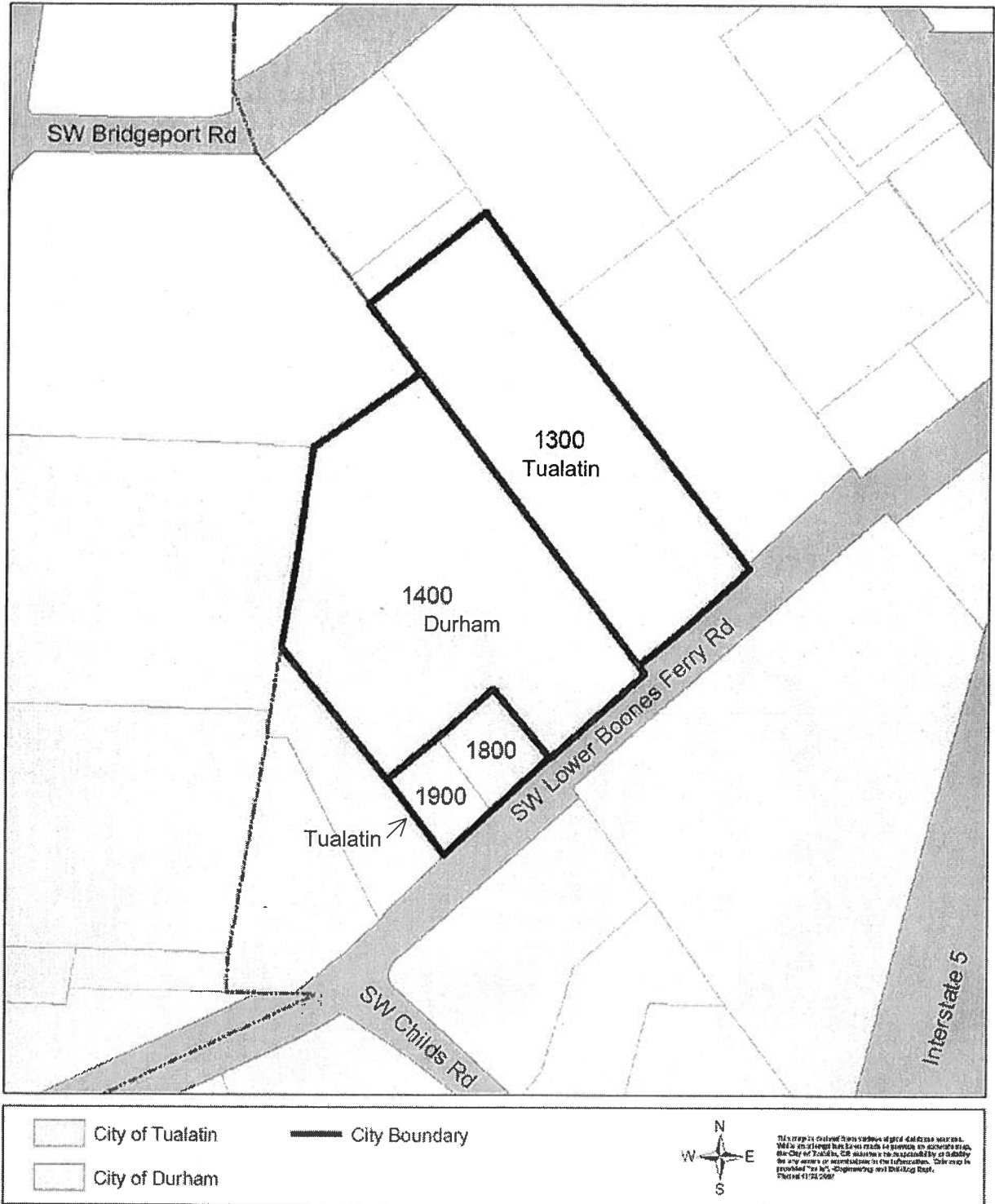
By: 
Its: VICE PRESIDENT

Date: 6/2/08

EXHIBITS:

- A. Site Map
- B. Urban Services Intergovernmental Agreement Between The City of Durham and The City of Tualatin
- C. Site Plan, April 14, 2008
- D. PowerPoint Presentation from Joint Design Advice Charette for the Alexan Bridgeport Project in Durham and Tualatin with the Tualatin Architectural Review Board and Durham Planning Commission and Design Review Board , November 29, 2007
- E. Right Turn Deceleration Lane, Traffic Signal, and Right Out Emergency Access on SW Lower Boones Ferry Road
- F. Pedestrian Connectivity and Potential Public Easements

Site Map for Alexan Bridgeport Project



**URBAN SERVICES INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF DURHAM AND THE CITY OF TUALATIN**

RECITALS

- A. This intergovernmental agreement, hereinafter "Agreement," is entered into on the last date shown on the signature page by the City of Durham, hereinafter "Durham" or "City," and the City of Tualatin, hereinafter "Tualatin" or "City," collectively referred to herein as "Cities," both political subdivisions of the State of Oregon.
- B. ORS 190.007 provides for furthering of economy and efficiency in local government by intergovernmental cooperation.
- C. ORS 190.010 provides that units of government may enter into agreements for performance of any and all functions and activities that parties to the agreement, its officers or agencies have authority to perform.
- D. The parties desire to enter into this Agreement for the purpose of allowing better coordination between Durham and Tualatin in response to the proposed redevelopment of approximately 8.96 acres of property located at 18045, 18055, 18067 and 18075 SW Lower Boones Ferry Road.
- E. The subject property, which was formerly the site of the Schneider Trucking and Lane International facilities, includes approximately 4.61 acres within Durham and approximately 4.35 acres within Tualatin.
- F. It would be to the benefit of Durham and Tualatin to coordinate planning, engineering and permit review of the development of the subject property.

THE CITIES OF DURHAM AND TUALATIN AGREE AS FOLLOWS:

SECTION 1 AREA AFFECTED BY THIS AGREEMENT. The area affected by this Agreement is property generally referred to as the former Schneider Trucking and Lane International sites, (tax lots 1300, 1400, 1800, & 1900 of Map 2S113DC) as shown on Exhibit 1 and any additional land that may become a part of the project area (the "Site") prior to application submittal to both cities. This Agreement applies only to an application to develop all or substantially all of that site and that is submitted jointly to the Cities of Durham and Tualatin for approval.

SECTION 2 LAND USE REVIEW

2.1 Process. Durham and Tualatin will make independent decisions in the course of the land use review process for the development of the Site, including decisions

on appeal (if any). However, in recognition of the potential to develop the Site as a single project, Durham and Tualatin agree to process and evaluate the Architectural Review/Design Review land use application for the development of the Site as follows:

2.1.1 Prior to an applicant's application submittal for review, the meetings and work session(s) described in Sections 2.1.2 to 2.1.5 shall be held.

2.1.2 A Joint Pre-Application meeting with an applicant will be held to review the submittal requirements and anticipated timelines of Durham and Tualatin in anticipation that an applicant will submit one application, which meets the requirements of both jurisdictions.

2.1.3 An applicant will hold a single Neighborhood/Developer Meeting to satisfy the neighborhood meeting requirements of both Cities. Durham and Tualatin will work with an applicant to ensure that notice and advertising meets both jurisdictions' requirements.

2.1.4 Prior to an applicant's submission of a development application, Durham and Tualatin will hold a Joint Work Session(s) with the Tualatin Architectural Review Board, Durham Design Review Board and Durham Planning Commission to discuss the review process and Agreement, and provide an applicant with early design advice that is non-binding on any formal decision.

2.1.5 Early in the design phase an applicant and staff from Durham and Tualatin will meet to discuss technical issues related to infrastructure, such as physical coordination and provision of services (in accordance with this Agreement). Washington County, Clean Water Services, City of Tigard, and the Oregon Department of Transportation shall be invited to this infrastructure meeting(s).

2.1.6 An applicant may submit the same development application to both Durham and Tualatin, so long as the application meets each City's requirements (as agreed to in Section 2.1.2.). The applicant will pay each City its applicable application fee. The applicant will be required to pay Durham all of that City's professional costs incurred to review the application.

2.1.7 Durham and Tualatin will separately process the application for the portion of the Site that is within the jurisdiction of each City (although extra-jurisdictional improvements shall be considered, in accordance with Section 2.3, On-Site Improvements), in accordance with each City's own regulations. If requested by an applicant, Durham and Tualatin shall consider holding a joint hearing of the Durham Planning Commission/Design Review Board and Tualatin Architectural Review Board. Each City will issue a separate land use decision for the application (and on any appeal that is filed), even if a joint hearing is held. Staff from Durham and Tualatin will communicate regularly about each City's review of the application.

2.1.8 Cities shall take all reasonable measures to meet the 120-day requirement in ORS 227.178, including scheduling public hearings, provided that an applicant does all things reasonable and necessary to accommodate that requirement. In recognition of the anticipated extensive land use review, Cities agree to accept an applicant's building permit and public works permit drawings and to proceed with review and comment at a time agreed to by the Cities' and an applicant prior to issuance of final land use decisions. The Cities' review and comment on any such building permit or public works permit drawings shall be deemed preliminary only and shall not preclude further revisions that may be required by either City.

2.1.9 All building permits shall be submitted and reviewed by Tualatin, with an advisory copy of the permits provided to Durham. Building permit fees for structures located in Durham shall be processed in accordance with the existing IGA between Tualatin and Durham related to building permits. The Tualatin Building Official shall confirm with Durham that all Durham land use approval conditions have been met prior to issuance of any building permit. Any public utility extensions shall be reviewed by the applicable service provider. Tualatin and Durham shall coordinate with the Washington County assessor to ensure that taxes and revenues are accurately collected and dispersed in accordance with the improvements that are located within each City.

2.2 Project Assessed Value. The parties will work to assure that the assessed value of a project is approximately proportional to each City's share of the acreage to be developed.

2.3 On-Site Improvements. In recognition of the unique pattern of the Cities' jurisdictional boundaries across the Site, and the resulting potential constraints on a cohesive development, it is reasonable to allow flexibility in compliance with the required on-site improvements described below. To accommodate each City's need to enforce conditions of development approval that may involve improvements lying within the other City's jurisdiction, the Cities shall require an applicant to record covenants or similar agreements (that include maps of the Site) related to the shared improvements that provides the Cities with enforcement authority.

2.3.1 Parking. Required parking may be spread across the Site. The minimum number of parking spaces required by each City need not be provided on the portion of the Site that is located within that jurisdiction, so long as the collective total number of parking spaces on the Site meets the minimum parking spaces required by both Cities. For example, if Tualatin requires 100 parking spaces and Durham requires 200 parking spaces, the Site must include 300 parking spaces, but 50 spaces may be located in Tualatin and 250 spaces may be located in Durham.

2.3.2 Landscaping. Each City's landscaping requirements applicable to property lines that are external to the Site shall be met on the portion of the Site that is within each regulating jurisdiction. The Cities shall coordinate on all other

landscaping requirements and allow flexibility as allowed by the Cities' applicable code (i.e., to provide flexibility on interior lot line landscaping requirements, particularly adjacent to zero lot line buildings, and to consider allowing landscaping to be provided on a portion of the Site that is not located within the regulating City's jurisdiction, so long as the collective required landscaping meets the minimum landscaping required by both Cities).

2.3.3 Building Setbacks. Building code and fire code standards for building setbacks shall be met for all buildings on the Site. However, if compliant with the building and fire code, buildings may be setback zero feet from lot lines that are internal to the Site. Buildings adjacent to lot lines that are external to the Site shall comply with the setback standards of the regulating City.

(i) Structures. Principal buildings constructed on the Site shall not straddle municipal lines; however, if in compliance with applicable codes ancillary components of these buildings and supporting structures may straddle municipal lines and/or internal lot lines. For example, a parking structure or multifamily building shall not cross municipal lines. Bridges or walkways providing for connectivity from one structure to another may straddle municipal lines in order to connect one building to another.

2.3.4 SW Lower Boones Ferry Road Frontage Improvements. When the Site develops, it is expected that the Site's frontage along Lower Boones Ferry Road will need to be improved (sidewalks, landscaping, street trees etc.). So that the Site's frontage along SW Lower Boones Ferry Road is consistent, Cities agree that the frontage improvement standards applicable to SW Lower Boones Ferry Road are: 6 foot wide bike lane, 6 feet of landscaping and 8-10 foot wide sidewalk.

2.3.5 Circulation and Pedestrian Connectivity. Vehicular circulation and pedestrian connectivity internal to the Site may be shared, and shall be reviewed for the Site as a cohesive whole. Additional vehicular circulation enabled by the redevelopment of adjacent sites and establishment of appropriate easements by those affected private parties should be encouraged. Opportunities for appropriate pedestrian connectivity external to the Site should be encouraged.

2.3.6 Development Agreement. Cities agree to work with a developer of the Site to negotiate a development agreement that addresses development-related issues, such as but not limited to limiting traffic impacts, number of residential units, required off-site improvements and applicable criteria prior to submittal of a Architectural Review/Design review application.

SECTION 3 DEVELOPMENT COSTS AND FEES

3.1 Land Development Fees. All applicable fees, charges and taxes for Design Review, Architectural Review, building permits and Public Works Permits for the

Site shall be paid to each City or applicable service provider, based upon each City's or service providers fee schedule.

3.2 Transportation Impact Fees ("TIF") and System Development Charges ("SDC"). A developer of the Site will be required to pay the applicable TIF and SDC charges to each City or service provider. A developer will be required to pay the TIF and SDC fees to Durham for the Durham portion of the Site and present a receipt to Tualatin showing that the fees have been paid. A developer will be required to pay TIF and SDC fees to Tualatin for the Tualatin portion of the Site. TIFs are regulated by Washington County's ordinance. The City Administrator for Durham and City Manager for Tualatin, or their designees, shall determine any applicable TIF or SDC credits once the specifics of a development and necessary off-site improvements are known.

SECTION 4 PUBLIC UTILITIES and SERVICES. There are no existing City of Durham owned public utilities available to serve the Site, and the Cities have existing intergovernmental agreements related to the provision of some public services. Public utilities and services will be provided to the Site as follows during the Architectural Review/Design Review processes if agreed to by the City Manager or City Administrator of the Cities or their designees:

- 4.1 Water. Water service to the Site shall be provided by Tualatin.
- 4.2 Sanitary Sewer. The majority of the Site shall be served by Tualatin. A small portion of the Site may be served by Clean Water Services.
- 4.3 Storm Sewer. Storm sewer service to the Site shall be provided by Tualatin.
- 4.4 Police. The existing IGA between Tualatin and Durham related to police service shall apply to the Site.
- 4.5 Franchise Service Providers.
 - 4.5.1 Garbage and Recycling. Allied Waste typically provides garbage and recycling service in Tualatin, and Pride Disposal Company typically provides garbage and recycling service in Durham. A separate agreement may need to be entered into to determine how garbage and recycling service will be provided to the Site.
- 4.6 Assignment of Addresses. A uniform method for assigning addresses is important because it ensures accuracy for 911 services, mail delivery and the payment of franchise fees. Tualatin shall be responsible for assigning addresses to the Site. Addresses shall be assigned as soon as possible after the entire Site receives Design Review and Architectural Review approval.

SECTION 5 SIGNS. Sign permits for the Site shall be submitted to the respective City where the signs are proposed to be located for review and approval.

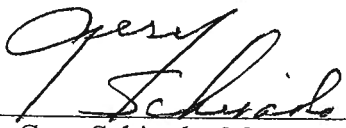
SECTION 6 TERM OF AGREEMENT. This Agreement shall be effective upon final signature and shall remain in effect in perpetuity, unless modified in writing by the parties in accordance with Section 8.

SECTION 7 COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state and local ordinances, statues and regulations that are applicable to the services provided under this Agreement.

SECTION 8 MODIFICATION. This writing is intended as the final expression of the Agreement between the parties with respect to the included terms and as complete and exclusive statement of the terms of the Agreement. Substantial modifications to this Agreement are valid only if made in writing and signed by all parties.

IN WITNESS THEREOF, the parties have executed this Intergovernmental Agreement on the date set below their signatures.

CITY OF DURHAM, OREGON

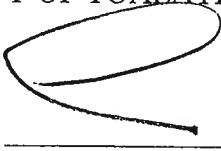
By: 
Gery Schirado, Mayor
City of Durham

Date: 12/6/07

Approved as to legal form:

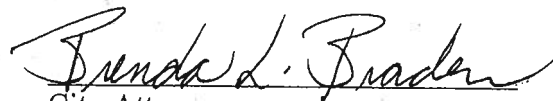

City Attorney

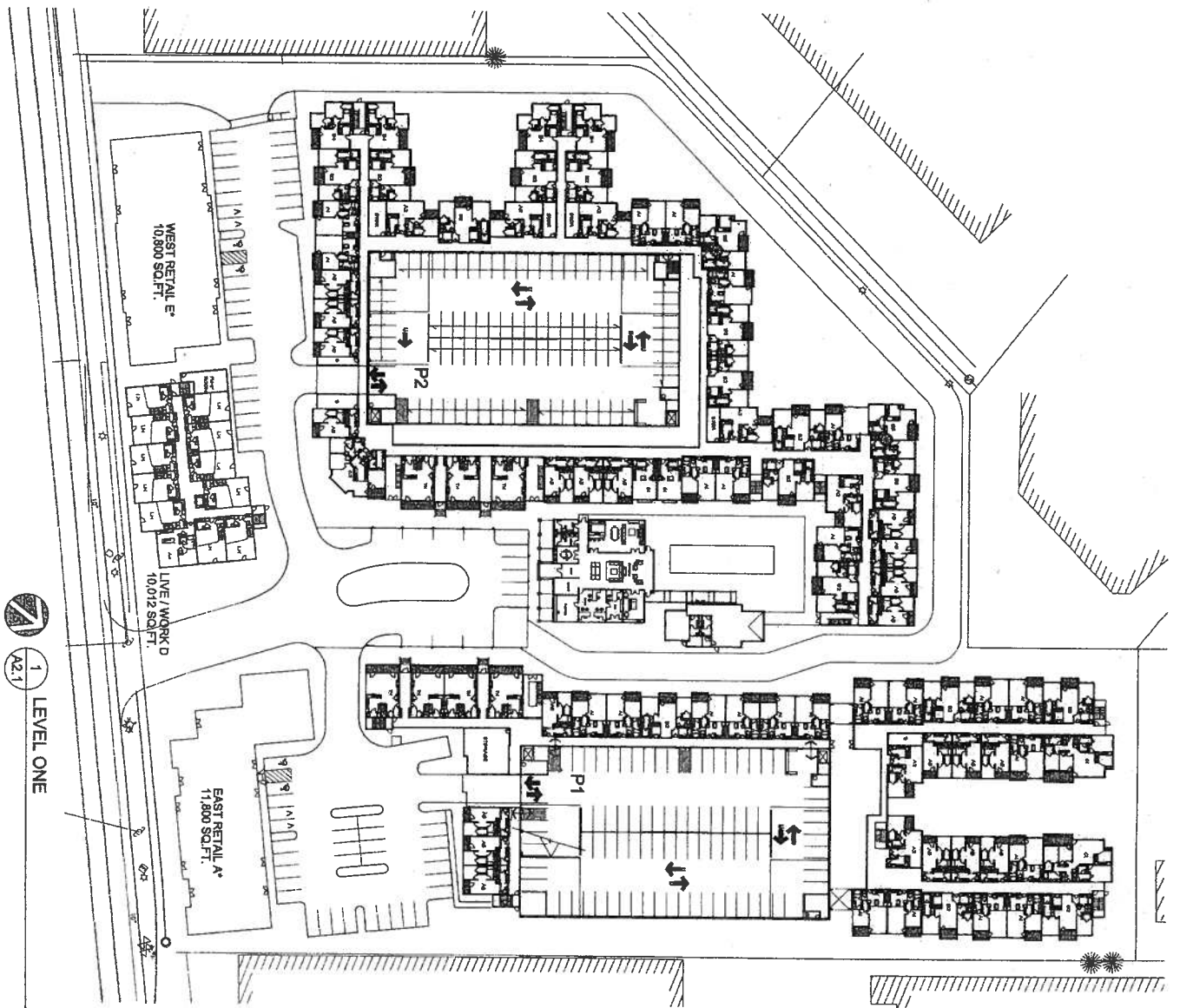
CITY OF TUALATIN, OREGON

By: 
Lou Ogden, Mayor
City of Tualatin

Date: 1/9/08

Approved as to legal form:


City Attorney



1 LEVEL ONE
A2.1

SCALE: 1"=40'-0"
0 20 40

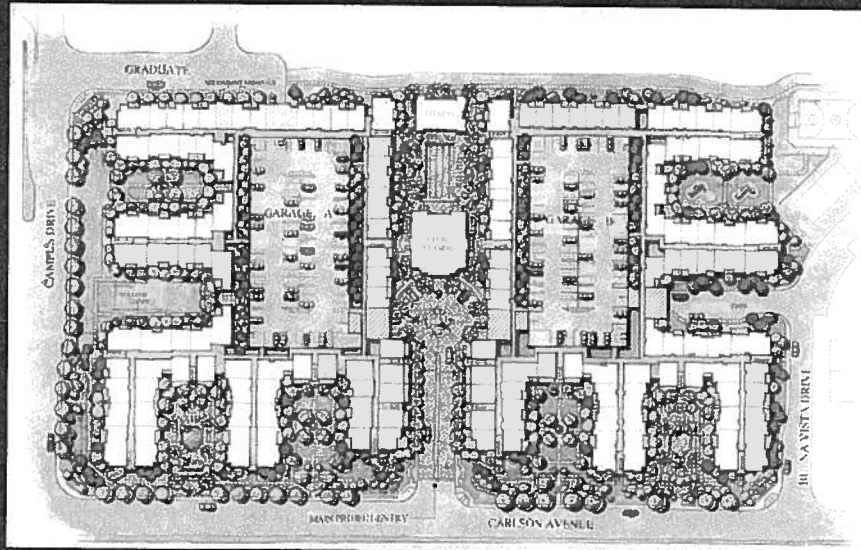
*INTERIOR RETAIL TO BE DIVIDED PER
TENANTS ONCE THEY ARE IDENTIFIED.

EXHIBIT C
Site Plan, April 14, 2008

Drawing Number: A 2.1	Drawing Title: OVERALL BUILDING PLAN LEVEL ONE	Project Title: Alexan Bridgeport Bridgeport Apartments LLC	 Leeb Architects L.L.C. 71 SW Oak St. Portland Or 97204 Phone 503.228.2840 Fax 503.228.2907 leebarc.com
	Date: 04-10-08 Scale: 1"= 40' Drawn By: KOP Project No.: A07-12	Revision: 	

NEWMAN GARRISON GILMOUR

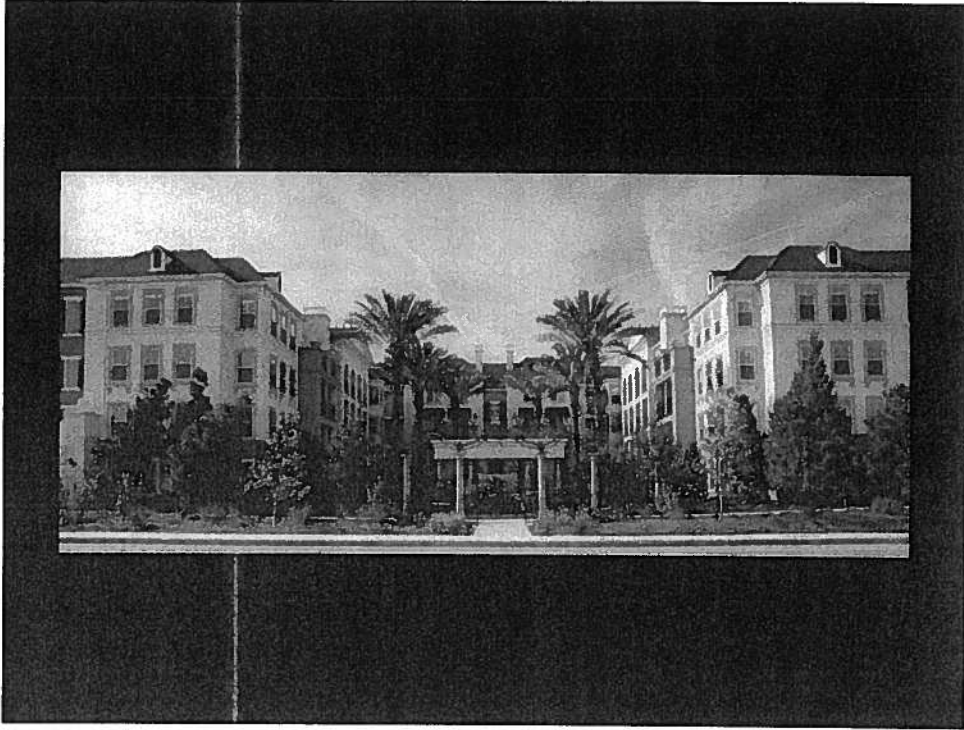
PARTNERS



Watermarke – Irvine, CA



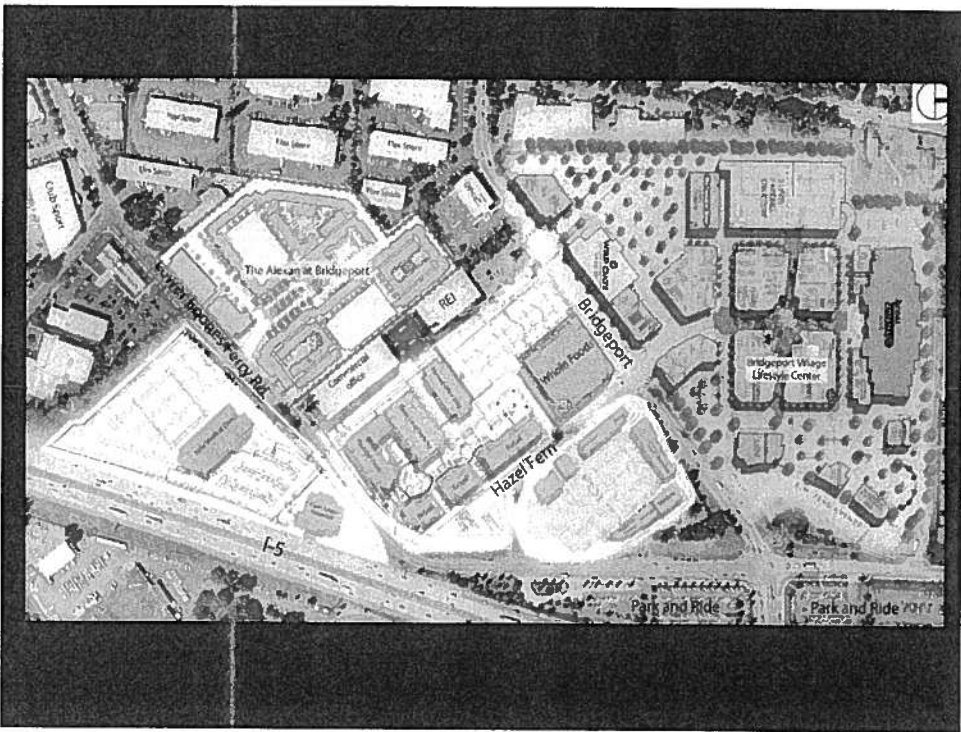
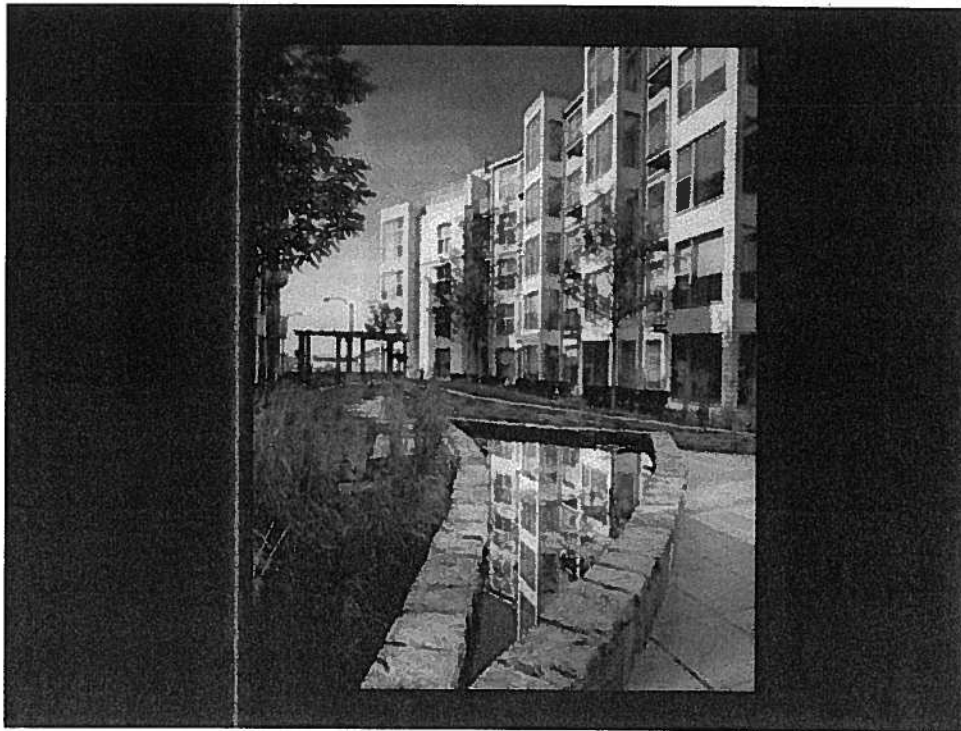


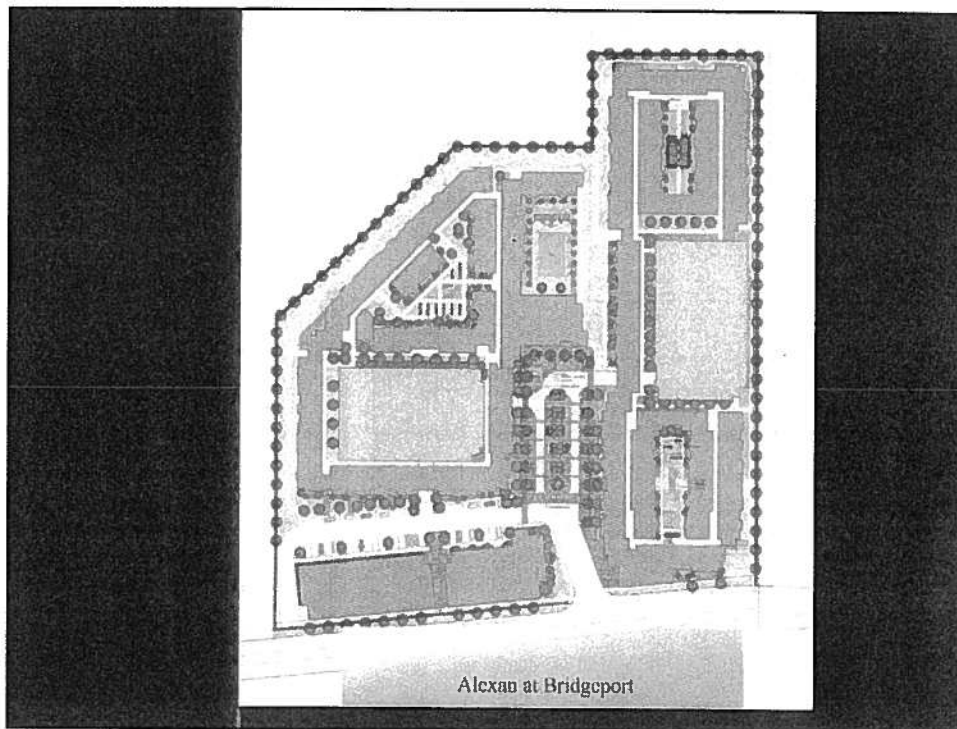
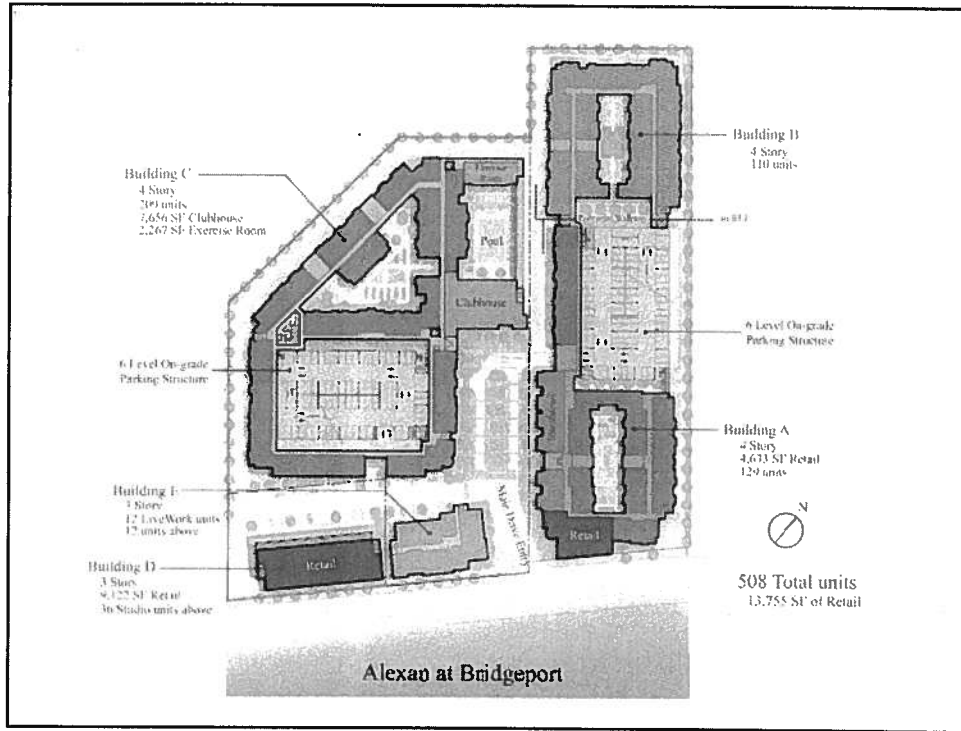


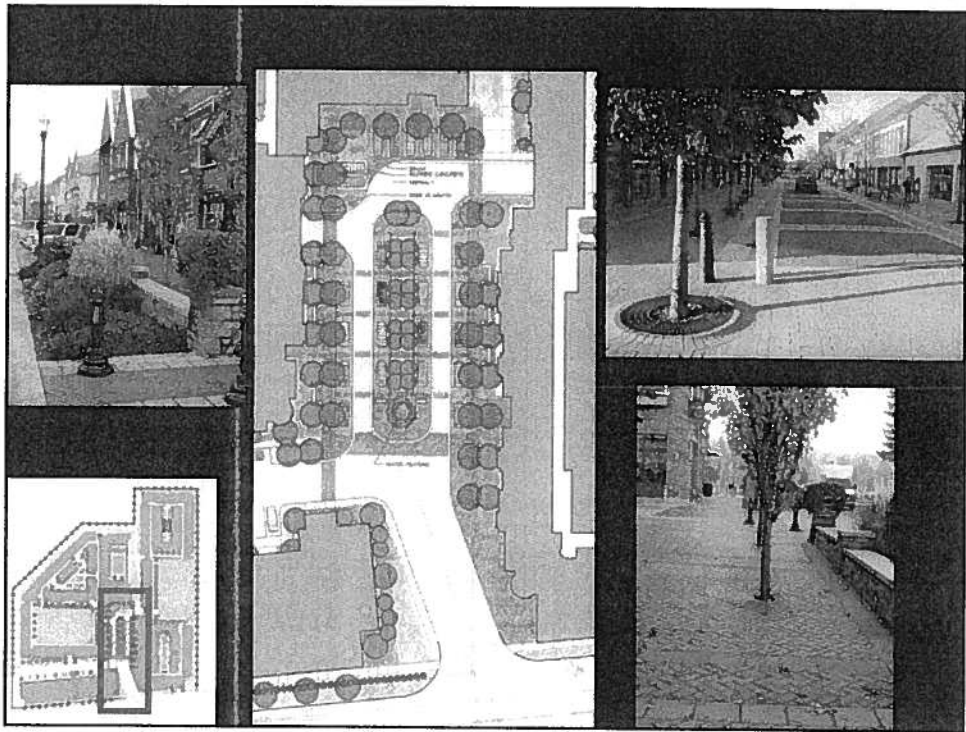
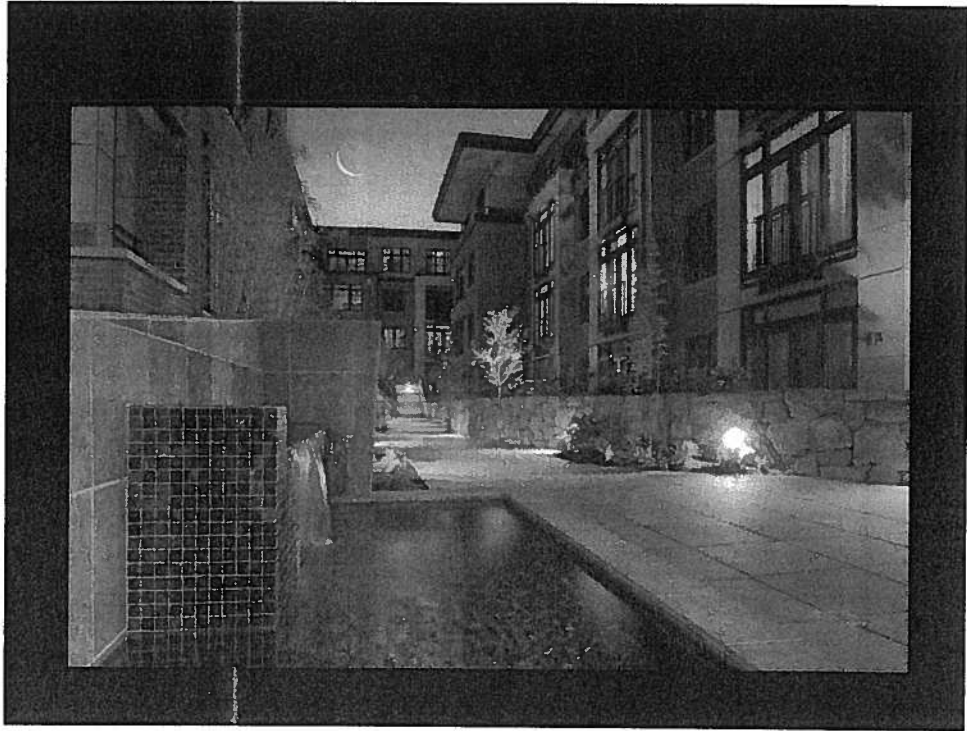
Leeb
architects LLC

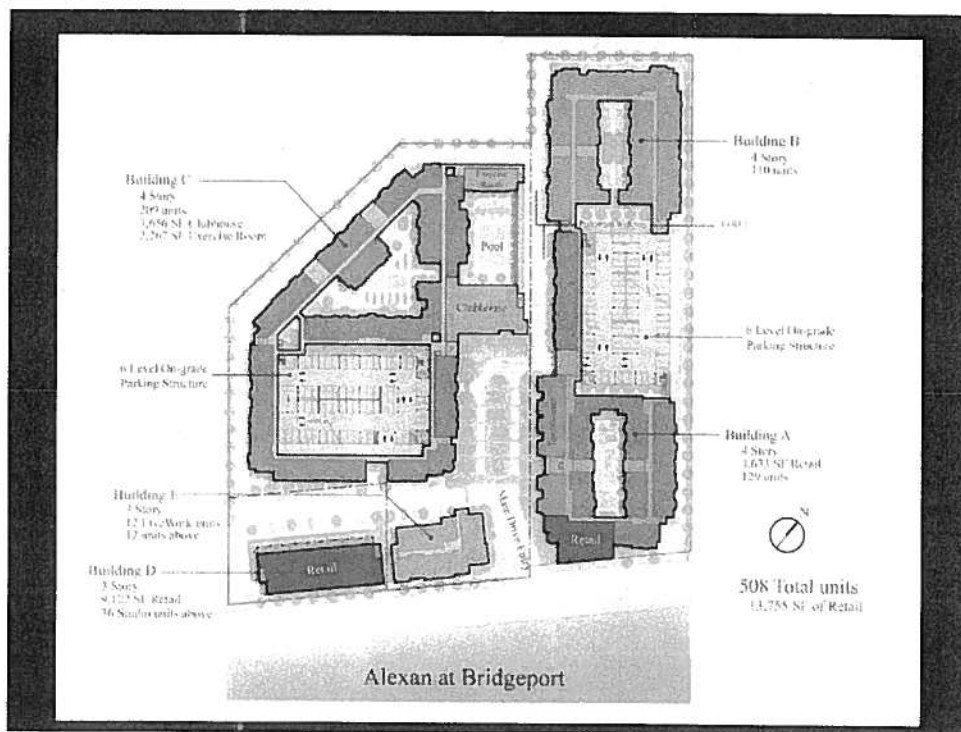
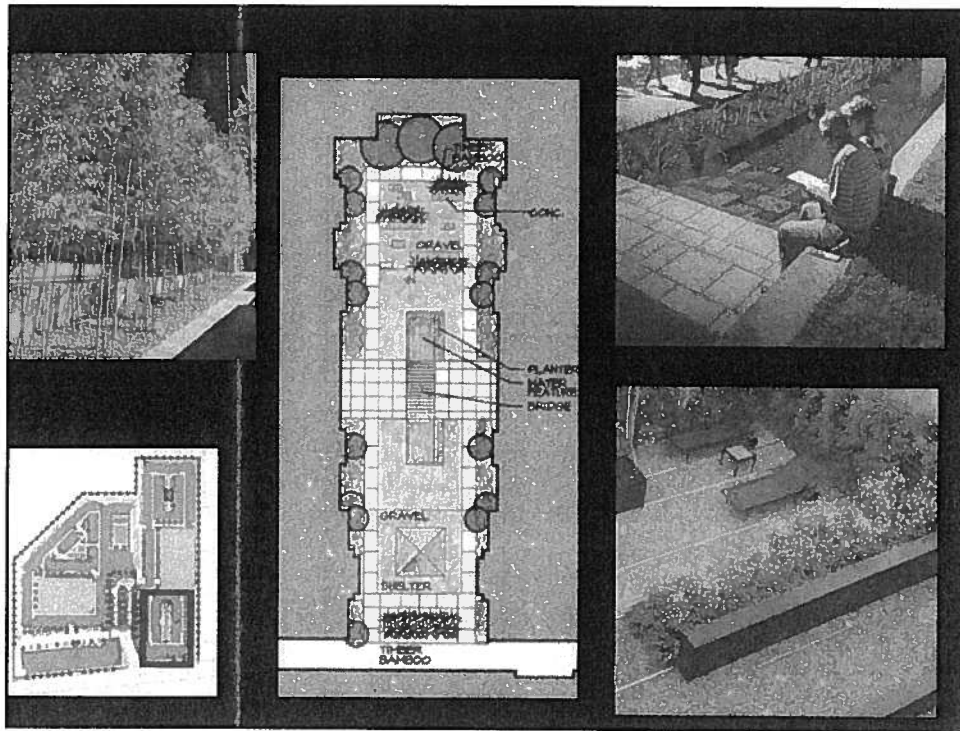






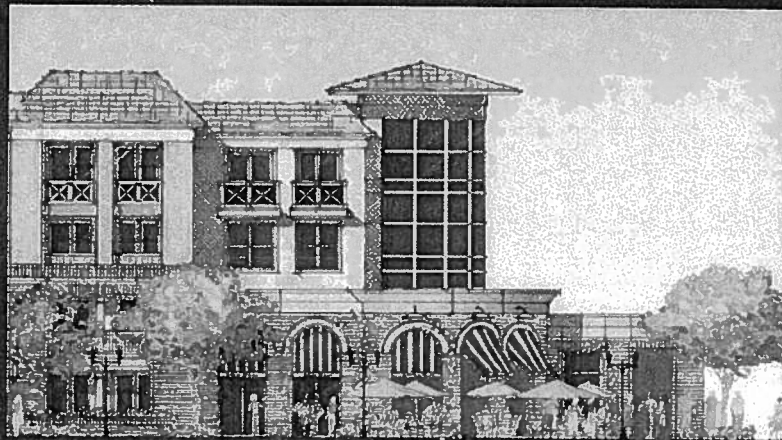


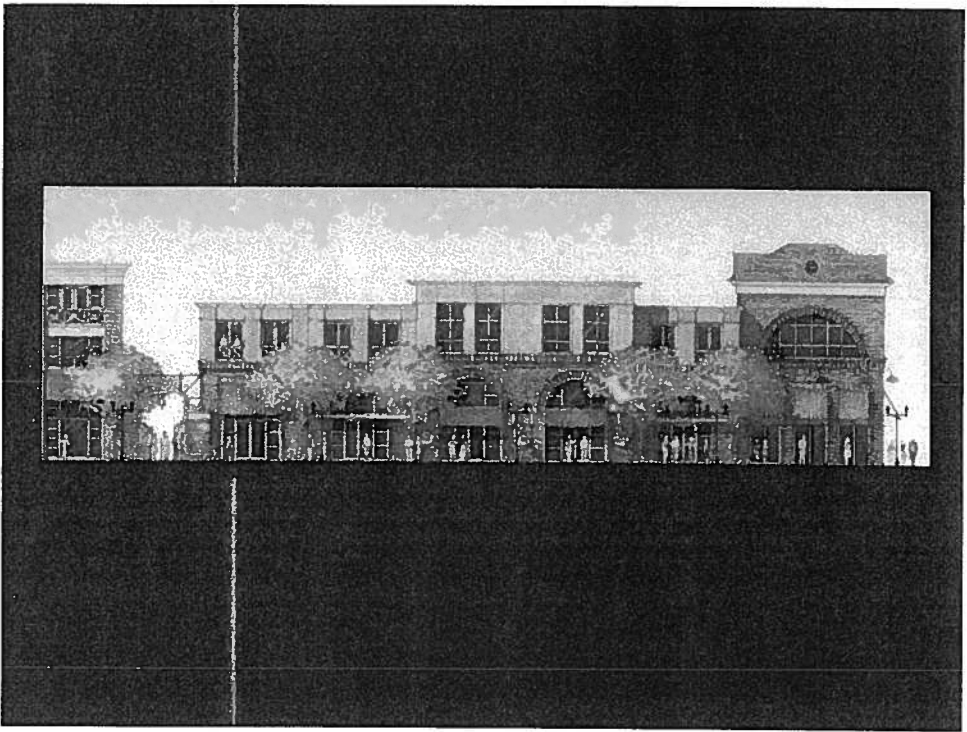
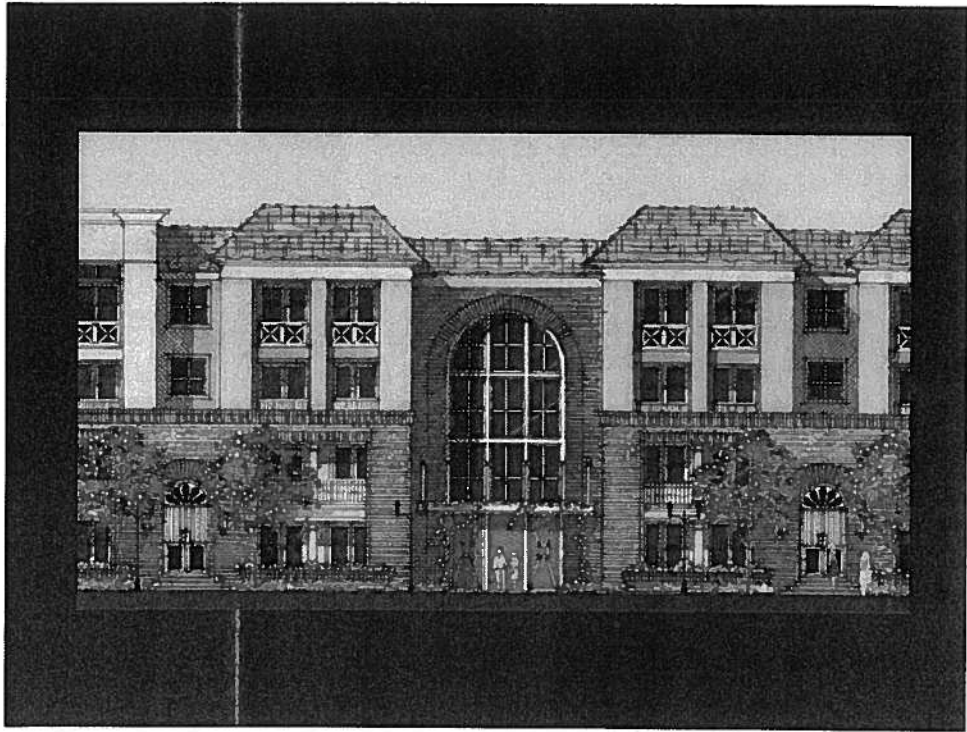


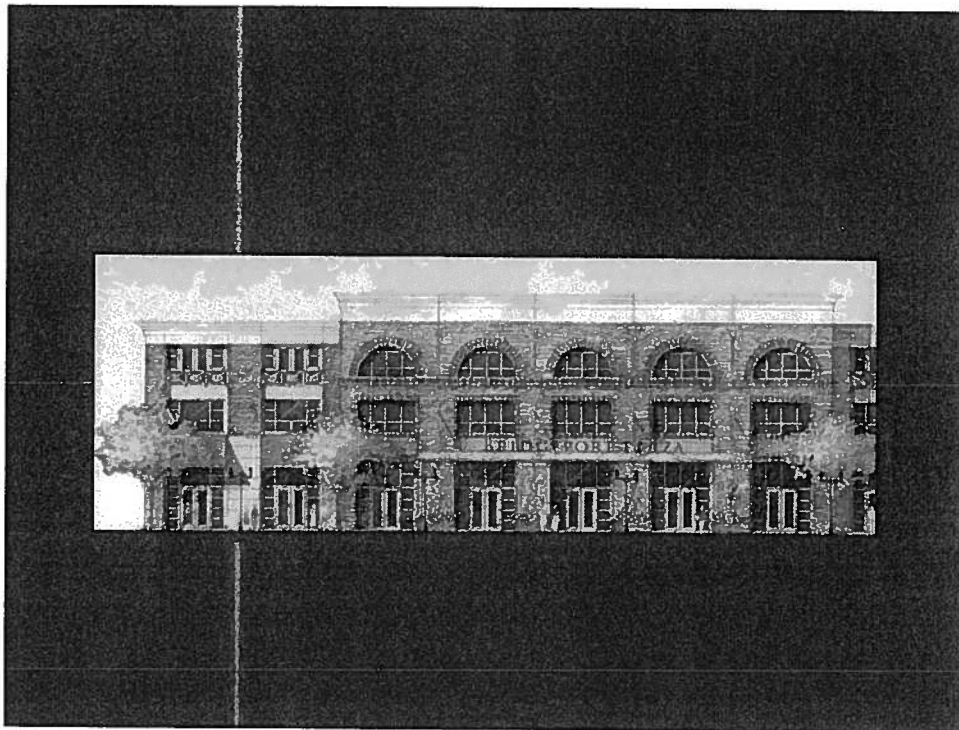


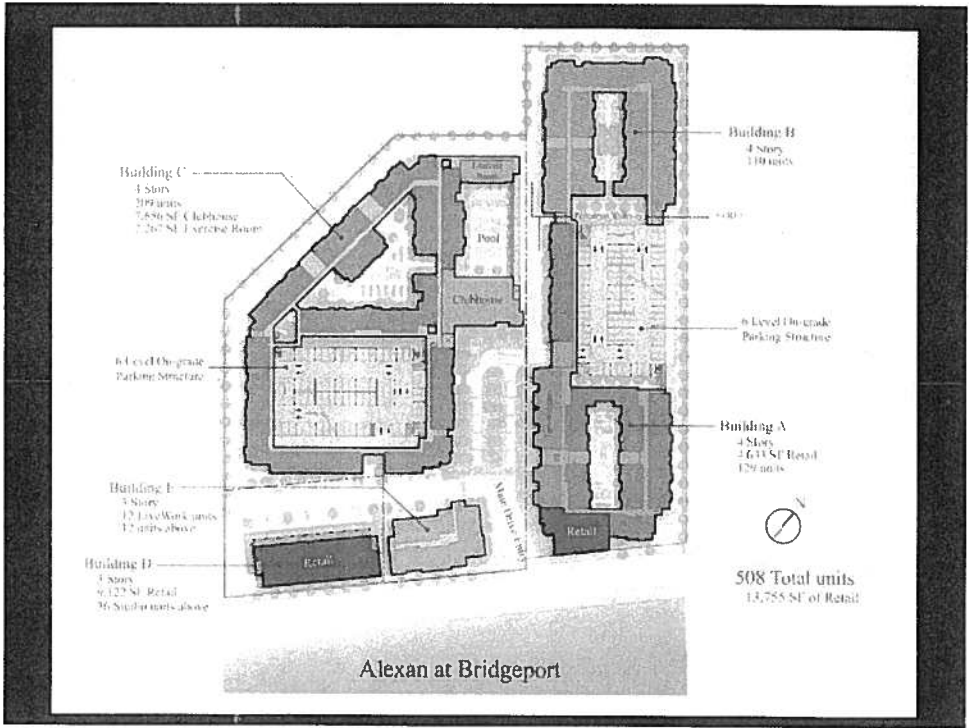
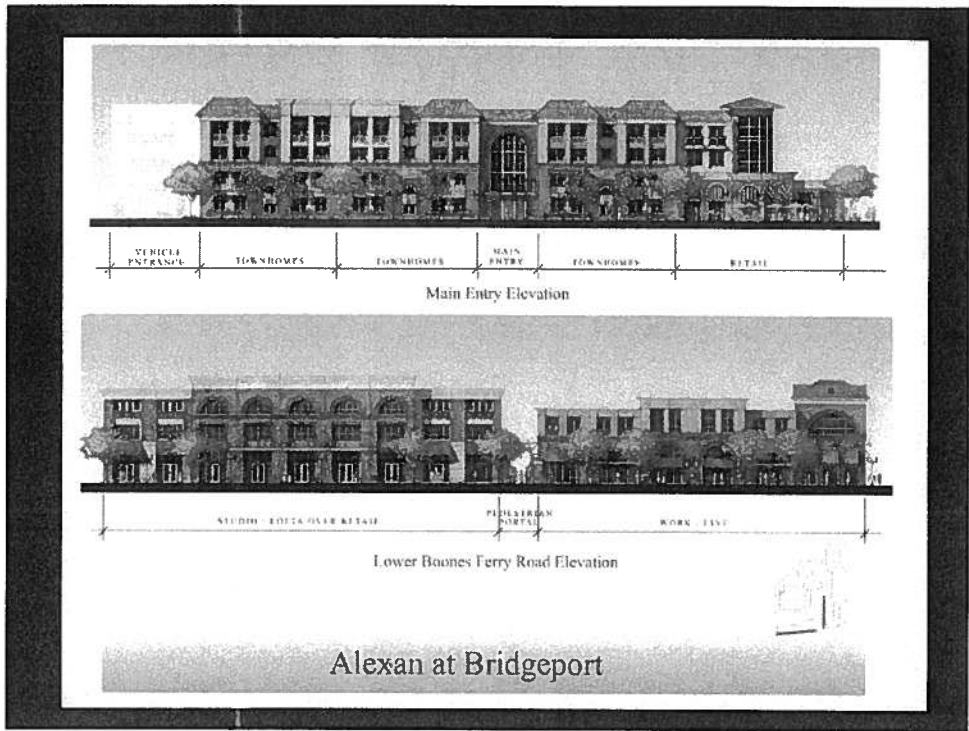


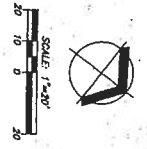
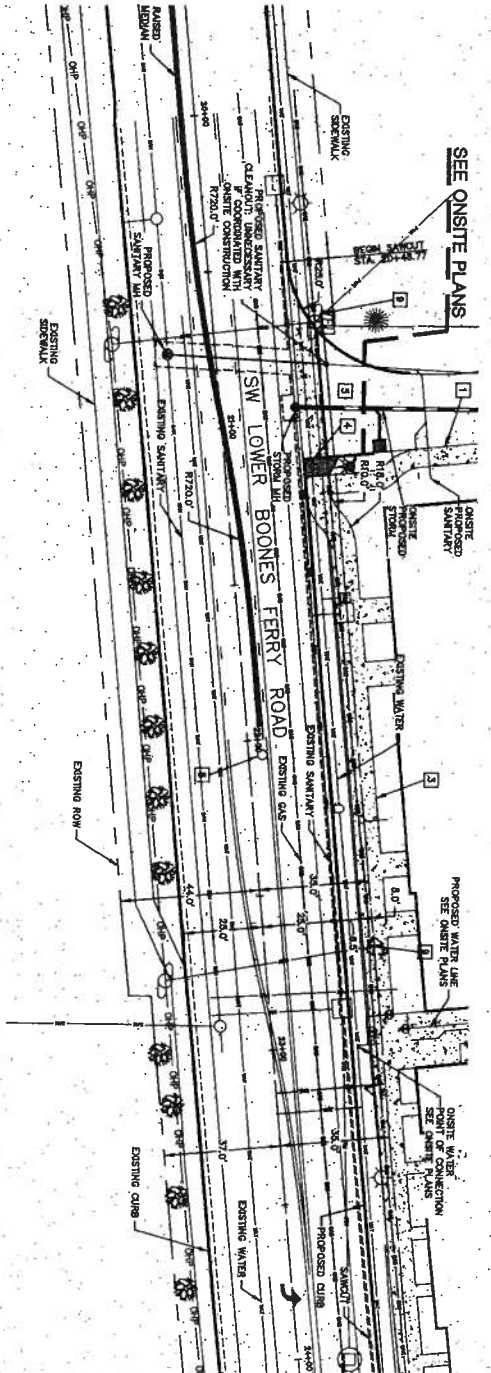
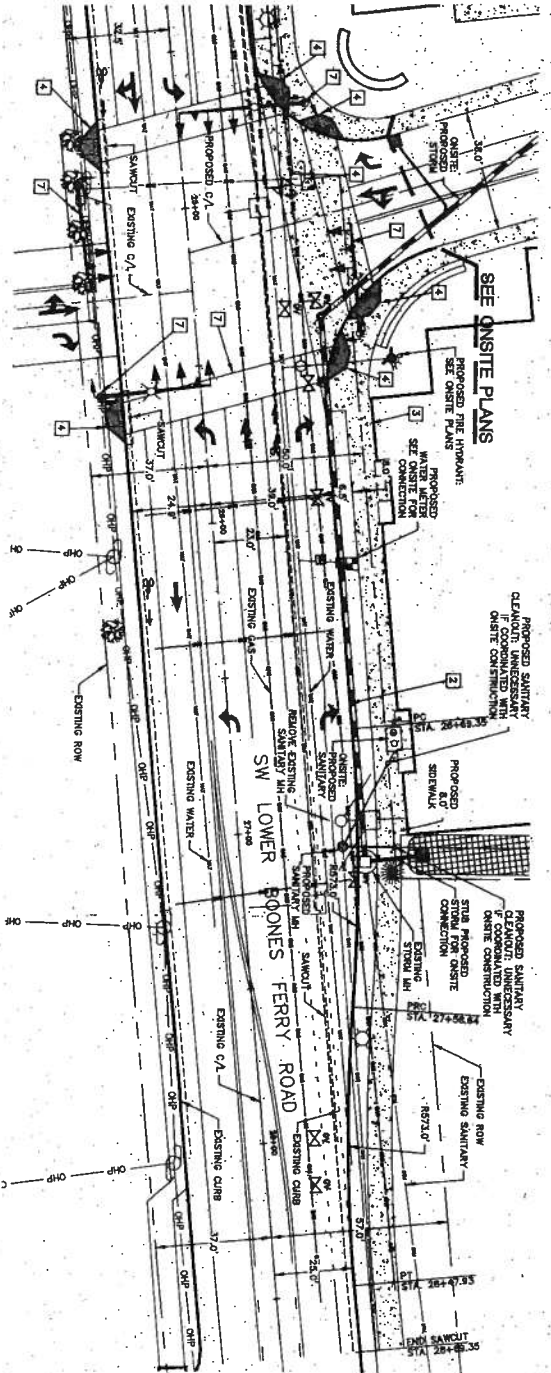
Concept Images











- LEGEND**
- SANITARY SEWER MANHOLE
 - STORM DRAINAGE MANHOLE
 - CLEAN OUT
 - VERTICAL PVC PIPE (DIAMETER SHOWN)
 - WATER METER
 - WATER VALVE
 - HOSE BIB
 - FIRE HYDRANT
 - ELECTRIC BOX
 - FURNACE POLE
 - LIGHT
 - GAS VALVE
 - GAS METERS
 - TELEPHONE BOX
 - SIGN
 - MANHOLE
 - CONCRETE ROLLAD
 - DECKED TREE
 - CONCRETE TREE
 - TREE STUMP
 - CONCRETE SURFACE
 - UNDERGROUND GAS LINE
 - UNDERGROUND STORM DRAINAGE LINE
 - UNDERGROUND SANITARY SEWER LINE
 - UNDERGROUND WATER LINE
 - OVERHEAD POWER LINE
 - FENCE LINE
 - EXISTING BOUNDARY LINE
 - EXISTING RIGHT-OF-WAY LINE
 - EXISTING CENTERLINE
 - EXISTING CURB
 - EXISTING STRIPING
 - EXISTING SIDEWALK
 - PROPOSED SIDEWALK
 - PROPOSED AC PAVEMENT
 - PROPOSED PAWN GARDEN
- STREET CONSTRUCTION NOTES**
- 1 STANDARD CURB, SEE ONSITE PLANS
 - 2 STANDARD CURB AND GUTTER, REPLACE EXISTING
 - 3 8" WIDE x 18" HIGH PUBLIC CONCRETE SIDEWALK WITH 4" BASE ROCK (REMOVE EXISTING)
 - 4 40' CURB RAMP
 - 5 CONCRETE CURB/RAIL DRIVEWAY PER WACO STANDARDS
 - 6 PROPOSED 2' CURB RAMP
 - 7 EXISTING TRAFFIC SIGNAL LOCATION, REMOVE EXISTING STRIPING, INSTALL NEW CROSSWALKS, SEE TRAFFIC PLAN/PAVEMENT PROBTY. BASE TYPIC, LOCATING PVI 188 AND ANCHOR KIT 156.
 - 8 INSTALL PER MANUFACTURER RECOMMENDATIONS
 - 9 RELOCATE EX. POWER POLE

ARCHITECTURAL REVIEW BOARD PACKAGE

Drawing Number: **C40**

Drawing Title: **OFFSITE PLAN**

Date: 04/10/08 Revision: _____

Scale: SEE SHEET

Drawn By: RER

Project No.: LEBB030

Project Title: **Alexan Bridgeport**
Bridgeport Apartments LLC

Durham/Tualatin, Oregon

EXHIBIT E
Right Turn Lane, Traffic Signal,
Right Out Emergency Access

PRELIMINARY

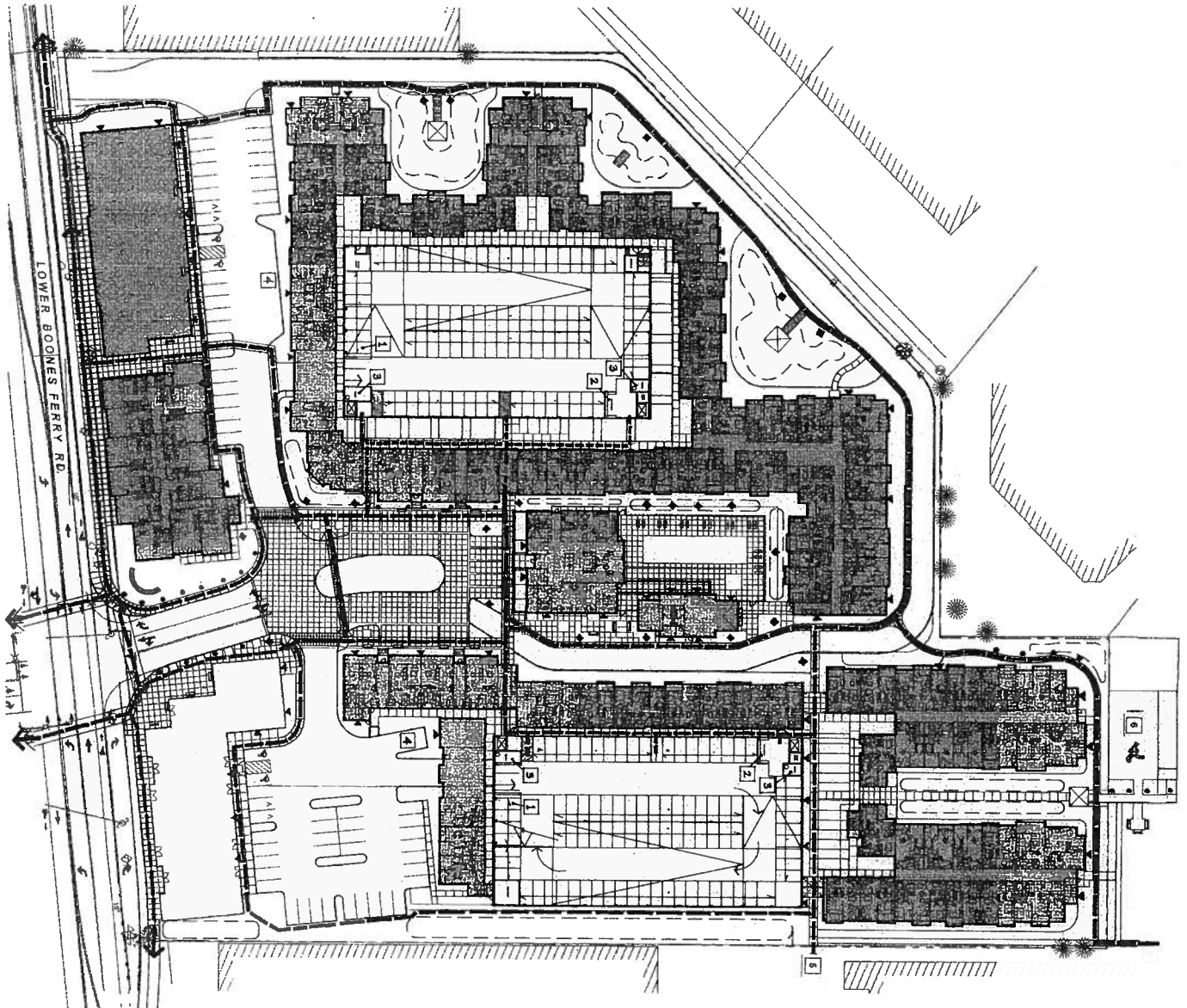


EXHIBIT F
Pedestrian Connectivity

SYMBOL LEGEND

- PEDESTRIAN WALKWAY
- PEDESTRIAN OFF-SITE CONNECTION
- ◆ POLE LIGHT FIXTURE
- BOLLARD LIGHT FIXTURE
- ▼ BUILDING WALL MOUNTED LIGHT FIXTURE

KEY NOTES

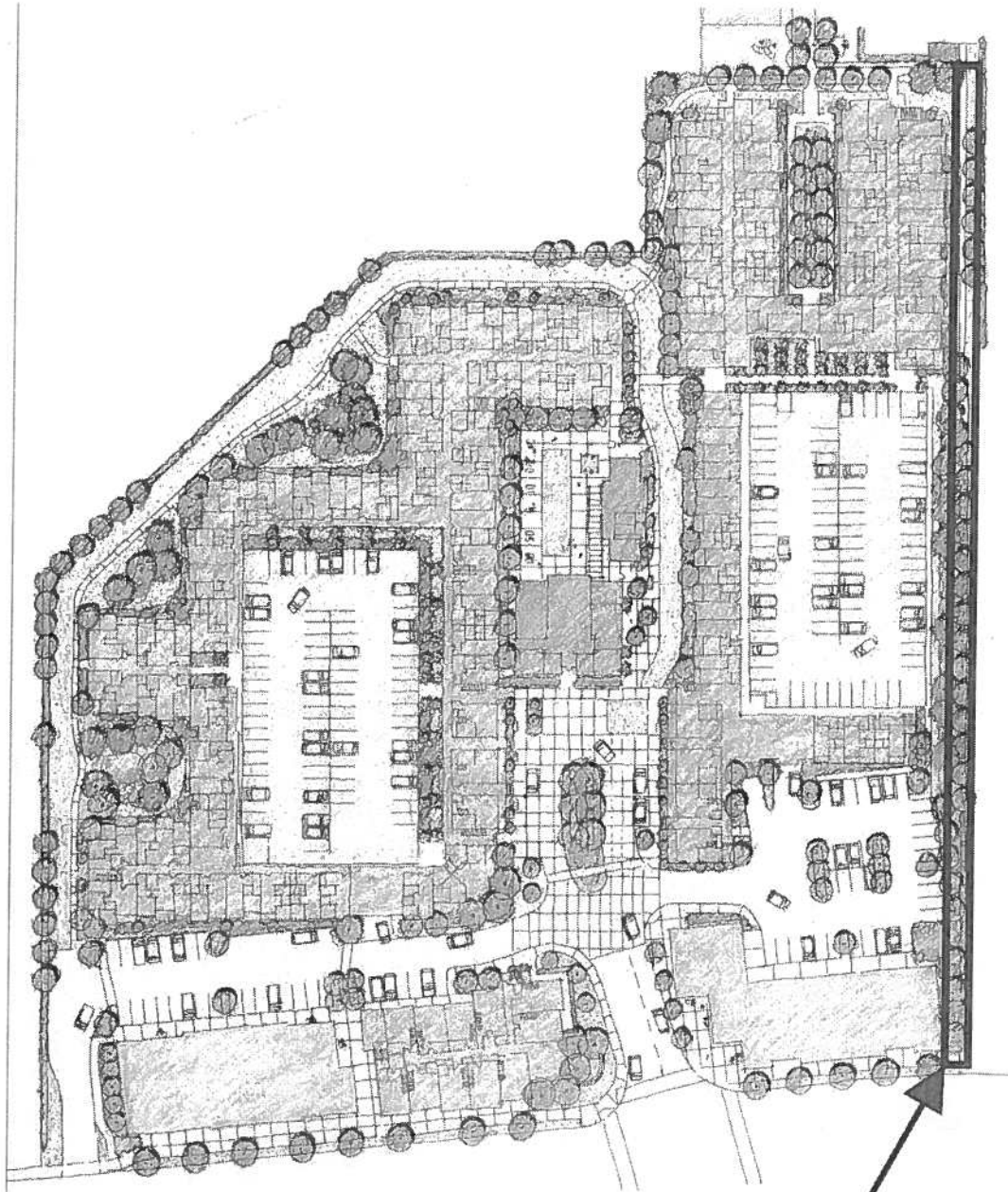
- 1 BICYCLE PARKING
- 2 MAIL (USPS)
- 3 TRASH / RECYCLE (Each Floor)
- 4 LOADING ZONE
- 5 POTENTIAL FUTURE PEDESTRIAN CONNECTION
- 6 PROPOSED CHILDREN PLAY AREA & DOG RUN VIA EASEMENT

PEDESTRIAN CIRCULATION / LIGHTING PLAN



Drawing Number: <div style="font-size: 2em; text-align: center;">A 1</div>	Drawing Title: PEDESTRIAN CIRCULATION AND SITE LIGHTING PLAN Date: 04-10-08 Scale: 1" = 40'-0" Drawn By: CTK Project No.: APT-12	Project Title: Alexan Bridgeport Bridgeport Apartments LLC Durham / Tualatin, Oregon	Leeb Architects L.L.C. 71 SW Oak St Portland Or 97204 Phone 503.228.2840 Fax 503.228.2907 leebwa.com
---	--	--	--

Exhibit G



General location of Tualatin pedestrian connection easement.

EXHIBIT G
General Location of Tualatin
Pedestrian Connection
Easement



Approved By Tualatin City Council

Date June 9, 2008

Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Brenda Braden, City Attorney *[Signature]*

DATE: June 9, 2008

SUBJECT: AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110, AND 38.220 (PTA-08-01).

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would amend Tualatin Development Code (TDC) Chapter 38 - Sign Regulations, removing provisions for Freeway-Oriented Activity Areas and Freeway-Oriented Activity Signs, and amending the nonconforming sign provisions in TDC 35.200 with corresponding amendments to TDC Chapter 20 – Sign Design and TDC 31.060 – Definitions.

RECOMMENDATION:

Staff recommends that the City Council approve the ordinance granting PTA-08-01.

EXECUTIVE SUMMARY:

On May 27, 2008, the City Council held a public hearing (PTA-08-01) at the request of the Community Development Department. This was in response to a Council request to initiate a draft amendment to the Tualatin Development Code (TDC) that would remove the existing Freeway-Oriented Activity (FOA) Area and FOA sign provisions in TDC Chapter 38 – Sign Regulations, and amend related sections in Chapter 20 – Sign Design and Chapter 31.060 – Definitions. At the close of the public hearing, Council approved the Staff Report by a vote of 7-0, and directed Staff to bring back an ordinance adopting PTA-08-01.

FINANCIAL IMPLICATIONS:

The Applicant is the Community Development Department. No fee is required. Funds have been budgeted in the Planning Division's FY07/08 budget to prepare and process City-initiated amendments.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Affidavit of Mailing
- E. Staff Report dated May 27, 2008

ORDINANCE NO. 1261-08

AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 AND 38.220 (PTA-08-01).

WHEREAS upon the application of Doug Rux, City of Tualatin Community Development Director, a public hearing was held before the City Council of the City of Tualatin on May 27, 2008, related to removing freeway-oriented activity signs as allowed freestanding signs, amending nonconforming sign provisions, and amending TDC 20.030, 31.060, 35.200, 38.110, and 38.220 (PTA-08-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 8, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 27, 2008, and 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 Council vote resulted in approval of the application by a vote of [7-0]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 27, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 20.030 is amended to read as follows:

Section 20.030 Objectives.

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.

- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for *Freeway-Oriented Activities* **Major Commercial Centers**.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.
- (18) Allow indirect and internal illumination in residential planning districts for conditional uses.
- (19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.
- (20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.
- (21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

Section 2. TDC 31.060 is amended to delete the following definitions and to amend an existing definition as follows:

~~*Freeway-Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway-oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the center-line of S.W. Lower Boones Ferry Road (see map*~~

~~entitled, "Freeway Oriented Activity Areas," which is attached and incorporated and which is intended to generally define such area).~~

~~Freeway Oriented Activity Area (for signs).~~ See Freeway Oriented Activity.

~~Freeway Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway Oriented Activity exists within the Freeway Oriented Activity Area.~~

Nonconforming Sign. **A lawfully erected sign that does not meet the requirements of TDC Chapter 38 including A** a sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, ~~but which does not meet the requirements of TDC Chapter 38.~~

Section 3. TDC 35.200 is amended to read as follows:

Section 35.200 Nonconforming Signs.

(1) **A lawfully erected sign including** ~~E~~existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. **Nonconforming signs in a former Freeway Oriented Activity Area may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area.** The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.

~~(c)~~**(b)** A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

~~(d)~~**(e)** A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

~~(e)~~**(d)** A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming

sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance. The **Community Development Planning** Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.110 is amended to read as follows:

Section 38.110 Sign Types.

(1) Freestanding Monument Sign Provisions.

(a) Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.

(b) The sign faces of a monument sign shall be parallel or in a "V" shape provided the inside angle of the "V" shall not be more than 90 degrees.

(2) Freestanding Pole Sign Provisions.

(a) Freestanding Pole Sign Supports.

(i) Freestanding pole signs shall be supported by no more than two poles, posts, columns or similar supports. Guy wires and similar stabilization methods are not permitted.

(ii) The poles, posts, columns or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

(iii) The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).

(iv) The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than 25 percent of the sign face's width.

(v) ~~Except for Freeway-Oriented Activity Area freestanding pole signs,~~ The poles, posts, columns or similar supports for freestanding pole signs may be illuminated by direct illumination provided the illumination of each support is horizontal around the support and extends no more than two feet below the bottom or above the top of the sign face and in no case is less than eight feet above grade.

(vi) The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).

(b) Freestanding Pole Signs.

(i) No portion of a freestanding pole sign shall extend on or over a building.

(ii) The faces of two-sided pole signs shall be parallel to each other.

(3) Wall Sign Provisions.

(a) Sign Bands.

(i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

(iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.

(iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.

(b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.

(c) Wall signs may be erected on doors, provided the sign band includes the door.

(d) Wall Sign Extensions. Wall signs shall not extend above the top of nor below the bottom of the sign band.

(e) Wall Sign Depth. Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.

(f) Wall Sign Face Orientation. Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

(4) Shingle Sign and Blade Sign Provisions. Shingle signs and blade signs may be erected in the Mixed Use Commercial Overlay District subject to TCD 38.225 and in the Central Design District subject to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs need not be placed within the sign band for wall signs. Shingle signs and blade signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Number of Sides: No more than two.

- (d) Height of Sign Face: 1.5 feet in the Central Design District.
 - (e) Width of Sign Face: Three feet in the Central Design District.
 - (f) Sign Face Area: 4.5 square feet in the Central Design District.
 - (g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - (h) Illumination: Indirect in the Central Design District.
 - (i) Guy wires cables and similar stabilization methods are not permitted.
- (5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.
- (a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.
 - (b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.
 - (c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.
 - (d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.
 - (e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.
 - (f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.
 - (g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than 90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.
- (6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.
- (7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.
- (a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.
 - (b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.
 - (c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.
 - (d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(8) Directional Signs. Directional signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts, except the CN Planning District where they are not allowed.

(c) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 30 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 30 feet of the public right-of-way.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: No more than one per aisle or aisle intersection or drive-through lane or drive-through lane intersection.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal.

(9) Directory Signs. Directory signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent wall or freestanding monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, MC, CC, CG, ML, MG and MP Planning Districts. The property the sign is to be located on shall contain at least two buildings with not less than 2,000 square feet of gross floor area each, or the property shall contain at least one building with not less than 3,000 square feet of gross floor area and have no fewer than four tenants.

(c) Location on Site: Wall directories shall be erected on sign bands and monument directories shall be erected at least 60 feet from a public right-of-way.

(d) Location as Part of a Fence: Not permitted.

(e) Number: One per primary public customer doorway to the business.

(f) Number of Sides: No more than one for a wall directory. No more than two for a monument directory, except in the MC Planning District where four are allowed.

(g) Height of Sign: No higher than three feet for a wall directory. No higher than six feet for a monument directory.

(h) Sign Face Area: Wall directories shall be no more than six square feet and monuments shall be no more than 24 square feet, except in the MC Planning District where 30 square feet is allowed.

(i) Illumination: Indirect or internal.

(j) Height of Copy: No higher than two inches, except that 20 per cent of the sign face area may have copy up to five inches. In the MC Planning District all copy may be no higher than four inches, except that 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(k) That portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(10) Entry/Exit Signs. Entry/exit signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, CR, MC, CC, CG, ML, MG and MP Planning Districts or at public schools in any planning district.

(c) Location on Site: They shall be located within 15 feet of the edge of the on-site vehicular driveway. They may be located in the vision clearance area.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: One for each vehicular driveway access from a public right-of-way approved through the Architectural Review process. When the vehicular driveway access from a public right-of-way is a joint access serving two or more tax lots which are under different ownerships, two signs are permitted (one on each side of the driveway) for each joint driveway access approved through the Architectural Review process.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal only.

(11) Home Occupation Signs. Home occupation signs may be erected subject to the following limitations without first obtaining a sign permit.

(a) They shall be erected only on the inside of a window.

(b) They shall be allowed in a dwelling unit in all planning districts.

(c) Number: No more than one per dwelling unit.

(d) Number of Sides: No more than one.

(e) Height of Sign: No higher than one foot.

(f) Sign Face Area: No more than one square foot.

(g) Illumination: Not permitted.

(12) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit. The purpose of lawn signs is to allow property owners and real estate agencies to show that a property or building is for sale or rent, and to display political messages.

(a) For single family, duplex and multi-family uses.

(i) They shall be temporary pole or A-frame signs.

(ii) Number: On a property being offered for sale, one sign per public street frontage. On properties other than a property being offered for sale, no more than three signs total may be erected. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet. Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No more than six square feet, but additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

(viii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(b) For undeveloped residential subdivision lots and undeveloped land in the RL Planning District.

(i) They shall be temporary pole or monument signs.

(ii) Location on Site: On private property.

(iii) Number: One per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iv) Number of Sides: No more than two.

(v) Height of Sign: No higher than six feet, except additional lawn signs erected during the election period specified above shall be no higher than three feet.

(vi) Sign Face Area: No more than 12 square feet.

(vii) Illumination: Not permitted.

(viii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(c) For undeveloped land in multi-family, institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(d) For developed land in institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(13) Overhead Door Signs. Overhead door signs may be erected subject to the following limitations after first obtaining a sign permit.

(a) They shall be permanent wall signs.

(b) They shall be allowed for permitted or conditional uses in institutional, commercial, medical center or industrial planning districts.

(c) Location on Building: They shall be erected at the uppermost area of the overhead door opening or on the wall immediately above an overhead door opening provided the top of the sign face is no higher than 1.5 feet above the top of the overhead door opening.

(d) Number: One per overhead door.

(e) Number of Sides: No more than one.

(f) Height Above Grade: The top of the sign face shall be no higher than 1.5 feet above the top of the overhead door opening.

(g) Height of Sign Face: No higher than eight inches.

(h) Area: No more than six square feet.

(i) Illumination: Indirect.

(14) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following limitations without obtaining a sign permit.

(a) They shall be window or wall signs.

(b) They shall be allowed in all planning districts.

(c) Location on Building: On the wall or in the window of a public transit shelter.

(d) Number: One per wall not to exceed two walls of a public transit shelter.

(e) Number of Sides: No more than one.

(f) Height Above Grade: No higher than the top of the wall or window.

(g) Height of Sign Face: No higher than two feet.

(h) Area: No greater than two square feet.

(i) Illumination: Not permitted.

(15) Subdivision Identification Signs. Subdivision identification signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent monument signs.

(b) They shall be allowed for approved or recorded subdivisions in the RL, RML, ML and MG Planning Districts.

(c) Location on Site: On private property at a subdivision entrance or on a private tract median island within the public right-of-way.

(d) Location as Part of a Fence: Except at a subdivision entrance on a private tract median island within the public right-of-way, the sign may be affixed to and be part of a masonry fence.

(e) Number: One per public street entry into the subdivision.

(f) Number of Sides: No more than two.

(g) Height Above Grade: In the RL and RML Districts, no higher than five feet, unless the sign is at a subdivision entrance on a private tract median island within the public right-of-way, in which case it shall be no higher than 2.5 feet. In the ML and MG Districts, no higher than eight feet.

(h) Width of Sign: There is no standard for signs located outside a median. A sign at a subdivision entrance on a private tract median island within the public right-of-way shall be no wider than 50 percent of the width of the median measured from curb to curb or where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.

(i) Area: No more than 18 square feet, except in the ML and MG Districts where the area shall be no more than 25 square feet.

(j) Illumination: In the RL and RML Districts, indirect, unless it is located in a median, then no illumination is allowed. In the ML and MG Districts, indirect or internal is allowed.

(k) Separation: In the ML and MG Districts at least 100 feet shall separate Subdivision Identification Signs from all other permanent freestanding signs, except Directional, Directory and Entry/Exit Signs.

(16) Window Signs. Permanent window signs, including but not limited to neon signs, washable paint such as nonwater soluble, and vinyl appliques, shall first obtain a sign permit. Temporary window signs, including but not limited to butcher paper signs, and water soluble paint, may be erected without obtaining a sign permit. Window signs may be erected subject to the following limitations.

(a) They shall be allowed for permitted and conditional uses in commercial or industrial planning districts.

(b) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(c) Number: No limit provided the sign face area standard is met.

(d) Area: No more than 35 percent of the owned or leased window area.

(e) Illumination: Direct or indirect.

(17) Service Station Signs. Service station signs may be erected subject to the following limitations and after first obtaining a sign permit. In those planning districts where service stations are allowed as permitted or conditional uses, service station signs are allowed only in place of and not in addition to, the signs, other than service station signs, allowed in those planning districts.

(a) Monument signs are permitted. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a monument sign in a MCC apply, TDC 38.110(1), the following standards apply.

(i) Type: Monument Sign.

(ii) Location as Part of a Fence: The sign may be affixed to and made part of a masonry fence.

(iii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the pole sign complies with (b) below and other regulations applicable to such signs.

(iv) Number of Sides: No more than two.

(v) Height Above Grade: No higher than eight feet.

(vi) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(vii) Illumination: Indirect or internal only.

(viii) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

(b) Pole signs are permitted in place of the monument signs allowed in (a) above. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a pole sign in a MCC apply, TDC 38.110(2), the following standards apply.

(i) Type: Pole Sign.

(ii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the monument sign complies with (a) above and other applicable regulations. ~~For Freeway-Oriented Activities, only one of the above permitted pole signs may be a Freeway-Oriented Activity Sign.~~

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 15 feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 45 feet.~~

(v) Height of Sign Face: No higher than eight feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 16 feet.~~

(vi) Area: No more than 48 square feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 250 square feet.~~ Gas product price signs shall be included in the 48 ~~or 250~~-square foot maximums.

(vii) Illumination: Indirect or internal only.

(c) Wall Signs Are Permitted. If used, the following standards apply.

(i) Type: Wall sign.

(ii) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(iii) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(iv) Number of Sides: No more than one.

(v) Height Above Grade: No higher than the height of the sign band.

(vi) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(vii) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(viii) Illumination: Indirect or internal.

(d) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side.

(e) See TDC 38.110(4-16) for additional signage and if used, the standards of TDC 38.110(4-16) apply.

Section 5. TDC 38.220 is amended to read as follows:

Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Indirect or internal.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage. ~~A Freeway-Oriented Activity Sign may be substituted for one of these signs for a Freeway-Oriented Activity.~~ Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except ~~Freeway-Oriented Activity and~~ Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except ~~the Freeway-Oriented Activity Sign may be up to 45 feet and~~ the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except ~~the Freeway-Oriented Activity sign may be up to 16 feet and~~ the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except ~~the Freeway-Oriented Activity Sign may be up to 250 square feet and~~ the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Direct, indirect or internal, except ~~the Freeway-Oriented Activity sign and~~ the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY *Homb*
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Prader
CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO
 Box 370 • Beaverton, OR 97075
 Phone: 503-684-0360 Fax: 503-620-3433
 Email:
 legaladvertising@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

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

City of Tualatin
 Notice of Public Hearing
 TT11126

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

1
 Successive and consecutive weeks in the following issues
 May 8, 2008

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
 May 8, 2008

Robin A. Burgess
 NOTARY PUBLIC FOR OREGON
 My commission expires

Acct #108462
 Stacy Crawford
 City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size 2 x 6.25
 Amount Due \$113.13
 *remit to address above

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**
 NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:
 PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220. Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area. Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court. Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request. CITY OF TUALATIN, OREGON, By: Sherilyn Lombos, City Recorder. Publish 5/8/2008. TT11126.

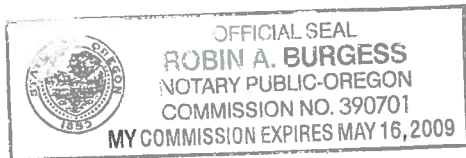


EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 30TH day of April, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:


1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 30TH day of April, 2008.

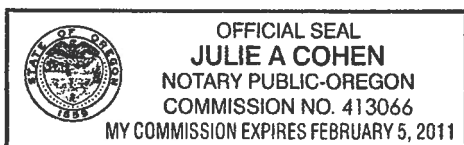


Stacy Crawford

Subscribed and sworn to before me this 30th day of April, 2008.

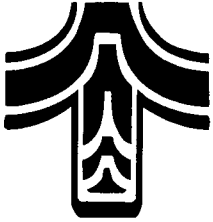


Notary Public for Oregon
My Commission expires: 2-5-11



RE: PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
(May 8, 2008).

Mailed: 4/30/2008

AFFIDAVIT OF MAILING

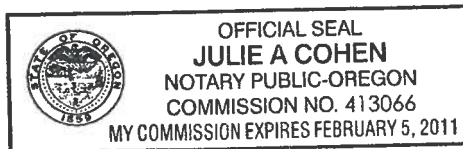
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 30th day of April, 2008, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 30th day of April, 2008.



Julie A. Cohen
Notary Public for Oregon
My commission expires: 2-5-11

RE: PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

EXHIBIT C

Exhibit "A"

21E18BC01000
BERREY STEPHEN M
6305 SW ROSEWOOD ST STE D
LAKE OSWEGO, OR 97035

21E18CB00900
CLACKAMAS COUNTY
9101 SE SUNNYBROOK BLVD
CLACKAMAS, OR 97015

2S113AD00500
SWETT CARL R
2853 ROSECLIFF PL
LAKE OSWEGO, OR 97034

2S113AD00600
SOUTH LAKE CENTER LLC
PO BOX 529
EUGENE, OR 97440

2S113AD00601
SOUTH LAKE CENTER LLC
BY WELLS FARGO BANK
c/o DELOITTE TAX LLP
PO BOX 2609
CARLSBAD, CA 92018

2S113DA00100
ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S113DA00200
L & I INVESTMENTS LLC
PO BOX 28847
SCOTTSDALE, AZ 85255

2S113DA00300
MOBIL OIL CORPORATION
PROPERTY TAX DEPT
PO BOX 94563
CLEVELAND, IO 44101

2S113DA00302
OREGON-DPP LLC
12725 SW MILLIKAN WAY STE 300
BEAVERTON, OR 97005

2S113DA00700/800/900
ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S113DA01100
GLASJAR PROPERTY LLC
BY ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

2S113DA01200
KILKENNY-WATANABE PARTNER
BY ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

2S113DA01400
CRYSTAL SPRINGS TRUST
BY LYNNE I ANGEL TR
1816 SW HAWTHORNE TER
PORTLAND, OR 97201

2S113DA01500
SOUTH LAKE CENTER LLC
PO BOX 529
EUGENE, OR 97440

2S113DB01000
LIM BAO Z & GET H
LIM MEE F
7200 SW HAZEL FERN RD
TIGARD, OR 97224

2S113DB01100
BRIDGEPORT POINT INVESTORS LLC
1717 SW PARK AVE #121
PORTLAND, OR 97201

2S113DB01102
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01103
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01104
OREGON DEPT OF TRANSPORTATION
LEASE: BRIDGEPORT POINTE INVESTORS
LLC#19877-//4701
355 CAPITOL ST RM #411
SALEM, OR 97301

2S113DB01500
OREGON STATE OF
DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL ST NE, RM 420
SALEM, OR 97301

2S113DB01700
B V CENTERCAL LLC
ATTEN: FRED W BRUNING
7455 SW BRIDGEPORT RD #205
TIGARD, OR 97224

2S113DB01800
T/C INVESTMENTS LLC &
MOLA PARTNERS LTD
PO BOX 564
TUALATIN, OR 97062

2S113DB02000
OREGON STATE OF
DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL ST NE, RM 420
SALEM, OR 97301

2S113DD01800
SILVERKING LLC
18010 SW MCEWAN RD
LAKE OSWEGO, OR 97035

2S113DD01900
PUBLIC STORAGE INSTIT FUND III
DEPT PT OR 23413
PO BOX 25025
GLENDALE, AZ 91201

2S113DC00800
BRIDGEPORT COMMONS LLC
1800 SW FIRST AVE STE #600
PORTLAND, OR 97201

2S113DB00900
TUALATIN INVESTMENT CORP
BY NORRIS & STEVENS LLC
ATTN: SONJA SNEDEKER
621 SW MORRISON #800
PORTLAND, OR 97205

2S113DC00200
G&S WHOLE FOODS TUALATIN LLC
516 E MORRISON ST #1000
PORTLAND, OR 97214

2S113DC00300
PHOENIX INNS LLC
201 LIBERTY STREET SE
SALEM, OR 97301

2S113DC00400
CHARTER PROPERTIES II LLC
BY BOB SMITH
280 LIBERTY STREET SE
SALEM, OR 97301

Exhibit "A"

2S113DC00501
CHARTER PROPERTIES II LLC
BY BOB SMITH
280 LIBERTY STREET SE
SALEM, OR 97301

2S113DC00600
I C D INC
280 LIBERTY STREET SE STE #300
SALEM, OR 97301

2S113DC00900
SMITH BOB L
BY VIPS INDUSTRIES INC
280 LIBERTY STREET SE STE #300
SALEM, OR 97301

2S124A002501
NYBERG LIMITED PARTNERSHIP
7055 SW NYBERG RD
TUALATIN, OR 97062

2S124A002502
MCBALE DEAN & RANA F
7445 SW NYBERG ST
TUALATIN, OR 97062

2S124A002503 2S124A002509
JACE REAL PROPERTY
MANAGEMENT LLC
BY ARNE C NYBERG MANAGER
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124A002506 2S124A002507
2S124A002700 2S124B001601
NYBERG LIMITED PARTNERSHIP
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124A002508
MCBALE DEAN & RANA F
c/o GILL GEORGE A
17180 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97267

2S124B001602
PORTLAND FIXTURE CO
16390 SW LANGER DR
SHERWOOD, OR 97140

2S124B002100
NYBERG LIMITED PARTNERSHIP
BY KMART CORP #3025
C/O BURR WOLFE LP
PO BOX 22799
HOUSTON, TX 77227

2S124CA00100
TUALATIN GARDENS PROPERTY
LLC
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

2S124CA00200
METROPOLITAN LIFE INSURANCE
BY FRED MEYER INC
TAX DEPT
PO BOX 42121
PORTLAND, OR 97242

2S124DB00200
NYBERG LIMITED PARTNERSHIP
BY EQUILON ENTERPRISES LLC
SHELL OIL PRODUCTS US
TAX DEPT PO BOX 4369
HOUSTON, TX 77210

2S124DB00400
NYBERG CREEK FOUNDATION LLC
BY JOHN C NYBERG
21840 NE SUNNYCREST RD
NEWBERG, OR 97132

OUT OF THE BLUES
SARBJIT KAHLON
17939 SW MC EWAN RD
TIGARD, OR 97224

MARSHA RANDALL - HAIR STYLING
MARSHA RANDALL
13231 SW HILLSHIRE DR
TIGARD, OR 97223

GALLOPS SADDLERY LTD
SHARON MCCARTHY & DIANE SNOW
17937 SW MC EWAN RD
TIGARD, OR 97224

MOTEL 6 #47
MOTEL 6 OPERATING L.P.
TAX DEPARTMENT
PO BOX 117508
CARROLLTON, TX 75011

CATHERINE SHULL
18135 NW CLARNO CT
PORTLAND, OR 97229

PUBLIC STORAGE, INC.
B. WAYNE HUGHES, CEO
17990 SW MC EWAN RD
TIGARD, OR 97224

PUBLIC STORAGE, INC.
DEPT 64343
PO BOX 25090
HAMMOND, OR 91221

BIRDIE GUDAL
27580 SW GARLAND RD
SHERWOOD, OR 97140

FUDDRUCKERS
GEORGE AMEIDA
M&O FOOD SERVICE, INC.
17815 SW 65TH AVE
LAKE OSWEGO, OR 97035

JOSEPH B COX, D.C., LLC
JOSEPH B. COX, DC
7160 SW HAZEL FERN RD 500
TIGARD, OR 97224

KIMBERLY GUMP
2560 OREGON CITY BLVD
WEST LINN, OR 97068

INTEGRITY STAFFING, INC.
JONATHAN D. CRANE
PO BOX 1935
TUALATIN, OR 97062

RED ROOF INN #282
RED ROOF INNS, INC.
TAX DEPT
PO BOX 117508
CARROLLTON, TX 75011

HOT SHOTS
LORINDA LEWIS
3848 SE JOHNSON CREEK
PORTLAND, OR 97222

VIPS
ANURAG PATEL
17993 SW LOWER BOONES FERRY RD
TIGARD, OR 97224

24 HOUR FITNESS #491
24 HOUR FITNESS USA
PO BOX 2409
CARLSBAD, CA 92018

Exhibit "A"

BURGER KING #4221
SARA FOODS, INC.
1778 N PLANO RD, SUITE 118
RICHARDSON, TX 75081

CHINA KING
XIAOBIN RUAN, PRESIDENT
16113 SW CATTAIL CT
TIGARD, OR 97223



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 08-01—AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NON-CONFORMING SIGN PROVISIONS; and AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder


NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on (May 8, 2008).



Mailed: 4/30/2008



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
William Harper, Associate Planner 

DATE: May 27, 2008

SUBJECT: AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 & 38.220 PTA-08-01

ISSUE BEFORE THE CITY COUNCIL:

Whether the City Council should amend the Tualatin Development Code (TDC) Chapter 38-Sign Regulations, removing provisions for Freeway Oriented Activity Areas and Freeway Oriented Activity Signs, amending the nonconforming sign provisions in TDC 35.200 with corresponding amendments to TDC Chapter 20-Sign Design and TDC 31.060 Definitions.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 5-0 on May 7, 2008, recommending that the City Council approve PTA-08-01.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-01 based on the draft ordinance in Attachment D.

EXECUTIVE SUMMARY:

- This matter is a legislative action.
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code.
- The applicant is the Community Development Director.
- At the January 28, 2008 Council Work Session, the Tualatin City Council discussed large freestanding pole signs located adjacent to or visible from the I-5 freeway and looked at the feasibility of removing one or more of the freestanding signs facing the I-5 freeway in Tualatin. The Council was concerned about the

EXHIBIT D

size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall pole signs located on commercial properties that were originally developed for service, food and lodging uses oriented to vehicles and travelers on the freeway. In the Work Session, the Council reviewed current Tualatin sign regulations relating to large freestanding signs and nonconforming signs, the possibility of establishing a sign amortization program, as well as state and federal law pertaining to signs located along Interstate highways.

- In the Work Session, the Council requested staff initiate a draft amendment to the TDC that would remove the existing Freeway Oriented Activity Area provisions in TDC Chapter 38-Sign Regulations and in related sections in Chapter 20-Sign Design and Chapter 31.060-Definitions. The Council also requested revisions to the Nonconforming Sign provisions of TDC 35.200 to redefine what a nonconforming sign is, establish that a change in use on a property can result in a nonconforming sign and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards. At a future date, the Council wants to consider establishing specific design standards for freestanding signs and take a comprehensive and city-wide look at Tualatin's sign regulations.
- The Freeway Oriented Activity (FOA) Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 Interchange in 1966 and 1968. The 1979 and 1983 Sign Ordinance, the 1993 Sign Code Ordinance Amendment (that changed the sign review process from Architectural Review of signs to an objective standards Sign Permit process) and the 1996 incorporation of the Sign Regulations into TDC Chapter 38 carried forward the FOA sign program to the present day.

The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway. As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220.(1)(c)]. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. A graphic depicting existing FOA freestanding pole signs is shown on Attachment B. An aerial map showing the approximate locations of existing FOA and large poles signs is included as Attachment C.

- The existing Nonconforming Sign definition (TDC 31.060) confines nonconforming signs to signs lawfully erected before May of 1992 (prior to the initiation of the Sign Code Ordinance revisions and final adoption in June, 1993) and leaves out signs that were permitted after that date and do not meet current sign standards. The nonconforming sign provisions in TDC 35.200 allow nonconforming signs to remain, but restrict any relocation or structural alteration

unless the sign is brought into full compliance with current standards. There are no provisions allowing a nonconforming sign to be modified in a manner that improves the sign's compliance with current standards without losing its nonconforming status.

- The Council has expressed a public interest in reducing the size and height standards for pole signs by removing the FOA pole sign provisions from the Sign Regulations, by establishing that a change in use can result in a sign becoming nonconforming and encouraging the replacement or scaling down of existing large and tall pole signs by allowing nonconforming signs to be reduced in size while retaining a nonconforming sign status. The proposed amendments will remove the FOA Area and FOA Sign provisions from TDC 20.030-Sign Design Objectives; from TDC 31.060-Definitions; from TDC 38.110-Sign Types; and from TDC 38.220(1)(c)-CC and CG Freestanding Signs.
- The proposed amendment to the Nonconforming Signs provisions would allow an existing legal nonconforming sign to be structurally altered when the sign dimensions are reduced a minimum of 25% of nonconforming height, face height and area. The minimum 25% standard is to provide a clear direction and a significant step toward compliance with the reduced sign height and size provisions in the Sign Code. An example is a nonconforming FOA sign with an allowed height of 45 ft. sign face height of 16 feet and a sign face area of 250 sq. ft. If the conforming sign on the property would be for example a freestanding pole sign (sign height of 15 ft.; sign face height of 8 ft.; sign face area of 48 sq. ft.), the existing non-conforming sign must be reduced in size a minimum of 25% of the difference: 5 ft. less in height; 2 ft. less in sign face height; and 50 sq. ft. less in sign face area.
- The proposed amendment establishes that nonconforming signs are required to comply with the Tualatin Sign Code when the use on a Tax Lot is changed. An example of this situation is when the use of a property with a FOA Sign changes from a lodging, dining or service station use to another use not eligible for a FOA sign. Currently, the Sign Code does not address the change in use aspect of conformance with existing regulations. To compel removal of a sign within the I-5 freeway corridor for nonconformance would be subject to the Federal Law requiring payment of compensation for the sign. As proposed, with a change in use from a FOA use, the sign would become nonconforming.
- The proposed PTA language as prepared by staff is provided in Attachment D. The Background to the proposal is Attachment E and the Plan Amendment approval criteria are addressed in the Analysis and Findings section of this report (Attachment F).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC Chapter 38-Sign Regulations. The Analysis and Findings section of this report (Attachment F) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report

(Attachment F) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PTA request will result in the following:

1. Removes FOA freestanding pole signs as an allowed sign in the Sign Regulations of TDC Chapter 38. Existing FOA pole signs will become nonconforming.
2. Defines existing, legally-erected signs that do not meet current sign standards as nonconforming signs subject to the allowances and requirements TDC 35.200. Allows a nonconforming sign to be altered without losing nonconforming sign status when the sign dimensions are brought closer into compliance to current sign code. Requires a FOA Sign to be brought into compliance when the use on the property changes.
3. This action will not require removal of legally erected signs, but over time will result in or encourage smaller signs.

Denial of the PTA request will result in the following:

1. The current provisions of the Sign Code and related TDC chapters allowing FOA Signs and limiting modifications to older nonconforming signs will remain unchanged. Sign Permits for new FOA freestanding pole signs can be issued.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation to Council are:

- Approve the proposed PTA with alterations.
- 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 Applicant is the Community Development Department. No fee is required. Funds have been budgeted in the Planning Divisions FY07/08 budget to prepare and process City initiated amendments.

PUBLIC INVOLVEMENT:

The Community Development Department conducted an Open House on May 1, 2008, at 4:00-6:00 p.m. at the City Council Building, to explain the PTA proposal to businesses and property owners in the Freeway Oriented Activity Area and to receive comments. No members of the public (property owners/businesses) attended the meeting. A Measure 56 Notice was sent to property owners within the existing FOA Area prior to the Council public hearing.

- Attachments:**
- A. FOA Area Figure 38-1
 - B. FOA Freestanding Pole Sign Graphic
 - C. Aerial Photo of I-5 freeway corridor and existing large Freestanding Pole signs
 - D. Proposed Text Amendment Language-TDC 20.030, 31.060; 35.200; 38.110 & 38.220
 - E. Background Information
 - F. Analysis and Findings

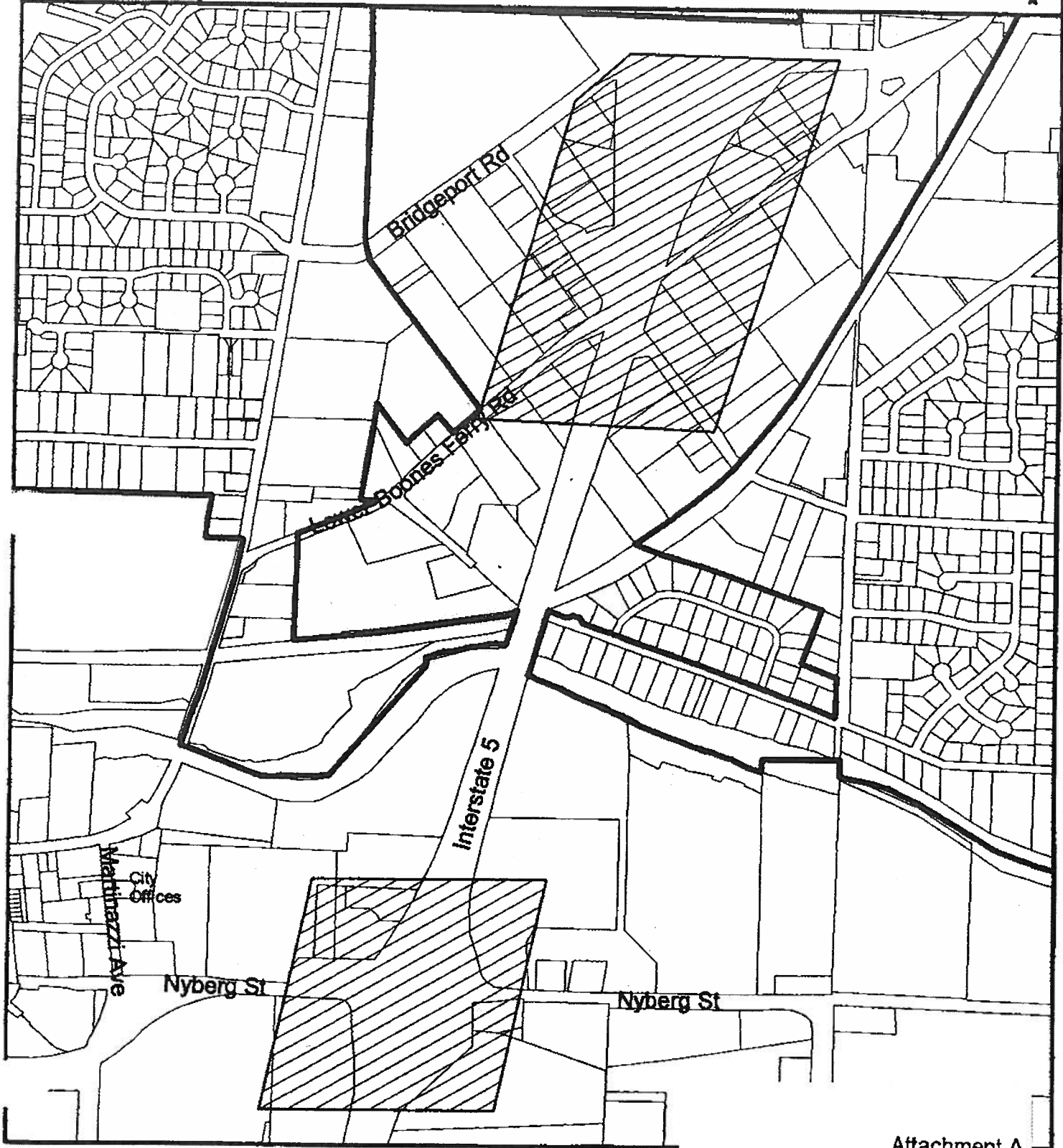


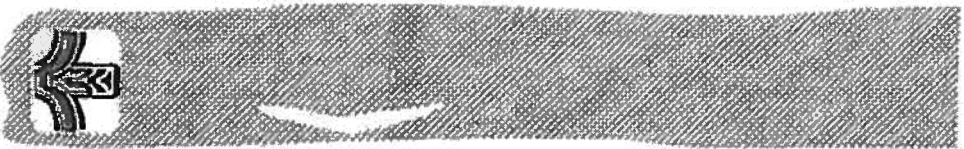
RF 1:8,500

Graphic Information System

Created from various digital datasets prepared by the City of Tualatin. All data has been made to provide an accurate map. The City of Tualatin does not assume any responsibility or liability for any errors or omissions in this information. This map is provided for informational purposes only. Department of Planning and Building Department, Revised 11/2005

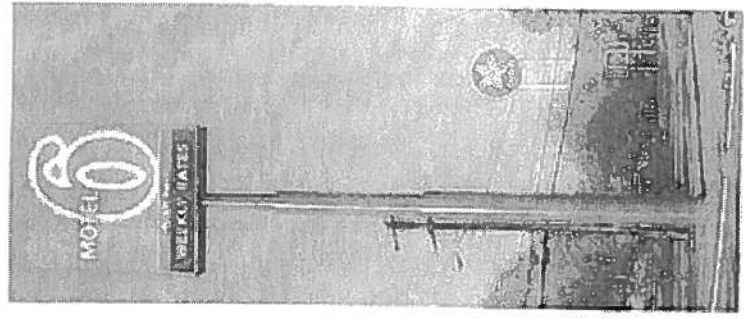
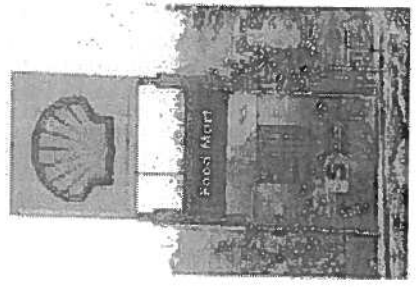
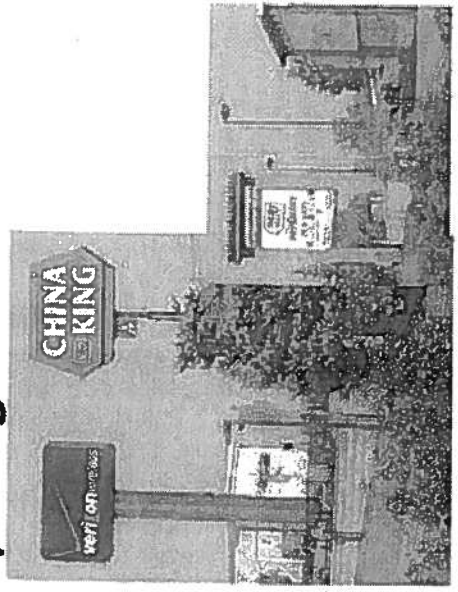
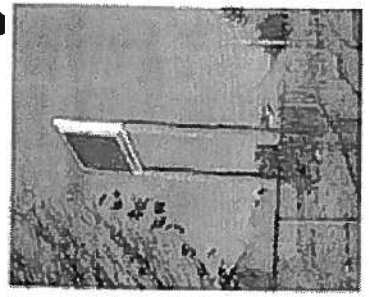
- Freeway-Oriented Activity Area
- Planning Area Boundary





Existing Pole Signs Located in the I-5 Corridor

- # Pole Signs visible from I-5 include:
 - FOA Pole Signs: Carl's Jr.; Out of the Blues; Motel 6 (#1 & #2); Red Roof Inn; Taco Bell; 24 Hr. Fitness; China Palace; Pointe at Bridgeport; (4 vacant signs) Shoppes at Bridgeport; China King; Claim Jumper; Nyberg Woods; Shell; Nyberg Crossing



I-5 Pole Signs

Aerial Photo of I-5 corridor showing locations of existing large, tall pole signs.



ORDINANCE NO. _____

AN ORDINANCE RELATING TO SIGNS; REMOVING FREEWAY-ORIENTED ACTIVITY SIGNS AS ALLOWED FREESTANDING SIGNS; AMENDING NONCONFORMING SIGN PROVISIONS; AND AMENDING TDC 20.030, 31.060, 35.200, 38.110 AND 38.220 (PTA-08-01).

WHEREAS upon the application of Doug Rux, City of Tualatin Community Development Director, a public hearing was held before the City Council of the City of Tualatin on May 27, 2008, related to removing freeway-oriented activity signs as allowed freestanding signs, amending nonconforming sign provisions, and amending TDC 20.030, 31.060, 35.200, 38.110, and 38.220 (PTA-08-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 8, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 27, 2008, and 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 Council vote resulted in approval of the application by a vote of [], with _____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which is incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 20.030 is amended to read as follows:

Section 20.030 Objectives.

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.

- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for ~~Freeway Oriented~~ **Activities Major Commercial Centers**.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.
- (18) Allow indirect and internal illumination in residential planning districts for conditional uses.
- (19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.
- (20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.
- (21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

Section 2. TDC 31.060 is amended to delete the following definitions and to amend an existing definition as follows:

~~*Freeway Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the center line of S.W. Lower Beones Ferry Road (see map*~~

~~entitled, "Freeway Oriented Activity Areas," which is attached and incorporated and which is intended to generally define such area).~~

~~Freeway Oriented Activity Area (for signs). See Freeway Oriented Activity.~~

~~Freeway Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway Oriented Activity exists within the Freeway Oriented Activity Area.~~

Nonconforming Sign. **A lawfully erected sign that does not meet the requirements of TDC Chapter 38 including A** a sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, ~~but which does not meet the requirements of TDC Chapter 38.~~

Section 3. TDC 35.200 is amended to read as follows:

Section 35.200 Nonconforming Signs.

(1) **A lawfully erected sign including** ~~Existing~~ signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. **Nonconforming signs in a former Freeway Oriented Activity Area may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area.** The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.

~~(c)~~ **(b)** A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

~~(d)~~ **(e)** A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

~~(e)~~ **(d)** A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming

sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance. The **Community Development Planning** Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.110 is amended to read as follows:

Section 38.110 Sign Types.

(1) Freestanding Monument Sign Provisions.

(a) Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.

(b) The sign faces of a monument sign shall be parallel or in a "V" shape provided the inside angle of the "V" shall not be more than 90 degrees.

(2) Freestanding Pole Sign Provisions.

(a) Freestanding Pole Sign Supports.

(i) Freestanding pole signs shall be supported by no more than two poles, posts, columns or similar supports. Guy wires and similar stabilization methods are not permitted.

(ii) The poles, posts, columns or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

(iii) The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).

(iv) The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than 25 percent of the sign face's width.

(v) ~~Except for Freeway-Oriented Activity Area freestanding pole signs,~~ The poles, posts, columns or similar supports for freestanding pole signs may be illuminated by direct illumination provided the illumination of each support is horizontal around the support and extends no more than two feet below the bottom or above the top of the sign face and in no case is less than eight feet above grade.

(vi) The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).

(b) Freestanding Pole Signs.

(i) No portion of a freestanding pole sign shall extend on or over a building.

(ii) The faces of two-sided pole signs shall be parallel to each other.

(3) Wall Sign Provisions.

(a) Sign Bands.

(i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

(iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.

(iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.

(b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.

(c) Wall signs may be erected on doors, provided the sign band includes the door.

(d) Wall Sign Extensions. Wall signs shall not extend above the top of nor below the bottom of the sign band.

(e) Wall Sign Depth. Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.

(f) Wall Sign Face Orientation. Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

(4) Shingle Sign and Blade Sign Provisions. Shingle signs and blade signs may be erected in the Mixed Use Commercial Overlay District subject to TCD 38.225 and in the Central Design District subject to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs need not be placed within the sign band for wall signs. Shingle signs and blade signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Number of Sides: No more than two.

- (d) Height of Sign Face: 1.5 feet in the Central Design District.
- (e) Width of Sign Face: Three feet in the Central Design District.
- (f) Sign Face Area: 4.5 square feet in the Central Design District.
- (g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.

(h) Illumination: Indirect in the Central Design District.

(i) Guy wires cables and similar stabilization methods are not permitted.

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.

(b) One per tax lot may be displayed, or in institutional, commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than 90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.

(6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.

(7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.

(a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.

(b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.

(c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.

(d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(8) Directional Signs. Directional signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts, except the CN Planning District where they are not allowed.

(c) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 30 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 30 feet of the public right-of-way.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: No more than one per aisle or aisle intersection or drive-through lane or drive-through lane intersection.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal.

(9) Directory Signs. Directory signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent wall or freestanding monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, MC, CC, CG, ML, MG and MP Planning Districts. The property the sign is to be located on shall contain at least two buildings with not less than 2,000 square feet of gross floor area each, or the property shall contain at least one building with not less than 3,000 square feet of gross floor area and have no fewer than four tenants.

(c) Location on Site: Wall directories shall be erected on sign bands and monument directories shall be erected at least 60 feet from a public right-of-way.

(d) Location as Part of a Fence: Not permitted.

(e) Number: One per primary public customer doorway to the business.

(f) Number of Sides: No more than one for a wall directory. No more than two for a monument directory, except in the MC Planning District where four are allowed.

(g) Height of Sign: No higher than three feet for a wall directory. No higher than six feet for a monument directory.

(h) Sign Face Area: Wall directories shall be no more than six square feet and monuments shall be no more than 24 square feet, except in the MC Planning District where 30 square feet is allowed.

(i) Illumination: Indirect or internal.

(j) Height of Copy: No higher than two inches, except that 20 per cent of the sign face area may have copy up to five inches. In the MC Planning District all copy may be no higher than four inches, except that 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(k) That portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(10) Entry/Exit Signs. Entry/exit signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed in the IN, CO, CO/MR, CR, MC, CC, CG, ML, MG and MP Planning Districts or at public schools in any planning district.

(c) Location on Site: They shall be located within 15 feet of the edge of the on-site vehicular driveway. They may be located in the vision clearance area.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: One for each vehicular driveway access from a public right-of-way approved through the Architectural Review process. When the vehicular driveway access from a public right-of-way is a joint access serving two or more tax lots which are under different ownerships, two signs are permitted (one on each side of the driveway) for each joint driveway access approved through the Architectural Review process.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal only.

(11) Home Occupation Signs. Home occupation signs may be erected subject to the following limitations without first obtaining a sign permit.

(a) They shall be erected only on the inside of a window.

(b) They shall be allowed in a dwelling unit in all planning districts.

(c) Number: No more than one per dwelling unit.

(d) Number of Sides: No more than one.

(e) Height of Sign: No higher than one foot.

(f) Sign Face Area: No more than one square foot.

(g) Illumination: Not permitted.

(12) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit. The purpose of lawn signs is to allow property owners and real estate agencies to show that a property or building is for sale or rent, and to display political messages.

(a) For single family, duplex and multi-family uses.

(i) They shall be temporary pole or A-frame signs.

(ii) Number: On a property being offered for sale, one sign per public street frontage. On properties other than a property being offered for sale, no more than three signs total may be erected. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet. Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No more than six square feet, but additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

(viii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(b) For undeveloped residential subdivision lots and undeveloped land in the RL Planning District.

(i) They shall be temporary pole or monument signs.

(ii) Location on Site: On private property.

(iii) Number: One per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iv) Number of Sides: No more than two.

(v) Height of Sign: No higher than six feet, except additional lawn signs erected during the election period specified above shall be no higher than three feet.

(vi) Sign Face Area: No more than 12 square feet.

(vii) Illumination: Not permitted.

(viii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(c) For undeveloped land in multi-family, institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(d) For developed land in institutional, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(13) Overhead Door Signs. Overhead door signs may be erected subject to the following limitations after first obtaining a sign permit.

(a) They shall be permanent wall signs.

(b) They shall be allowed for permitted or conditional uses in institutional, commercial, medical center or industrial planning districts.

(c) Location on Building: They shall be erected at the uppermost area of the overhead door opening or on the wall immediately above an overhead door opening provided the top of the sign face is no higher than 1.5 feet above the top of the overhead door opening.

(d) Number: One per overhead door.

(e) Number of Sides: No more than one.

(f) Height Above Grade: The top of the sign face shall be no higher than 1.5 feet above the top of the overhead door opening.

(g) Height of Sign Face: No higher than eight inches.

(h) Area: No more than six square feet.

(i) Illumination: Indirect.

(14) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following limitations without obtaining a sign permit.

(a) They shall be window or wall signs.

(b) They shall be allowed in all planning districts.

(c) Location on Building: On the wall or in the window of a public transit shelter.

(d) Number: One per wall not to exceed two walls of a public transit shelter.

(e) Number of Sides: No more than one.

(f) Height Above Grade: No higher than the top of the wall or window.

(g) Height of Sign Face: No higher than two feet.

(h) Area: No greater than two square feet.

(i) Illumination: Not permitted.

(15) Subdivision Identification Signs. Subdivision identification signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent monument signs.

(b) They shall be allowed for approved or recorded subdivisions in the RL, RML, ML and MG Planning Districts.

(c) Location on Site: On private property at a subdivision entrance or on a private tract median island within the public right-of-way.

(d) Location as Part of a Fence: Except at a subdivision entrance on a private tract median island within the public right-of-way, the sign may be affixed to and be part of a masonry fence.

(e) Number: One per public street entry into the subdivision.

(f) Number of Sides: No more than two.

(g) Height Above Grade: In the RL and RML Districts, no higher than five feet, unless the sign is at a subdivision entrance on a private tract median island within the public right-of-way, in which case it shall be no higher than 2.5 feet. In the ML and MG Districts, no higher than eight feet.

(h) Width of Sign: There is no standard for signs located outside a median. A sign at a subdivision entrance on a private tract median island within the public right-of-way shall be no wider than 50 percent of the width of the median measured from curb to curb or where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.

(i) Area: No more than 18 square feet, except in the ML and MG Districts where the area shall be no more than 25 square feet.

(j) Illumination: In the RL and RML Districts, indirect, unless it is located in a median, then no illumination is allowed. In the ML and MG Districts, indirect or internal is allowed.

(k) Separation: In the ML and MG Districts at least 100 feet shall separate Subdivision Identification Signs from all other permanent freestanding signs, except Directional, Directory and Entry/Exit Signs.

(16) Window Signs. Permanent window signs, including but not limited to neon signs, washable paint such as nonwater soluble, and vinyl appliques, shall first obtain a sign permit. Temporary window signs, including but not limited to butcher paper signs, and water soluble paint, may be erected without obtaining a sign permit. Window signs may be erected subject to the following limitations.

(a) They shall be allowed for permitted and conditional uses in commercial or industrial planning districts.

(b) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(c) Number: No limit provided the sign face area standard is met.

(d) Area: No more than 35 percent of the owned or leased window area.

(e) Illumination: Direct or indirect.

(17) Service Station Signs. Service station signs may be erected subject to the following limitations and after first obtaining a sign permit. In those planning districts where service stations are allowed as permitted or conditional uses, service station signs are allowed only in place of and not in addition to, the signs, other than service station signs, allowed in those planning districts.

(a) Monument signs are permitted. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a monument sign in a MCC apply, TDC 38.110(1), the following standards apply.

(i) Type: Monument Sign.

(ii) Location as Part of a Fence: The sign may be affixed to and made part of a masonry fence.

(iii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the pole sign complies with (b) below and other regulations applicable to such signs.

(iv) Number of Sides: No more than two.

(v) Height Above Grade: No higher than eight feet.

(vi) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(vii) Illumination: Indirect or internal only.

(viii) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

(b) Pole signs are permitted in place of the monument signs allowed in (a) above. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a pole sign in a MCC apply, TDC 38.110(2), the following standards apply.

(i) Type: Pole Sign.

(ii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the monument sign complies with (a) above and other applicable regulations. ~~For Freeway-Oriented Activities, only one of the above permitted pole signs may be a Freeway-Oriented Activity Sign.~~

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 15 feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 45 feet.~~

(v) Height of Sign Face: No higher than eight feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 16 feet.~~

(vi) Area: No more than 48 square feet, ~~except a permitted Freeway-Oriented Activity Sign may be up to 250 square feet.~~ Gas product price signs shall be included in the 48 ~~or 250~~ square foot maximums.

(vii) Illumination: Indirect or internal only.

(c) Wall Signs Are Permitted. If used, the following standards apply.

(i) Type: Wall sign.

(ii) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(iii) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(iv) Number of Sides: No more than one.

(v) Height Above Grade: No higher than the height of the sign band.

(vi) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(vii) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(viii) Illumination: Indirect or internal.

(d) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side.

(e) See TDC 38.110(4-16) for additional signage and if used, the standards of TDC 38.110(4-16) apply.

Section 5. TDC 38.220 is amended to read as follows:

Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Indirect or internal.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage. ~~A Freeway Oriented Activity Sign may be substituted for one of these signs for a Freeway Oriented Activity.~~ Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except ~~Freeway Oriented Activity and~~ Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except ~~the Freeway-Oriented Activity Sign may be up to 45 feet and~~ the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except ~~the Freeway-Oriented Activity sign may be up to 16 feet and~~ the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except ~~the Freeway-Oriented Activity Sign may be up to 250 square feet and~~ the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Direct, indirect or internal, except ~~the Freeway-Oriented Activity sign and~~ the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply.

INTRODUCED AND ADOPTED this 27th day of May, 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

ATTACHMENT E

PTA-08-01: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for PTA-08-01 and other supporting documents is summarized in this section.

The applicant is Doug Rux, Community Development Director. The proposed amendment is in response to a Council request to staff to initiate a draft amendment to the Tualatin Development Code (TDC) that would remove the existing Freeway Oriented Activity (FOA) Area and Sign provisions in TDC Chapter 38-Sign Regulations and in related sections in Chapter 20-Sign Design and Chapter 31.060-Definitions. The Council was concerned about the size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall pole signs located on commercial properties that were originally developed for service, food and lodging uses oriented to vehicles and travelers on the freeway. The Council also requested revisions to the Nonconforming Sign provisions of TDC 35.200 to redefine what a nonconforming sign is and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards.

The Freeway Oriented Activity (FOA) Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 interchange in 1966 and 1968. The 1979 and 1983 Sign Ordinance, the 1993 Sign Code Ordinance Amendment (that changed the sign review process from Architectural Review of signs to an objective standards Sign Permit process) and the 1996 incorporation of the Sign Regulations into TDC Chapter 38 carried forward the FOA sign program to the present day.

The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway. As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220(1)(c)]. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. A graphic depicting existing FOA freestanding pole signs is shown on Attachment B. An aerial map showing the approximate locations of existing FOA and large poles signs is included as Attachment C.

ATTACHMENT F

PTA-08-01: ANALYSIS AND FINDINGS

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

A. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) Chapter 38 Sign Regulations and related sections of Chapters 20 Sign Design and TDC 31.060 Definitions removes provisions for Freeway Oriented Activity (FOA) Area and FOA Signs from Tualatin's sign code. The proposed amendment also revises TDC 35.200 Non Conforming Signs to allow nonconforming signs to be relocated on the same property or be reduced in size while retaining a nonconforming sign status. The public interest is to improve the visual appearance of the community by revising the standards for the height and size of freestanding pole signs visible to the I-5 freeway. The public interest is to allow signage that adequately identifies commercial uses and does not result in sign clutter. The public interest is to encourage replacement or scaling down the size of nonconforming signs toward conformance with sign regulations.

The Council is concerned about the size and appearance of existing signs adjoining the sections of I-5 in Tualatin, especially large and tall FOA pole signs located on commercial properties that were originally developed for lodging, food and automotive service station uses oriented to vehicles and travelers on the freeway. The FOA Area and FOA Sign program originated in the 1968 Tualatin Sign Code following construction of the I-5 freeway in the 1950's and annexation of SW Lower Boones Ferry Road/Bridgeport Road/McEwan Road area at the I-5 Exit 290 interchange in 1966 and 1968. The FOA Area was defined (Figure 38-1, Attachment A) as properties associated with the SW Nyberg and SW Lower Boones Ferry Road I-5 interchanges (Exits 289 and 290) and larger, taller FOA signs were allowed for existing (and new) lodging, dining and service station uses that were oriented to travelers on the freeway.

As originally established in the 1968 Sign Ordinance and under the existing CC and CG Planning District freestanding sign standards, a FOA pole sign can be 45 ft. tall and have a sign face area of 250 sq. ft. [TDC 38.220(1)(c)]. These are the tallest and largest signs allowed under Tualatin's sign code. Currently, there are approximately 30 FOA pole signs and oversized pole signs in the FOA Area and visible from the two interchanges. In respect to the recent redevelopment of commercial property in the I-5 interchanges such as Bridgeport Village and Nyberg Woods, the existing FOA pole signs are unattractively prominent and designed, appear unrelated to the existing developments and other commercial signage in the vicinity and are unnecessarily large and tall. Removing the 45 ft. tall, 250 sq. ft. size FOA Signs from the Sign Code and relying on other freestanding signs such as monument and smaller commercial pole signs will reduce the height and size of signs in commercial areas in the I-5 corridor. The proposed revisions to the Nonconforming Sign standards will allow a property owner to relocate or modify a nonconforming sign when the sign's dimensions are

reduced and thereby encouraging smaller and conforming existing signs. This improves the visual appearance of the community and satisfies the public interest.

Since the 1960's and 70's when the I-5 freeway was constructed and development occurred at the Exit 289 and 290 interchanges, the section of I-5 thru Tualatin has experienced growth to over 150,000 vehicles per day with considerably more regional commuter and commercial traffic than traffic associated with interstate travelers. Today, the stores and services located near the freeway have primarily local or regional markets and identify to traffic on nearby surface streets in contrast to needing to identify the businesses to the interstate traveler on the freeway. In a number of cases, the uses on the properties associated with the existing large and tall FOA signs such as a motel or service station have changed to a multi-tenant retail center and no longer have an orientation to the interstate traveler. Aside from the FOA sign standards, the Tualatin sign regulations currently allow 10-20 ft. tall freestanding signs (monument style and pole) in the CC and CG Planning Districts with a sign face area of 40-100 square feet. In the Mixed Use Commercial Overlay District (MUCOD) (Bridgeport Village/The Pointe/The proposed Alexan mixed-use project), a 6 ft. high, 200 sq. ft. monument style project sign is allowed. With removal of the FOA sign provisions, the remaining freestanding sign standards will continue to allow signage that will provide adequate visibility and identification for developments in the CC and CG Planning Districts. Removing the allowance for tall and large FOA signs and encouraging smaller more conforming signs will result in a reduction in sign clutter, meeting the public interest.

The existing Nonconforming Sign definition (TDC 31.060) confines nonconforming signs to signs lawfully erected before May of 1992 (prior to the initiation of the Sign Code Ordinance revisions and final adoption in June, 1993) and leaves out signs that were permitted after that date and do not meet current sign standards. The nonconforming sign provisions in TDC 35.200 allow nonconforming signs to remain, but restrict any relocation or structural alteration unless the sign is brought into full compliance with current standards. There are no provisions allowing a nonconforming sign to be modified in a manner that improves the sign's compliance with current standards without losing its nonconforming status. This discourages removing or redesigning existing nonconforming signs to smaller and perhaps more attractive signs.

The proposed revisions to the Nonconforming Sign provisions of TDC 35.200 redefine what a nonconforming sign is and provide options for allowing modifications to the structure of nonconforming signs when the dimensions of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards. This will allow a property owner to modify a nonconforming sign when the sign's dimensions are reduced and thereby encouraging smaller and conforming existing signs and meeting the public interest.

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

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

The proposed FOA sign and Non Conforming Sign amendments respond to the City Council's current interest in reducing the size and improving the appearance of large commercial signage visible to the I-5 freeway and direction to staff to propose revisions to the City's Sign regulations. The Council has determined that this is in the current public interest and existing development conditions are conducive to achieving their objective.

If adopted at this time, the proposed amendment would avoid the construction of tall and large freestanding pole signs under the FOA provisions and begin to encourage replacement or revisions of existing nonconforming signs more in compliance with the revised Sign Code.

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

Criterion "B" is met.

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

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 6.040(5) General Commercial Planning District: "Commercial development along the freeway provides perhaps the only lasting impression of Tualatin for many travelers. Therefore, careful attention shall be given to site and structure design for development in this district, including signs, choice of materials, and landscaping, particularly in and around parking areas."

The proposed amendment will enhance the appearance of commercial development along the freeway by limiting the tall and large FOA signs and encouraging smaller signs. The proposed amendment conforms to TDC 6.040(5).

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through." (7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

The proposed amendment will enhance the appearance of commercial development along the freeway by limiting the tall and large FOA signs and encouraging smaller signs. The proposed amendment conforms to TDC 20.030(6-7).

TDC 20.030 Objectives "(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

The proposed amendment will allow 10-20 ft. tall freestanding signs (monument style and pole) in the CC and CG Planning Districts with a sign face area of 40-100 square feet. In MUCOD development, a 6 ft. high, 200 sq. ft. monument style project sign is allowed. With removal of the FOA sign provisions, the remaining freestanding sign standards will continue to allow signage that will provide adequate visibility and identification for developments in the CC and CG Planning Districts. The proposed amendment conforms to TDC 20.030(10).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "C" is met.

D. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The characteristics of the area of the City affected by this amendment are the commercial developments in CC and CG Planning Districts near the I-5 freeway and in a FOA area (Shown on Attachment C) The character of the FOA areas are commercial service and retail uses with some existing or new lodging. The proposed amendments to CC and CG Planning District sign regulations are intended reduce the size of freestanding signage in the area to make it more attractive while retaining adequate signage for commercial developments.

The suitability of the area for particular land uses and improvements.

As indicated above, the proposed amendment is intended to improve the appearance of commercial development in the I-5 corridor while retaining its viability for commercial uses.

Trends in land improvement and development.

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the commercial uses while improving the standards for appropriate signage.

Property values.

The proposed amendments will allow existing nonconforming signs to remain with more lenient standards for structural modifications. New FOA freestanding signs will no longer be allowed, but other appropriately sized freestanding signage will be allowed on properties in the former FOA area. Given the existing development in the vicinity of I-5 and the trends in redevelopment at the I-5 interchanges, the signage allowed will be adequate and property values should not be significantly affected.

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

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the needs commercial uses while improving the standards for appropriate signage

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

The proposed sign amendments do not affect right of way and access.

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

Not applicable because the proposed sign regulation amendments do not impact or alter natural resources associated with a development.

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

Not applicable because proposed sign regulation amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to reduce the height and size of freestanding pole signs associated with the FOA area and to encourage bringing nonconforming signs into or closer to compliance with sign size standards. The reduction in size of tall and large pole signs and the encouraging provisions for bringing nonconforming signs into compliance contributes to improved aesthetic surroundings in the City.

Proof of a change in a neighborhood or area.

As described in the public interest section, the trend in land improvements and development in the I-5 freeway area have changed from an orientation to freeway travelers to businesses and destination development with a local or regional orientation. The proposed revisions to the FOA sign standards and nonconforming sign provisions recognizes this trend by retaining the standards that support the needs commercial uses while improving the standards for appropriate signage

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "D" is met.

E. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because it does not apply to existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. Oregon Statewide Planning Goals

Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment regarding signs.

G. Metro's Urban Growth Management Functional Plan (UGMFP).

The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the I-5 corridor as "EA Employment Area" and "TC Town Center" (West side of Exit 289). The proposed amendment revising the sign standards for commercial developments in the I-5 freeway area does not affect the EA and TC classifications.

H. (Criterion 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.

Criterion 8 was considered and found to not be applicable to this amendment regarding signs because it does not have any impact on Level of Service on transportation facilities.



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kusby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: June 9, 2008

SUBJECT: AN ORDINANCE ANNEXING PROPERTY COMPRISED OF APPROXIMATELY 1.4 ACRES LOCATED AT 8930 SW NORWOOD ROAD; AND WITHDRAWING THE PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S135D TAX LOT 107) (ANN-08-01).

ISSUE BEFORE THE COUNCIL:

The Council will consider an ordinance that would annex property located at 8930 SW Norwood Road, to the City of Tualatin.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached ordinance granting ANN-08-01 with an endorsement to the Clean Water Services District.

EXECUTIVE SUMMARY:

On May 12, 2008, the City Council held a quasi-judicial hearing to decide whether to annex property located at 8930 SW Norwood Road to the City of Tualatin. At the close of the public hearing, Council approved the Staff Report and directed Staff to bring back an ordinance adopting ANN-08-01, which would annex the property.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the recommendation.

PUBLIC INVOLVEMENT:

The Applicant held a Neighbor/Developer meeting on February 21, 2008, and the City Council held a public hearing on May 12, 2008.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Mailing
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Property Description
- E. Exhibit D – Annexation Map
- F. Exhibit E – Staff Report dated May 12, 2008

ORDINANCE NO. 1262-08

AN ORDINANCE ANNEXING PROPERTY COMPRISED OF APPROXIMATELY 1.4 ACRES LOCATED AT 8930 SW NORWOOD ROAD; AND WITHDRAWING THE PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S135D TAX LOT 107) (ANN-08-01).

WHEREAS upon the application of the Engineering and Building Department of the City of Tualatin, a public hearing was held before the City Council of the City of Tualatin on May 12, 2008, relating to the annexation of City-owned property comprised of approximately 1.4 acres located at 8930 SW Norwood Road, identified as Tax Map 2S135D, Tax Lot 107; and

WHEREAS notice of public hearing was given as required by mailing to property owners within 300 feet of the subject property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting, marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the City of Tualatin is authorized to annex territory by ORS Chapter 222; and

WHEREAS the subject territory qualifies for annexation under ORS 222.125; and

WHEREAS the annexation of the subject territory has been requested by 100 percent of the property owners; and

WHEREAS the annexation of the subject territory has been requested by 100 percent of the electors; and

WHEREAS the applicant has requested an Expedited Annexation process in accordance with Metro Code Chapter 3.09.045; and

WHEREAS Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS Metro does not oppose the annexation; and

WHEREAS the annexation is consistent with the regional urban growth goals and objectives, functional plans, and regional framework plan adopted by Metro; and

WHEREAS the annexation as described in the property description which is marked as "Exhibit C," attached and incorporated by this reference, is consistent with the Tualatin Community Plan; and

WHEREAS the subject territory is indicated on the map of the annexation which is marked as "Exhibit D," attached and incorporated by this reference; and

WHEREAS the subject territory is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS the annexation implements the extension of public facilities; and

WHEREAS the Council conducted a public hearing on May 12, 2008, and 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 Council vote resulted in approval of the application by a vote of 5-0, with Mayor Ogden and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 12, 2008, which is marked "Exhibit E," attached and incorporated by this reference; and

WHEREAS the City staff report supports the annexation of the subject territory into the Clean Water Services District and requests the City Council's endorsement of the applicant's petition to annex the subject territory into this district; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by annexing the subject territory at this time; and the annexation conforms to the Tualatin Community Plan; and therefore, the subject property should be annexed. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The property described in "Exhibit C" is annexed to the City of Tualatin.

Section 2. The annexation to the City of Tualatin is effective 30 days after the Ordinance is adopted.

Section 3. The Property is withdrawn from the Washington County Enhanced Sheriff Patrol District.

Section 4. The withdrawal of the Property is effective 30 days after the Ordinance is adopted.

Section 5. The property is withdrawn from the County Urban Road Maintenance District.

Section 6. The withdrawal of the Property is effective 30 days after the Ordinance is adopted.

Section 7. The City Recorder is directed to forward copies of this Ordinance to Metro within five days of receipt of the required information from the Oregon State Department of Revenue.

Section 8. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Section 9. The City of Tualatin endorses the annexation of the subject territory into the Clean Water Services District.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, Oregon

BY _____

Mayor

ATTEST:

BY _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

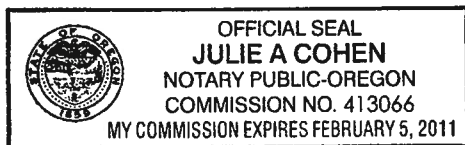
That on the 18th day of April, 2008, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Proposed Annexation Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 22nd day of April, 2008.

Julie A. Cohen

Notary Public for Oregon
My commission expires: 2-5-11



RE: ANN-08-01—ANNEXING TERRITORY COMPRISING OF 1.43 ACRES LOCATED
ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A
MUNICIPAL RESERVOIR (TAX MAP 2S135D TAX LOT 107)

EXHIBIT A

Exhibit "A"

2S135D000100

Dorothea Pennington & Paul
Pennington Trustee
9355 SW Stono Drive
Tualatin, OR 97062

2S135D000106

Grace Community Church Assemblies
of God Inc.
PO Box 2690
Tualatin, OR 97062



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS GIVEN that a public hearing will be held at the City Council Chambers before the City Council of the City of Tualatin at **7:00 p.m. on Monday, May 12, 2008**, to consider annexation of the property described below under the expedited process allowed by ORS 222.125 and Metro Code 3.09.045. The decision on annexation will not authorize or prevent any specific use of land. The hearing shall consider:

ANN-08-01 – ANNEXING TERRITORY COMPRISING APPROXIMATELY 1.4 ACRES (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD RD AND UPON WHICH EXISTS A MUNICIPAL RESERVOIR INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT

The Expedited Annexation criteria that apply to this case may be found in Metro Code 3.09.050(d). They are:

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 of 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.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact Colin Cortes, Assistant Planner, at (503) 691-3024.** This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

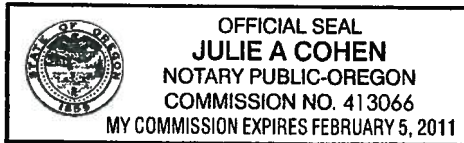
That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two (2) copies of the Notice of Proposed Annexation on the 18th day of April, 2008, copy attached; and that I posted said copies in the following conspicuous places within the City, to wit:

1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Offices

Dated this 18th day of April, 2008.

Stacy Crawford
Stacy Crawford

Subscribed and sworn to before me this 22nd day of April, 2008.



Julie A. Cohen
Notary Public for Oregon
My Commission expires: 2-5-11

RE: ANN-08-01—ANNEXING TERRITORY COMPRISING OF 1.43 ACRES LOCATED ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL RESERVOIR (TAX MAP 2S135D TAX LOT 107)

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS GIVEN that a public hearing will be held at the City Council Chambers before the City Council of the City of Tualatin at **7:00 p.m. on Monday, May 12, 2008**, to consider annexation of the property described below under the expedited process allowed by ORS 222.125 and Metro Code 3.09.045. The decision on annexation will not authorize or prevent any specific use of land. The hearing shall consider:

ANN-08-01 – ANNEXING TERRITORY COMPRISING APPROXIMATELY 1.4 ACRES (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD RD AND UPON WHICH EXISTS A MUNICIPAL RESERVOIR INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT

The Expedited Annexation criteria that apply to this case may be found in Metro Code 3.09.050(d). They are:

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 of 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.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact Colin Cortes, Assistant Planner, at (503) 691-3024.** This meeting and any materials being considered can be made accessible upon request.

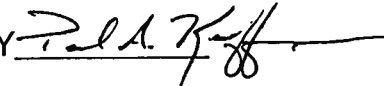
CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

file: ANN-08-01

EXHIBIT "A"

ANNEXATION CERTIFIED

BY 

MAR 05 2008

City of Tualatin Annexation
December 24, 2007

WASHINGTON COUNTY A & T
CARTOGRAPHY

PARCEL 1 – AREA OF ANNEXATION

A tract of land lying in the Southeast quarter Section 35, Township 2 South, Range 1 West, W.M., Washington County, Oregon and being more particularly described as follows:

Beginning at a point lying S89°44'25"W 1330.30 feet and S00°03'02"E 676.50 feet from the East quarter corner of said Section 35; thence N89°44'25"E 300.00 feet; thence S00°03'02"E 200.00 feet; thence S89°44'25"W 300.00 feet, thence N00°03'02"W 200.00 feet to the **Point of Beginning**.

Basis of Bearing for this description is Survey No. 14418, Washington County Survey Records.

Said Parcel 1 contains 60,000 square feet or 1.38 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWAL: 7/01/08
SIGNED: 12-24-07

EXHIBIT C

SE 1/4 SECTION 35 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S 1 35AD

S.W. 89TH
AVENUE

S.W.
VERMILLION
DRIVE

(CR. 1183)

NORTH ROAD

ROAD

748.99

300.0

100
25.18 AC

676.5

T 80 RODS 752.5
ODS

107
1.38 AC
107-C1 (CS 13646)

SOUTH 4.0 RODS
NORTH 4.0 RODS

200'

51500.0

100

NE COR.
SW 1/4 SE 1/4

1 ROD

80 RODS

452.22

EXHIBIT D

BALDOCK

9



STAFF REPORT

CITY OF TUALATIN

To: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, AICP, Community Development Director *EU for D.Rux*
Colin Cortes, Assistant Planner *C.C.*

DATE: May 12, 2008

SUBJECT: ANNEXATION OF PROPERTY AT 8930 SW NORWOOD ROAD
(2S 1 35D 107) (ANN-08-01)

ISSUE BEFORE THE CITY COUNCIL:

A petition for annexation of a property known as Tax Lot 107 on Washington County Assessor's Map 2S 1 35D located at 8930 SW Norwood Road.

RECOMMENDATION:

Staff recommends City Council adopt the staff report and direct staff to prepare an ordinance granting ANN-08-01 with an endorsement of annexation to the Clean Water Services District.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a petition for an expedited annexation.
- The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045.
- The applicant is the Engineering and Building Department. The City owns Tax Lot 107 (Map 2S 1 35D) located 8930 SW Norwood Road. A vicinity map and a tax map are included as Attachments A and B respectively. The applicant's materials are included as Attachment C.
- The subject property has no street frontage and is the site of an existing municipal reservoir. When annexed, staff proposes to designate the property as an Institutional (IN) Planning District through PMA-08-02, which staff will bring before the City Council on May 27, 2008.
- As required in the revised Urban Planning Area Agreement (UPAA) with Washington County adopted by the Tualatin City Council on October 9, 2006 via Ordinance 675-06 and Resolution 4592-06, the City notified the County of annexation ANN-08-01. Per Section III(G), the County does not oppose this annexation.

- The subject property will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is currently not within the service boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency. Upon annexation by the City, the property must be annexed to CWS, initiated by the City.
- The Applicant has prepared material that addresses the annexation approval criteria (Attachment C). Staff has reviewed the applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment E).
- The applicable policies and regulations that apply to the annexation of a property into an IN Planning District include: Tualatin Development Code (TDC) 4.050 General Growth Objectives; 31.067 Procedure for Annexing Territory to the City Limits; and 49.010 Institutional Planning District Purpose. The Analysis and Findings (Attachment E) 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 E) examines the application in respect to the requirements for granting an annexation.
- A plan map amendment application, PMA-08-02, runs concurrently with this annexation and will designate the annexed property as an Institutional (IN) Planning District. Initiation of a conditional use permit (CUP) for the existing reservoir will be processed at a later date.
- Designation of Institutional (IN) Planning District is necessary because upon annexation the subject property would otherwise retain the Washington County planning area designation. PMA-08-02 and a future conditional use permit (CUP) are necessary to comply with the Tualatin Community Plan (TCP), the City's comprehensive plan that is part of the Tualatin Development Code (TDC)
- TDC Section 49.030(3) allows a water reservoir as a conditional use in an Institutional (IN) Planning District, necessitating the need for a CUP application upon approval of the PMA. (The pump station is an approved use.)
- The adopting ordinance for ANN-08-01 has a Council date of June 9, 2008.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and to be designated as Institutional (IN) Planning District through PMA-08-02, which staff will bring before the City Council on May 27, 2008.
2. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District
3. The Council will endorse annexation to the CWS district

Denial of the Annexation petition will result in the following:

1. The property will remain outside the City of Tualatin and will remain as unincorporated Washington County territory.
2. Staff will not bring Plan Map Amendment PMA-08-02 before the City Council on May 27, 2008.

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.

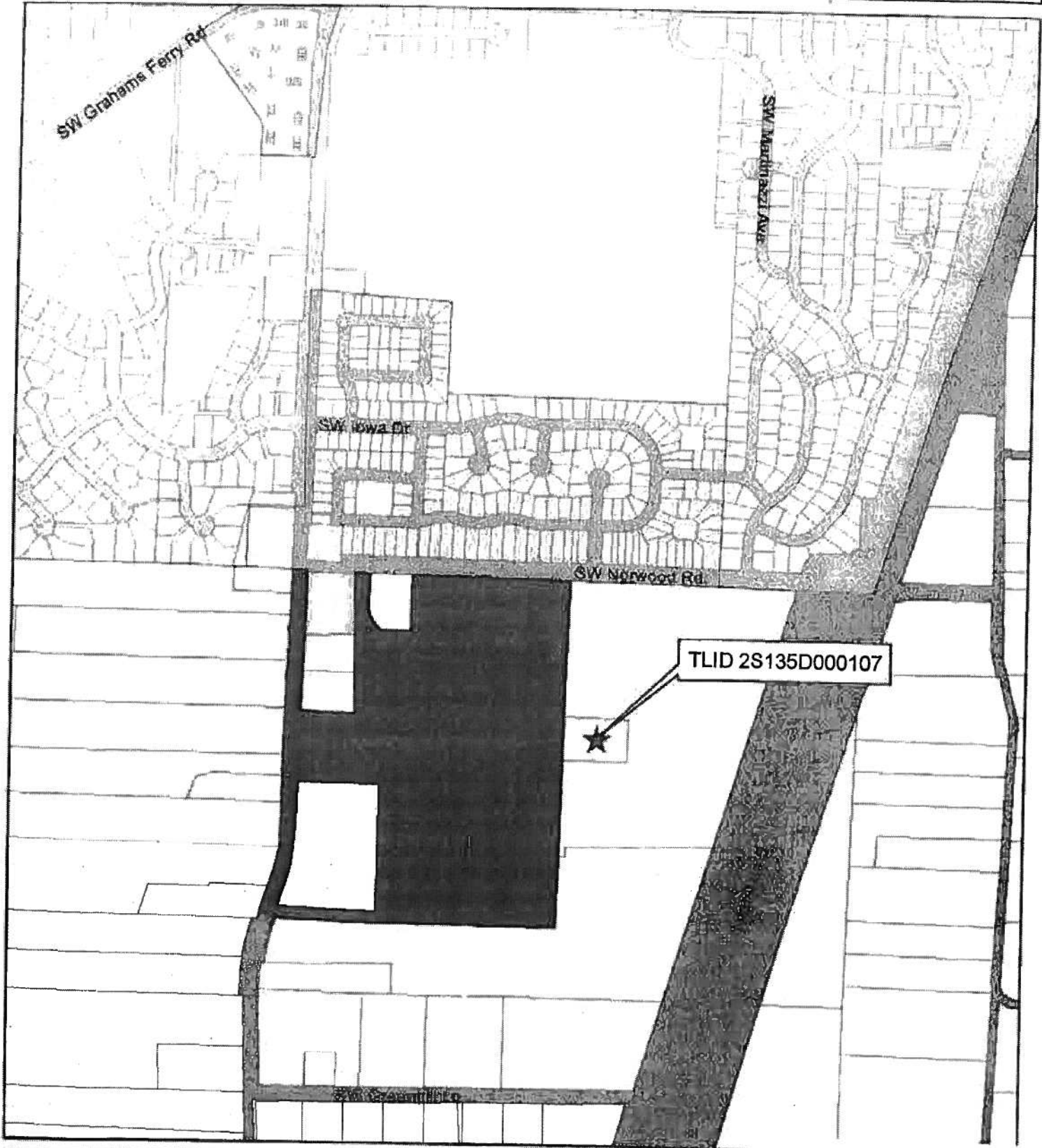
FINANCIAL IMPLICATIONS:

With the City of Tualatin Engineering and Building Department as the applicant, an applicant fee is not required. Funds have been budgeted for the Planning Division for FY 2007/08 to process City-initiated annexation requests.

PUBLIC INVOLVEMENT:

The applicant conducted a neighbor/developer meeting on February 21, 2008 in the Council Chambers to explain the annexation proposal to the two neighboring property owners and to note comments. No property owners or members of the public attended the meeting. At the time this staff report was prepared, there have been no comments on this application submitted into the record.

- Attachment:**
- A. Vicinity Map
 - B. Tax Map
 - C. Applicant's Materials and Supporting Information
 - D. Background
 - E. Analysis and Findings



Planning Districts

- RL
- RML
- IN

RF 1:7,000 W Attachment A
Vicinity Map

SE 1/4 SECTION 35 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S | 35AD

S.W. 89TH
AVENUE

S.W.
VERMILLION
DRIVE

(CR. 1183)

ROAD

748.98

300.0

100
25.18 AC

80 RODS 752.5

4.0 RODS
SOUTH
NORTH
4 RO

107
1.38 Ac
107-C1 (CS 13646)

200'

S 150° E

100

NE COR.
SW 1/4 SE 1/4

1 ROD

80 RODS

452.22

Attachment B
Tax Map

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:	
<u>9000 SW NORWOOD Rp. TUALATIN, OR</u>	
Street Address of Property (If address has been assigned)	
<u>25135 D 000107</u>	
Subdivision Name, Lot Number(s), Block Number(s)	<u>WASHINGTON</u>
Map & Tax Lot Number(s)	County

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

Shirley Lambert SL SE 2/27/08
Signature Owner initial Voter initial Date

Signature Owner initial Voter initial Date

Owner Authorized Signature Owner initial Voter initial Date

18880 SW MARTINAZZI AVE. 503-691-3010
Street Address Phone Alt Phone

18880 SW MARTINAZZI AVE. TUALATIN, OR 97062
Mailing Address City, State, Zip

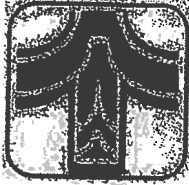
We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall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

Office Use Only
Date Received _____
Ownership Checked _____
By _____

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

Signature Date

Signature Date



City of Tualatin

1880 SW Marshall Avenue
Tualatin, Oregon 97062-3082
Main 503-699-8000
TDD 503-692-10574

ANNEXATION CERTIFIED

BY Paul A. Kauffman

MAR 05 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

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.

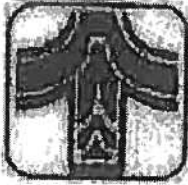
NAME PAUL A. KAUFFMAN
TITLE CARTOGRAPHY SUPERVISOR
DEPARTMENT ASSESSMENT & TAXATION
COUNTY OF WASHINGTON
DATE 3/5/08

*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 _____



City of Tualatin

18880 SW Marinazzi Avenue
Tualatin, Oregon 97062-7098
Main 503.692.8000
TDD 803.692.0874

ANNEXATION CERTIFIED

BY Paul A. Kauffman

MAR 05 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map ZS 135D) 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 PAUL A. KAUFFMAN

TITLE CARTOGRAPHY SUPERVISOR

DEPARTMENT ASSESSMENT & TAXATION

COUNTY OF WASHINGTON

DATE 3/5/08



City of Tualatin

1880 SW Main Street
Tualatin, OR 97062
503.293.4000
TDD 503.293.4000

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)

(1) SHERILYN LOMBOS, CITY MANAGER, CITY OF TUALATIN

1880 SW MARTWAZZI AVE, TUALATIN, OR 97062, 2S135D000107

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

EXHIBIT "A"

ANNEXATION CERTIFIED

BY *[Signature]*

MAR 05 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

City of Tualatin Annexation
December 24, 2007

PARCEL 1 – AREA OF ANNEXATION

A tract of land lying in the Southeast quarter Section 35, Township 2 South, Range 1 West, W.M., Washington County, Oregon and being more particularly described as follows:

Beginning at a point lying S89°44'25"W 1330.30 feet and S00°03'02"E 876.50 feet from the East quarter corner of said Section 35; thence N89°44'25"E 300.00 feet; thence S00°03'02"E 200.00 feet; thence S89°44'25"W 300.00 feet, thence N00°03'02"W 200.00 feet to the Point of Beginning.

Basis of Bearing for this description is Survey No. 14418, Washington County Survey Records.

Said Parcel 1 contains 60,000 square feet or 1.38 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWAL: 7/01/08
SIGNED: 12-24-07

SE 1/4 SECTION 35 T2S RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

SEE MAP
2S 1 35AD

S.W. 89TH AVENUE

S.W. VERMILLION DRIVE

(CR. 1183)

ROAD

748.99

300.0

100
25.18 AC

80 RODS 752.5

870.4

40 RODS
SOUTH
NORTH

107
1.384c
107-C1 (CS 13646)

200'

S150°E

100

NE COR.
SW 1/4 SE 1/4

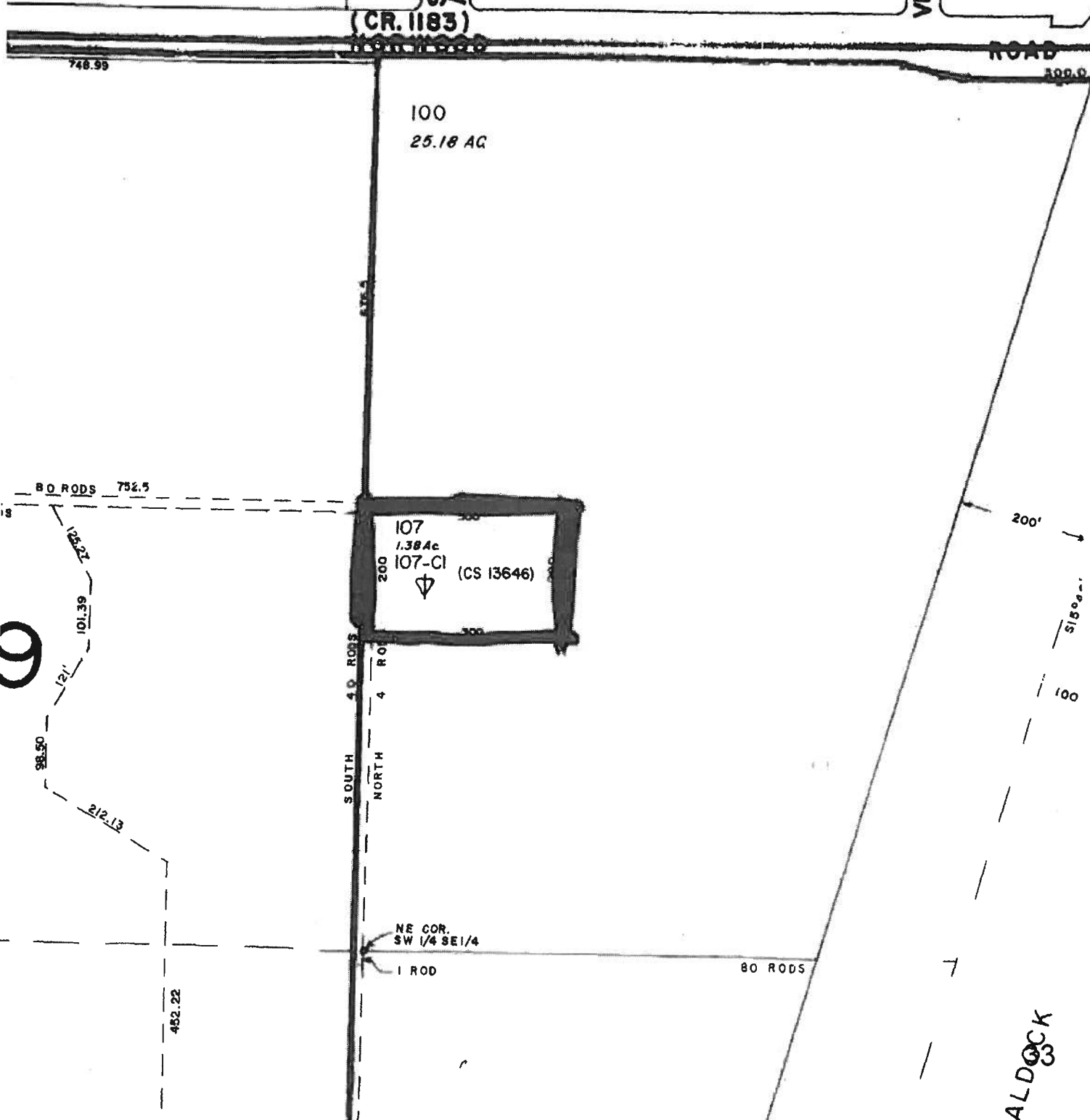
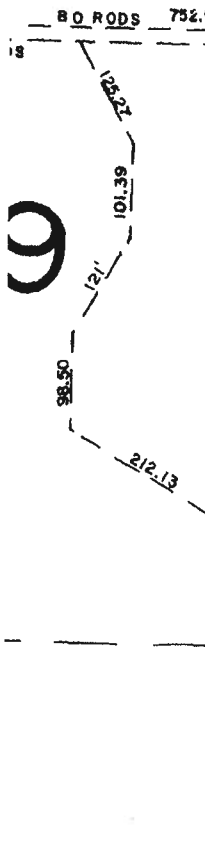
1 ROD

80 RODS

452.22

ALDOCK

9





City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

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. <i>Shirley Lombas</i>	18880 SW MARTINAZZI AVE TUALATIN, OR 97062	25135D000107
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.



City of Tualatin

10800 SW Mariposa Avenue
Tualatin, Oregon 97146-2092
Main 503.694.2000
TDD 503.694.2057

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres 1.38

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

THE ELEVATION OF THE SITE INCREASES FROM NORTH TO SOUTH AND FROM EAST TO WEST. A STAND OF TREES LINES THE NORTHERN SIDE OF THE SITE. A CLUSTER OF TREES RESIDES ON THE SOUTHERN SIDE OF THE SITE NEAR THE SE CORNER. THERE ARE NO FLOODPLAINS ON THIS SITE.

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

North: 2S13SD000100 FORESTLAND

South: 2S13SD000100 FORESTLAND

East: 2S13SD000100 FORESTLAND

West: 2S13SD000106 CHURCH

D. EXISTING LAND USE:

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

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

Public facilities or other uses PUMP STATION & WATER RESERVOIRS

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

PUMP STATION & WATER RESERVOIRS

E. Total current year Assessed Valuation – Land \$ 237,350 Structures \$ 0

F. Total existing population 0

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

Highway Lighting District N/A

Rural Fire District TUALATIN VALLEY FIRE & RESCUE

Sanitary District N/A

Water District CITY OF TUALATIN

Grade School District SHERWOOD

High School District SHERWOOD

Library District WASHINGTON COUNTY LIBRARY

Drainage District N/A

Parks & Recreation District N/A

Other _____

Annexation Application Instructions
City of Tualatin Community Development Dept - Planning Division

- 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 CITY OF TUALATIN WATER DISTRICT SERVES THIS SITE.

APPLICANT'S NAME KAREN HOFMANN

MAILING ADDRESS 18880 SW MARTINAZZI AVE

TUALATIN, OR 97062

WORK TELEPHONE (503) 691-3034

HOME TELEPHONE (503) 691-3034

REPRESENTING CITY OF TUALATIN

DATE 2/19/08

1. At this time, there are no service agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider at this site.
2. The property lies within the established Urban Boundary. This annexation is consistent with Tualatin's Urban Planning Area Agreement with Washington County and the Urban Growth Management Agreement between City of Tualatin and Clackamas County.
3. Because the property to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).
4. 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. The property is tax lot 2S135D000107, its address is 9000 SW Norwood Road, Tualatin, OR. The purpose of this annexation is to bring the existing public utility facilities (pump station and reservoirs) that serve the urban area into the city and to make improvements as part of the development code. There are no occupied buildings onsite. Transportation from the site to Norwood road is provided by a private drive. Water is delivered to the site by the City of Tualatin. There is no storm or sanitary sewers serving this property.
6. Not applicable.
7. No other criteria have been determined to be applicable.

PROPERTY OWNER INFORMATION SHEET (cont'd)

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
----------------------------	----------------	--

(7) _____

(8) _____

(9) _____

(10) _____

2S1 35D 100
Dorothea Pennington & Paul Pennington Trustee
9355 SW Stono Drive
Tualatin, OR 97062

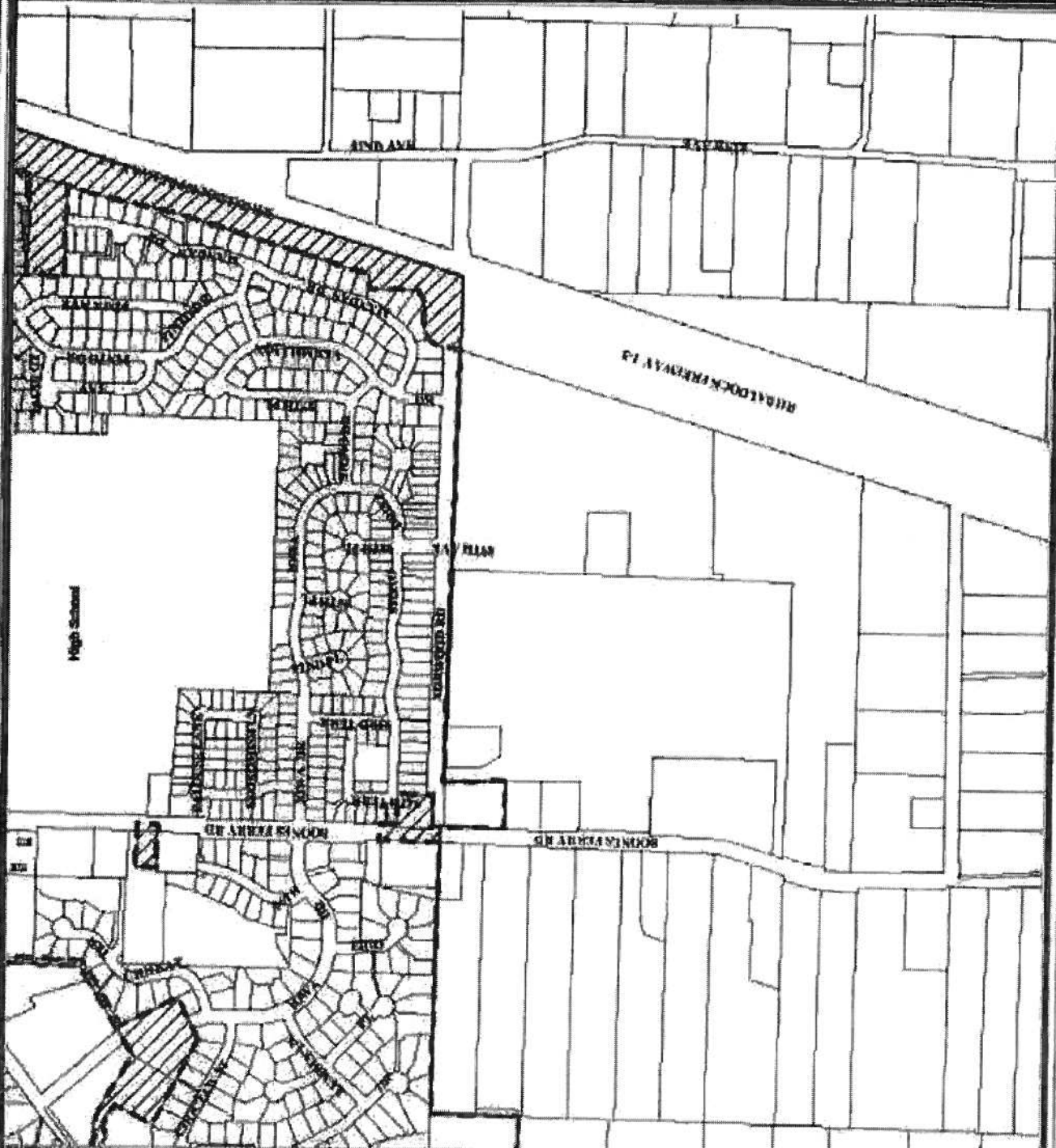
2S1 35D 106
Grace Community Church Assemblies of God Inc
P O Box 2690
Tualatin, OR 97062



**Norwood Pump Station
Annexation Vicinity
Map**

Legend

**Scale 1:9,000
1 in = 750 ft**



ANN-08-01 ATTACHMENT D: BACKGROUND

ANN-08-01 is an expedited annexation request that meets the signature requirements of Metro Code 3.09.045 and necessitates quasi-judicial review.

It would remove the subject property from both the Washington County Enhanced Sheriff Patrol and Urban Road Maintenance Districts. Upon the City annexing the subject property and endorsing annexation into the Clean Water Services (CWS) District, CWS will initiate annexation into its service district. The annexation ordinance goes before the City Council on June 9, 2008.

The approximately 1.4-acre subject property at 8930 SW Norwood Road is already developed as a municipal water reservoir with a pump station providing B Level service. A telecommunications tower is also on site. The applicant is the Engineering and Building Department, who wishes to upgrade the pump station. While a reservoir is a permitted use in Institutional (IN) Planning District per Tualatin Development Code (TDC) Chapter 49, a pump station is conditional, necessitating the future submittal of a conditional use permit (CUP) application following approval of PMA-08-02.

The property is among the acreage that Metro brought within the regional Urban Growth Boundary (UGB) in June 2004 and designated for regionally significant industrial land uses. This area is the subject of the South Tualatin Concept Plan. The Oregon Department of Transportation (ODOT), Metro, and Washington County are conducting a corridor study to extend a limited access roadway from south of the I-5 and I-205 interchange to the Pacific Highway (U.S. 99W), passing through the South Tualatin area. The agencies have not yet selected a preferred alternative among the alternative corridor alignments through the area, and this has delayed completion of concept planning by Tualatin. The City has an Urban Planning Area Agreement (UPAA) with Washington County to coordinate timely and well-located development. While not within this planning area, staff of both local governments have established an understanding that the amendment of the UPAA is minor enough to be delayed until at least next year when the South Tualatin Concept Plan will necessitate several amendments.

The pending IN designation serves to both remove the Washington County planning area designation and to prevent the possibility of development until a future time when concept planning is completed, acreage is annexed, and the City is ready to extend urban services for planned development. The City created the IN designation for this express purpose via Ordinance 1216-06 on July 24, 2006 to accommodate the annexed campus of Horizon Community Church, formerly known as Grace Community Church. The property owner wanted the benefits of urban water and sewer service, and the City created IN to accommodate public, semi-public, and miscellaneous land uses while preventing untimely or ill-located development of other land uses.

ANN-08-01 ATTACHMENT E: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Sections 4.050(20) and (21) and 4.060(1), the applicable criteria in Metro Code Section 3.09 and Oregon Revised Statutes (ORS) Chapter 222 [TDC 31.067(5)], if the annexation is to be granted. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment C) and staff has reviewed the Applicant's material below:

Metro Code Chapter 3.09.045(a) allows for an expedited annexation if the applicant obtains signatures from 100 percent of the property owners and 50 percent of the registered voters on the property.

The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045.

Annexations are land use decisions and follow the quasi-judicial hearing process regardless of qualification for expedited review. It is a land use decision because it is a final decision made by a local government concerning the application of comprehensive plan goals and provisions. Quasi-judicial processes apply to a property-specific decision and require that the decision-making body make findings of fact to support its decision and that the findings relate to the decision criteria. The Tualatin City Council is the final ruling body on all annexation applications to the City, with its decisions subject to appeal to the Land Use Board of Appeals (LUBA).

Annexations change the jurisdiction over a property; they do not entitle development, allow the removal of soil or trees, or affect traffic.

Annexation is in the public interest of the residents of the City of Tualatin because property taxes are one of the two primary sources of revenue for local governments in Oregon, and they fund amenities from which residents benefit such as library services, parks, police, and public facilities. A benefit of annexation is that residents who currently reside near but outside of city limits would start paying taxes for those public services that they are likely already using.

Because this is a quasi-judicial review, the following approval criteria must be met to approve this annexation.

1. Metro Code Chapter 3.09.045(d) (as amended by Ordinance No. 07-1165A, Sec. 1, effective 1/17/2008) states that an expedited municipal final decision about a boundary change shall include findings of fact satisfying the following criteria:

1.A. The change is consistent with expressly applicable provisions in any applicable urban service agreement adopted pursuant to ORS 195.065

The application states: "At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider at this site." Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

The criterion does not apply.

1.B. The change is consistent with expressly applicable provisions in any applicable annexation plan adopted pursuant to ORS 195.205

Same as above.

1.C. The change is consistent with expressly applicable provisions in any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

The property is beyond the Tualatin Planning Area Boundary as established in the revised Urban Planning Area Agreement (UPAA) with Washington County adopted by the Tualatin City Council on October 9, 2006 via Ordinance 675-06 and Resolution 4592-06. The agreement tasks the City with conducting comprehensive planning, planning public facilities, and regulating development activities for the incorporated and certain unincorporated areas within the Planning Area Boundary. The agreement also identifies the City as the appropriate provider of local potable water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area. Further, the agreement binds the County to not approve a development proposal in the Urban Planning Area if the proposal would neither provide for nor be conditioned to provide for an enforceable plan for future development at urban densities consistent with the Tualatin Community Plan the city's comprehensive plan.

The intent of the agreement is to ensure planning for potentially urban development to avoid difficulties such as a lack of adequate and efficient services for such development. It is therefore in the public interest to change the jurisdictional boundary of the subject property. The property lies within the regional Urban Growth Boundary (UGB) but beyond the area covered by the UPAA. City and Washington County planning staff in January established an understanding that in the interest of efficiency and time and because the pending South Tualatin concept plan will trigger a batch of several UPAA updates, it is mutually convenient that the City and County update the UPAA to cover the property no earlier than next year. The intent of the UPAA is met.

It is further in the public interest to annex the subject property to further ensure that when development occurs, it meets the standards adopted by the Tualatin City Council as related to permitted uses, density standards, and the like. City standards ensure that development within the City is of high quality – both functionally and visually – and mitigate the deleterious effects development may

have on the transportation system, the natural environment, and other public goods.

The criterion is met.

1.D. The change is consistent with expressly applicable provisions in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services

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

The criterion is met.

1.E. The change is consistent with expressly applicable provisions in any applicable comprehensive plan

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

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.

Because the city-owned property is not planned for residential development, this requirement is not applicable. Additionally, the City owns the property.

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

The property is within the existing Metro Urban Growth Boundary.

The requirement is 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. While the subject property is beyond Tualatin's planning area boundary, it is within the UGB. The City is bringing the property within the planning area by designating it as an Institutional (IN) planning district via PMA-08-02.

Additionally, the application states: "Because the property to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan)."

The requirement is met.

2.A. The boundary change would promote the timely, orderly and economic provision of public facilities and services

The only direct water line to the site is for potable water for the reservoirs. The nearest sanitary sewer line is located approximately 800 feet north along SW Norwood Road, and the nearest storm sewer line is located approximately 850 feet north at SW 89th Ave and SW Stono Dr in the Norwood Heights residential subdivision.

The Engineering and Building Department does not anticipate development or redevelopment on the site. The concurrent plan map amendment PMA-08-02 and the future initiation of a conditional use permit (CUP) are formalities that will reflect the existing reservoir, which is a conditional use in an Institutional (IN) planning district per TDC Section 49.030(2).

The City established future street rights-of-way (ROWs), including their functional classifications and prospective alignments, as part of Tualatin's Transportation System Plan (TSP) that is incorporated into Chapter 11 of the Tualatin Development Code. Oregon state planning requirements stipulate that the TSP must be based on the adopted comprehensive plan future land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of plan policies. Although actual alignment of roadways may be negotiated during the development process, such as during subdivision review, the general vehicular capacity needs and the associated alignments of the transportation system in Tualatin have been established and planned for in the Tualatin Development Code. Existing and future collectors, arterials, and expressways that are in the general vicinity of the subject property have been established as part of the TSP. The general alignment and potential functional classification of these roads can be found in Figure 11-1 Tualatin Functional Classification Plan, in Chapter 11 of the TDC. The annexation itself will not have any effect on roadway needs. However, it is determined that because the roadway network

and capacity planning has already been established as part of Tualatin's transportation planning process, future development will not interfere with the provision of this type of service in the area.

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

2.B. The boundary change would affect the quality and quantity of urban services

The subject property has a municipal reservoir. The boundary change would not affect the quality and quantity of urban services.

The criterion is met.

2.C. The boundary change would eliminate or avoid unnecessary duplication of facilities or services

The subject property has a municipal reservoir. The boundary change would avoid unnecessary duplication of facilities or services.

The criterion is met.

2. Metro Code Chapter 3.09.045(3) (as amended by Ordinance No. 07-1165A, Sec. 1. effective 1/17/2008) states that a city may not tax lots outside the UGB except lots that lie partially within the urban growth boundary (UGB).

The subject site is already within the Metro Service District Boundary and within the urban growth boundary (UGB). The requirement is met.

3. Two sections in Oregon Revised Statutes (ORS), Chapter 222 apply to annexations.

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. This property is contiguous to the City of Tualatin to the west and is bordered by an unincorporated tax lot to the north, east, and south.

This requirement is 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 property 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. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, this criterion is met.

4. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.045(d) and (e), the Tualatin Development Code (TDC), and Oregon Revised Statutes (ORS) have been met.

5. Clean Water Services Annexation Endorsement

This property is currently outside the CWS District Boundary. Prior to development on the site, the property must be annexed to the CWS service territory (a process initiated by the property owner). CWS requires CWS annexation applicants to provide an endorsement from the City of jurisdiction. The City is in agreement with a petition to annex the subject property to the CWS District and is supportive. To assist the applicant, the ordinance implementing the City Council's decision to approve an annexation will include a statement of endorsement of the applicant's petition to annex to the CWS District.



Approved By Tualatin City Council
Date June 9, 2008
Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: June 9, 2008

SUBJECT: AN ORDINANCE APPLYING THE INSTITUTIONAL (IN) PLANNING DISTRICT DESIGNATION TO PROPERTY LOCATED AT 8930 SW NORWOOD ROAD; AND AMENDING THE TUALATIN COMMUNITY PLAN MAP 9-1 (PMA-08-02).

ISSUE BEFORE THE COUNCIL:

Whether to approve the ordinance that would apply the Institutional (IN) Planning District designation to property located at 8930 SW Norwood Road.

RECOMMENDATION:

Staff recommends that the City Council approve the ordinance granting PMA-08-02.

EXECUTIVE SUMMARY:

On May 27, 2008, the City Council held a quasi-judicial hearing (PMA-08-02) to decide whether to apply the Institutional (IN) Planning District designation to property located at 8930 SW Norwood Road. At the close of the public hearing, Council approved the Staff Report (7-0) and directed Staff to bring back an ordinance adopting PMA-08-02.

FINANCIAL IMPLICATIONS:

The applicant is the Community Development Department. Funds have been allocated in the FY 2007/08 Planning Division budget to prepare City-initiated amendments.

PUBLIC INVOLVEMENT:

The Applicant conducted a neighbor/developer meeting on May 13, 2008, and the City Council's public hearing was held on May 27, 2008.

STAFF REPORT: PMA-08-02

June 9, 2008

Page 2 of 2

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Affidavit of Mailing
- E. Exhibit D – Staff Report dated May 28, 2008

ORDINANCE NO. 1263-08

AN ORDINANCE APPLYING THE INSTITUTIONAL (IN)
PLANNING DISTRICT DESIGNATION TO PROPERTY LOCATED
AT 8930 SW NORWOOD ROAD; AND AMENDING THE
TUALATIN COMMUNITY PLAN MAP 9-1 (PMA-08-02).

WHEREAS upon the application of the Community Development Department, public hearings were held before the City Council of the City of Tualatin on May 27, 2008, related to applying the Institutional (IN) Planning District designation to 1.4 acres of land located at 8930 SW Norwood Road (Tax Map 2S135D, Tax Lot 107) and amending the Tualatin Community Plan Map 9-1; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 8, 2008, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting, marked "Exhibit B," attached and incorporated by this reference; by mailing to property owners within 300 feet of the subject property, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 27, 2008, and 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 Council vote resulted in approval of the application by a vote of 7-0; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 27, 2008, which is attached as "Exhibit D", the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report, which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

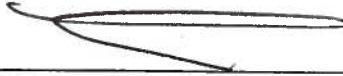
THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The subject property known as Tax Map 2S135D, Tax Lot 107, is placed in the Institutional (IN) Planning District as shown on TDC Map 9-1, which is attached and incorporated by this reference.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, Oregon

BY



Mayor

ATTEST

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO
 Box 370 • Beaverton, OR 97075
 Phone: 503-684-0360 Fax: 503-620-3433
 Email:
 legaladvertising@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

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

City of Tualatin
 Notice of Public Hearing
 TT11123

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

1
 Successive and consecutive weeks in the following issues
 May 8, 2008

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
 May 8, 2008

Robin A. Burgess
 NOTARY PUBLIC FOR OREGON
 My commission expires

Acct #108462
 Stacy Crawford
 City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size 2 x 6.5
 Amount Due \$117.65
 *remit to address above

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider: **Plan Map Amendment (PMA) 08-02 – AMENDMENT OF THE PLANNING DISTRICT DESIGNATION OF AN APPROXIMATELY 1.4-ACRE PROPERTY (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL FROM A WASHINGTON COUNTY PLANNING AREA DESIGNATION TO AN INSTITUTIONAL (IN) PLANNING DISTRICT FOLLOWING APPROVAL OF ANNEXATION ANN-08-01**

Before granting the proposed Quasi-judicial amendments, the City Council must find that:

(1) Granting the amendment is in the public interest; (2) 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; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court. Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes at 503-691-3024 or ccortes@ci.tualatin.or.us. This meeting and any materials being considered can be made accessible upon request. CITY OF TUALATIN, OREGON By: Sherilyn Lombos, City Recorder. Publish 5/8/2008. TT11123.

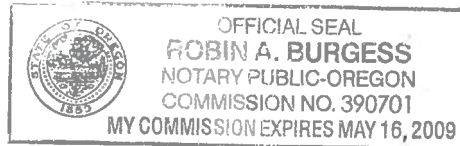


EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 25TH day of April, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 25TH day of April, 2008.

Stacy Crawford
Stacy Crawford

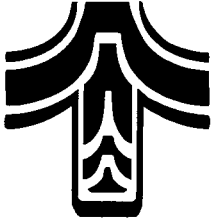
Subscribed and sworn to before me this 30th day of April, 2008.



Julie A. Cohen
Notary Public for Oregon
My Commission expires: 2-5-11

RE: PLAN MAP AMENDMENT (PMA) 08-02— AMENDMENT OF THE PLANNING DISTRICT DESIGNATION OF AN APPROXIMATELY 1.4-ACRE PROPERTY (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL FROM A WASHINGTON COUNTY PLANNING AREA DESIGNATION TO AN INSTITUTIONAL (IN) PLANNING DISTRICT FOLLOWING APPROVAL OF ANNEXATION ANN-08-01

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN MAP AMENDMENT (PMA) 08-02 – AMENDMENT OF THE PLANNING DISTRICT DESIGNATION OF AN APPROXIMATELY 1.4-ACRE PROPERTY (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL FROM A WASHINGTON COUNTY PLANNING AREA DESIGNATION TO AN INSTITUTIONAL (IN) PLANNING DISTRICT FOLLOWING APPROVAL OF ANNEXATION ANN-08-01

Before granting the proposed Quasi-judicial amendments, the City Council must find that:

(1) Granting the amendment is in the public interest; (2) 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; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes at 503-691-3024 or ccortes@ci.tualatin.or.us. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
(May 8, 2008)

Mailed: 4/25/2008

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

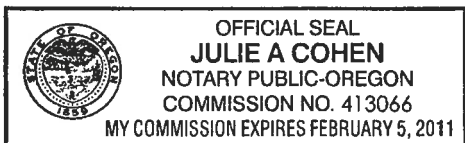
I, Stacy Crawford, being first duly sworn, depose and say:

That on the 25th day of April, 2008, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 30th day of April, 2008.

Julie A. Cohen
Notary Public for Oregon
My commission expires: 2-5-11



RE: PLAN MAP AMENDMENT (PMA) 08-02— AMENDMENT OF THE PLANNING DISTRICT DESIGNATION OF AN APPROXIMATELY 1.4-ACRE PROPERTY (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL FROM A WASHINGTON COUNTY PLANNING AREA DESIGNATION TO AN INSTITUTIONAL (IN) PLANNING DISTRICT FOLLOWING APPROVAL OF ANNEXATION ANN-08-01

EXHIBIT C

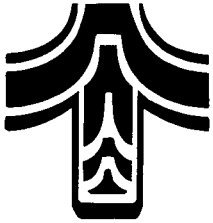
Exhibit "A"

2S1 35D 100

Dorothea Pennington & Paul Pennington Trustee
9355 SW Stono Drive
Tualatin, OR 97062

2S1 35D 106

Grace Community Church Assemblies of God Inc
P O Box 2690
Tualatin, OR 97062



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, May 27, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN MAP AMENDMENT (PMA) 08-02 – AMENDMENT OF THE PLANNING DISTRICT DESIGNATION OF AN APPROXIMATELY 1.4-ACRE PROPERTY (TAX MAP 2S135D, TAX LOT 107) ADJACENT TO 9000 SW NORWOOD ROAD AND UPON WHICH EXISTS A MUNICIPAL FROM A WASHINGTON COUNTY PLANNING AREA DESIGNATION TO AN INSTITUTIONAL (IN) PLANNING DISTRICT FOLLOWING APPROVAL OF ANNEXATION ANN-08-01

Before granting the proposed Quasi-judicial amendments, the City Council must find that:

(1) Granting the amendment is in the public interest; (2) 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; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court.

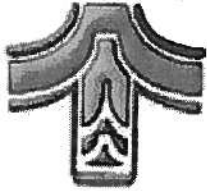
Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes at 503-691-3024 or ccortes@ci.tualatin.or.us. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
(May 8, 2008)

Mailed: 4/25/2008



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Doug Rux, Community Development Director *[Signature]*
Colin Cortes, Assistant Planner *C.C.*

DATE: May 27, 2008

SUBJECT: AN ORDINANCE APPLYING THE INSTITUTIONAL (IN) PLANNING DISTRICT TO 8930 SW NORWOOD ROAD, AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-08-02).

ISSUE BEFORE THE COUNCIL:

Whether the City Council should apply the Institutional Planning District to City-owned property of 1.4 acres that is developed with B Level water reservoirs at 8930 SW Norwood Road.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 5-0 on May 7, 2008, recommending that the City Council approve PMA-08-02.

Staff recommends that the Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting approval of PMA-08-02 based on the draft ordinance in Attachment G.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial action.
- This matter is a Plan Map Amendment to the Tualatin Development Code (TDC)
- The applicant is the Community Development Department.
- The subject property is an approximately 1.4-acre tax lot (2S 1 35D 107) located at 8930 SW Norwood Road (Attachments A and B).
- The subject property is the site of an existing municipal reservoir
- The Engineering and Building Department intends the site to remain a reservoir and to upgrade the ancillary pump station.
- The tax lot is in unincorporated Washington County, and is pending expedited annexation via ANN-08-01 with a Council ordinance adoption date of June 9, 2008.

EXHIBIT D

- The tax lot is designated Washington County zoning FD-20, which has a maximum developable density of 0.05 dwelling units (DUs) per acre or 1.00 DU per 20 acres; Tualatin Institutional (IN) Planning District allows no DUs.
- The City Council created the Institutional (IN) Planning District via Ordinance No. 1216-06 on July 24, 2006 and first applied it to the site of Horizon Community Church, due west of the subject property.
- Designation of Institutional (IN) Planning District is necessary because upon annexation the subject property would otherwise retain the Washington County zoning. PMA-08-02 and a future conditional use permit (CUP) are necessary to comply with the Tualatin Community Plan (TCP), the City's comprehensive plan that is part of the Tualatin Development Code (TDC).
- TDC Section 49.030(3) allows a water reservoir as a conditional use in an Institutional (IN) Planning District, necessitating the need for a future CUP application upon approval of the PMA. (The pump station is a permitted use.)
- The reservoir site has also a telecommunications tower, also requiring a future CUP. (One future CUP can address both the reservoir and the tower.)
- As required in the revised Urban Planning Area Agreement (UPAA) with Washington County adopted by the Tualatin City Council on October 9, 2006 via Ordinance 675-06 and Resolution 4592-06, the City notified the County of annexation ANN-08-01. Per Section III(G), the County does not oppose this annexation. The intent of the agreement is to ensure planning for potentially urban development to avoid difficulties such as a lack of adequate and efficient services for such development. The subject property is not currently part of the UPAA as discussed below.
- The subject property is within the 650 acres adjacent to Tualatin that Metro voted to bring within the regional Urban Growth Boundary (UGB) in June 2004 for industrial development with the acreage north of the I-5 to 99W connector for residential and lies beyond the geographic scope of the UPAA. City and Washington County planning staff in January established an understanding that in the interest of efficiency and time and because the pending South Tualatin Concept Plan will trigger several UPAA updates, it is mutually convenient that the City and County update the UPAA to cover the property no earlier than next year.
- The subject property is in the study area of the I-5 to 99W connector.
- The reservoir provides B Level service and serves as a critical potable water source for Tualatin and potentially for future development in the South Tualatin planning area, the planning for which will be conducted by the City in conjunction with the City of Wilsonville.
- The proposed PMA map is provided as Attachment C.
- The PMA approval criteria are addressed in the Analysis & Findings section of this report (Attachment F).
- The applicable local policies and regulations that apply to PMA-08-02 include TDC Sections: 1.032 – Amendments Burden of Proof; 8.030 Utility Facility; 8.100 Institutional Planning District Objectives; 49.010 Institutional Planning District (IN) Purpose; 49.030 Conditional Uses. Attached to this report is the Analysis and Findings section that reviews compliance with the applicable policies and regulations (Attachment F).

- Before granting the proposed PMA, 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 F) examines the application.

OUTCOMES OF DECISION:

Approval of the PMA request would result in the following:

1. A change of the planning district designation from Washington County FD-20 to Institutional (IN) and replacement of Washington County by the City as the land use review agency.
2. Allowance for the review of a Conditional Use Permit (CUP) through which the existing municipal water reservoir can become an approved use.
3. Negligible changes to maximum developable density, vehicle traffic, and roadway level of service (LOS).
4. Continues expansion of Tualatin south of SW Norwood Road similar to that which occurred with Horizon Community Church.

Denial of the PMA request would result in the following:

1. The annexed subject property retaining the Washington County zoning of FD-20 until a Tualatin Planning District designation is applied.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the TPAC and staff recommendations are:

1. Approve the proposed PMA with alterations.
2. Deny the request for the proposed PMA.
3. Continue the discussion of the proposed PMA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

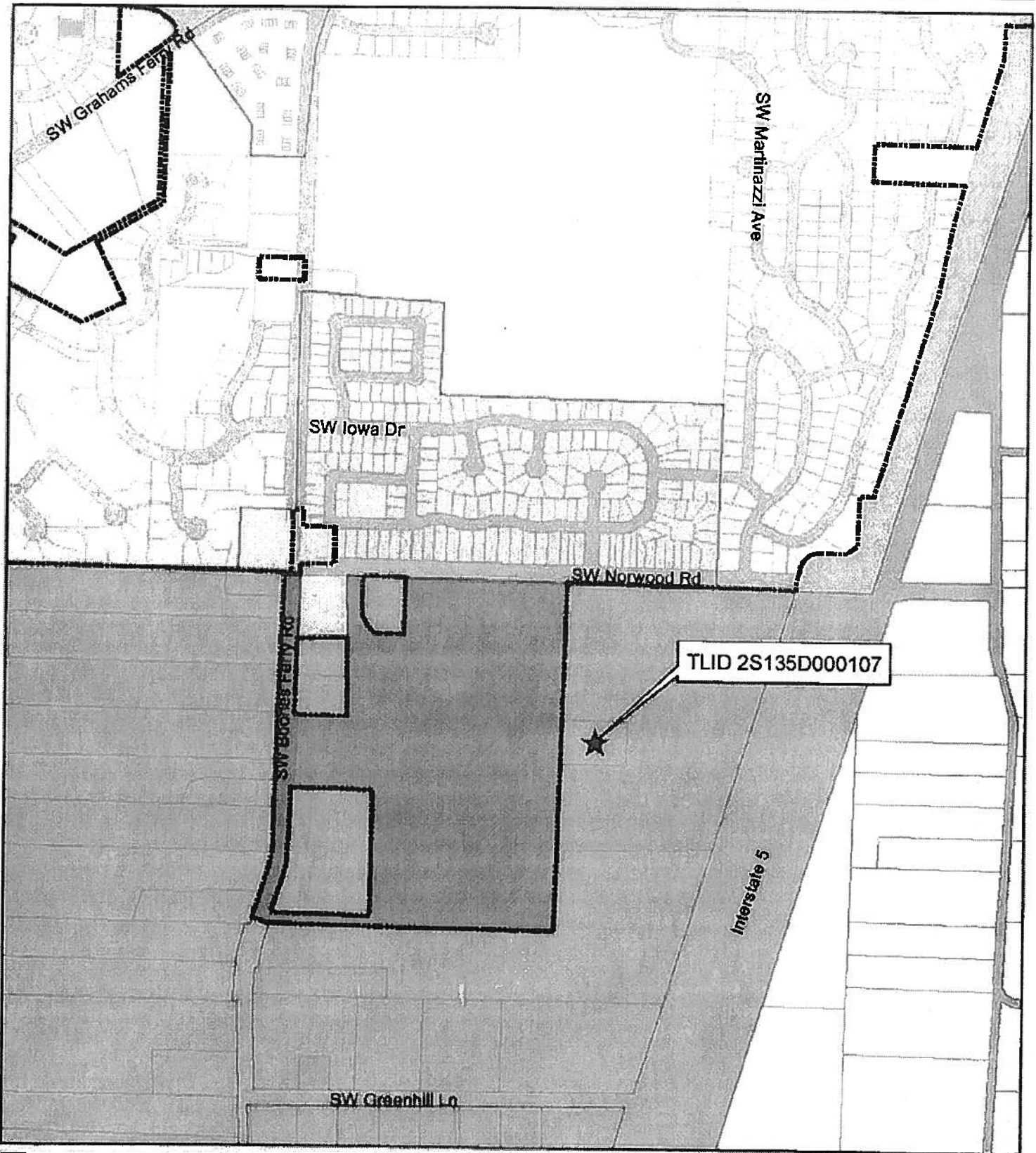
The applicant is the Community Development Department. Funds have been allocated in the FY 2007/08 Planning Division budget to prepare City initiated amendments.

PUBLIC INVOLVEMENT:

The Applicant conducted a neighbor/developer meeting on May 13, 2008, at 6:00 p.m. in the Van Raden Center to explain the proposed PMA. No property owners within 300 feet of the subject property attended. No members of public commented on PMA-08-02 during the TPAC public comment portion of their agenda.

STAFF REPORT: PMA-08-02 – non-extant to IN, Tax Lot 2S 1 35D 107
May 27, 2008
Page 4 of 4

- Attachments:**
- A. Vicinity map
 - B. Tax map
 - C. Proposed Map Amendment
 - D. Background Information
 - E. Analysis and Findings
 - F. Traffic Analysis
 - G. Draft ordinance



Tualatin Planning Districts

-  RL
-  RML
-  IN

Washington County Zoning

-  FD-20



RF 1:7,000

This map is derived from vail. While an attempt has been made to ensure accuracy, the City of Tualatin, OR, assumes no responsibility for any errors or omissions. Provided 'as is'. -Engineering Plotted 04/24/2008

SE 1/4 SECTION 35 T2S RIW W.M.

WASHINGTON COUNTY OREGON

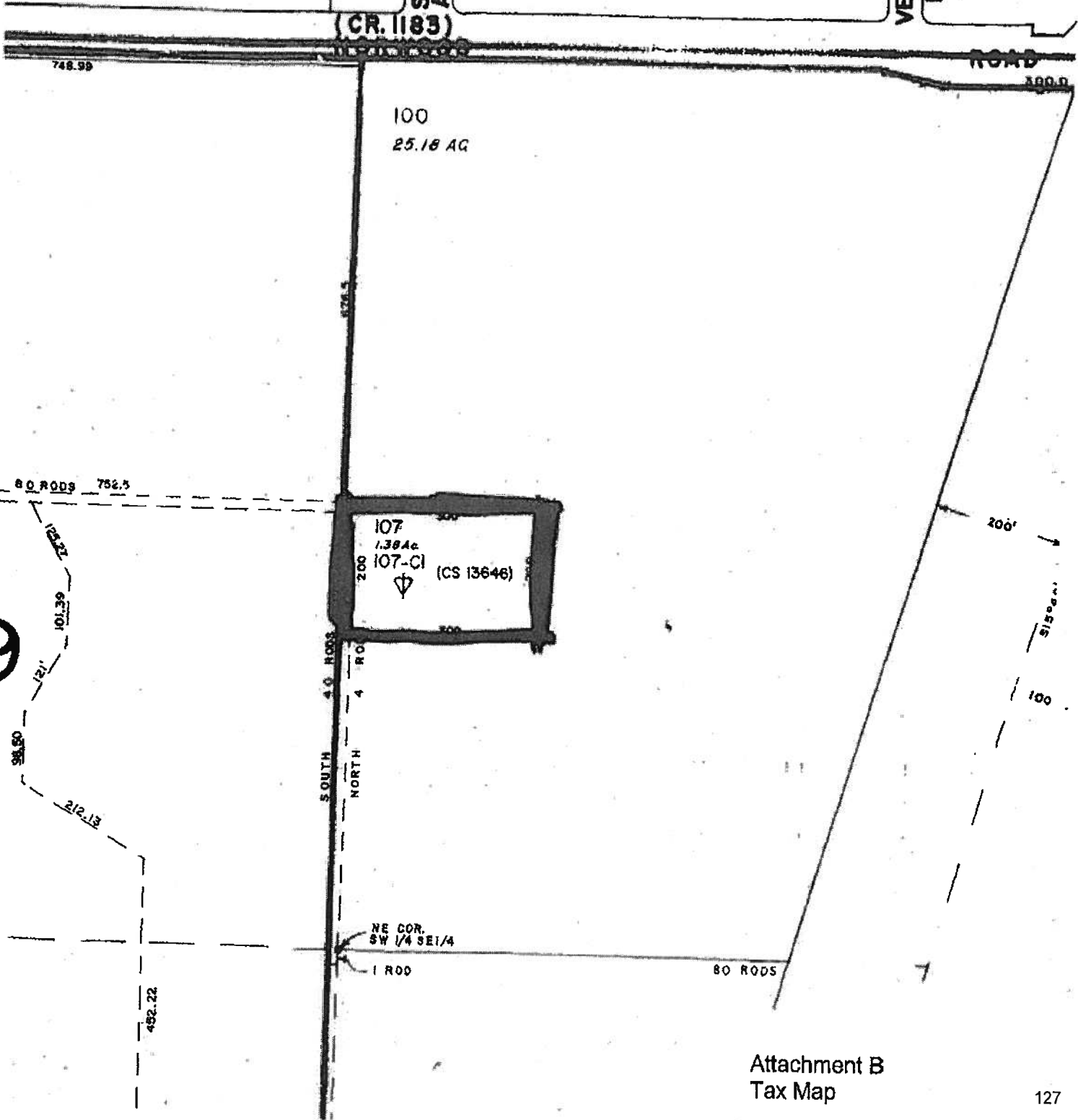
SCALE 1" = 200'

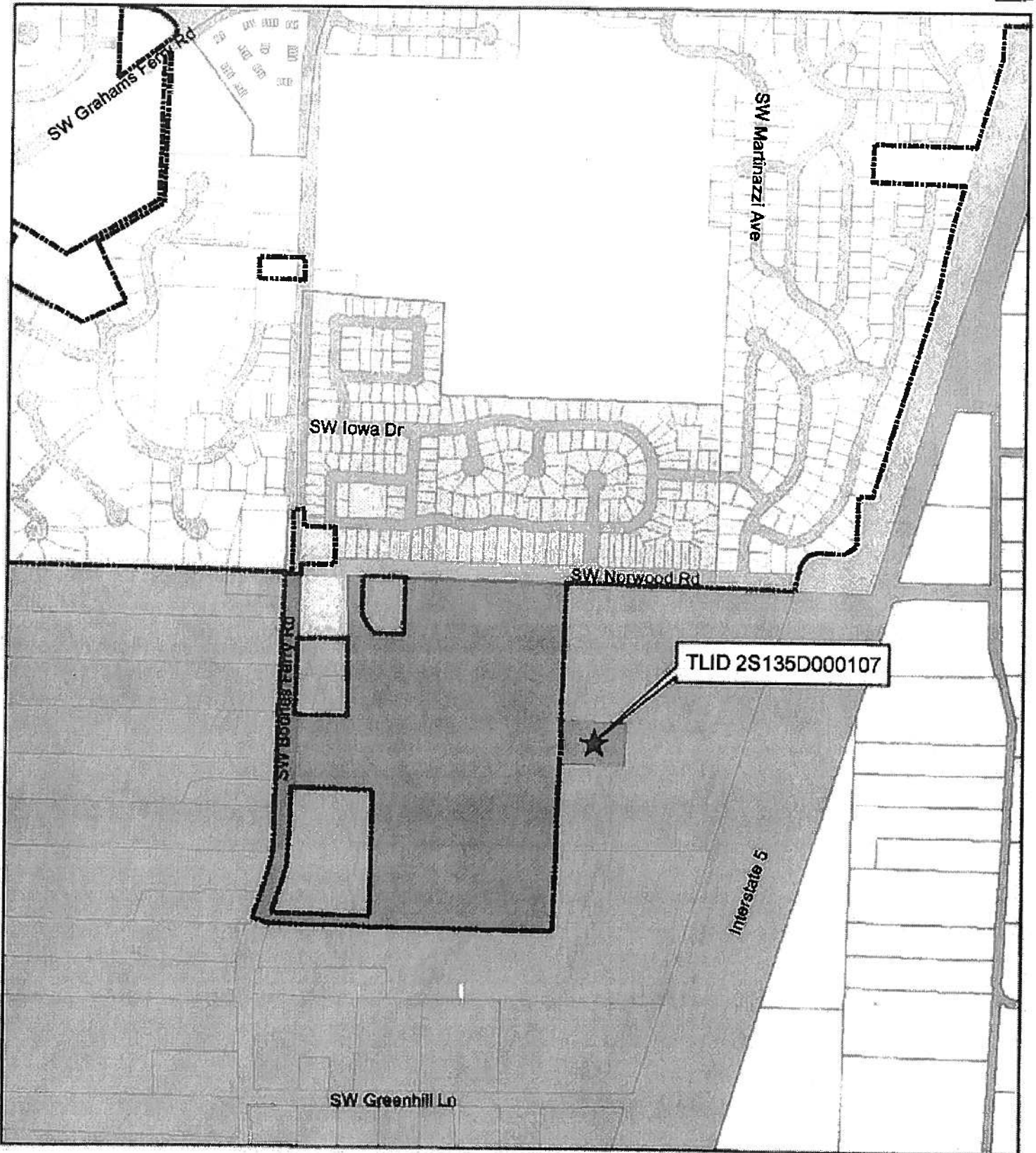
SEE MAP
25 | 35AD

S.W. 89TH
AVENUE

S.W.
VERMILLION
DRIVE

(CR. 1185)





Tualatin Planning Districts

RL RML IN

Washington County Zoning

FD-20



RF 1:7,000

Attachment D

PMA-08-02 Background Information

PMA-08-02 is a plan map amendment of Community Plan Map 9-1 of the Tualatin Community Plan, the City's comprehensive plan, and necessitates quasi-judicial review.

It would designate the subject property as an Institutional (IN) Planning District – allowing zero dwelling units (DUs) per acre – and remove the Washington County FD-20 zoning that allows 0.05 DUs per acre. The City is annexing the property via ANN-08-01, the ordinance for which goes before the City Council on June 9, 2008. The approximately 1.4-acre subject property at 8930 SW Norwood Road is already developed as a municipal water reservoir with a pump station providing B Level service. A telecommunications tower is also on site. The Engineering and Building Department wishes to upgrade the pump station. While a pump station is a permitted use in IN per Tualatin Development Code (TDC) Chapter 49, a water reservoir is conditional, necessitating the future submittal of a conditional use permit (CUP) application.

The property is among the acreage that Metro brought within the regional Urban Growth Boundary (UGB) in June 2004 with the acreage north of the I-5 to 99W connector intended for residential development. This area is the subject of the South Tualatin Concept Plan. The Oregon Department of Transportation (ODOT), Metro, and Washington County are conducting a corridor study to extend a limited access roadway from south of the I-5 and I-205 interchange to Pacific Highway (U.S. 99W), possibly to pass through the South Tualatin area. The agencies have not yet selected a preferred alternative among the alternative corridor alignments through the area, and this has delayed completion of concept planning by Tualatin and the City of Wilsonville. There exists an Urban Planning Area Agreement (UPAA) with Washington County to coordinate timely and well-located development. While not within this planning area, staff of both local governments have established an understanding that the amendment of the UPAA is minor enough to be delayed until at least next year when the South Tualatin Concept Plan will necessitate amendments.

The IN designation serves to both remove the Washington County planning area designation and to prevent the possibility of development until a future time when concept planning is completed, acreage is annexed, and the City is ready to extend urban services for planned development. The City created the IN designation for this express purpose via Ordinance 1216-06 on July 24, 2006 to accommodate the annexed campus of Horizon Community Church, formerly known as Grace Community Church. The property owner wanted the benefits of urban water and sewer service, and the City created IN to accommodate public, semi-public, and miscellaneous land uses while preventing untimely or ill-located development of other land uses.

Attachment E
PMA-08-02: Analysis and Findings

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed Plan Map Amendment (PMA) is to be granted. The PMA criteria are addressed below

A. Granting the amendment is in the public interest.

The amendment is in the public interest because it fulfills the objectives of TDC Sections 8.100 and 49.010. It applies a planning district designation to property being annexed. It also complies with the intent of the Urban Planning Area Agreement (UPAA). While not within the geographic area covered by the agreement, the needed amendment UPAA is minor enough that it can wait until the South Tualatin Concept Plan necessitates several UPAA amendments. Additionally, Washington County and City staff have an understanding that it is mutually convenient for both staffs to delay the amendment because of the above. The proposed Institutional (IN) Planning District designation allows for no residential development and so would not interfere with completed and future plans for the acreage that lies within the UGB but beyond city limits. Practically, it also permits water pump stations. (Water reservoirs and telecommunications towers are conditional uses.) In short, the amendment complies with policies that safeguard the public interest.

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

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

Given that the City is annexing the property, it is timely to apply a municipal planning district to the property. Additionally, the designation of the property as IN removes the possibility of residential development.

The public interest is best protected by granting the amendment at this time. Objective B is met.

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

The applicable objectives of the Tualatin Community Plan are presented below along with the Applicant's responses, which are also included in Attachment 8.

General Purpose.

TDC 2.020 The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth.

The proposed PMA, for the purpose of applying the Institutional (IN) Planning District to the subject property, in the larger sense serves to guide development of the South Tualatin Concept Plan area by defining a location for public land uses. The PMA acknowledges an existing and highly necessary public facility.

The objective is met because applying the IN designation to the subject property would best guide the physical development of the City while preserving the natural beauty of the area and accommodating economic growth.

General Growth Objectives.

TDC 4.050(1) Provide a plan that will accommodate a population range of 22,000 to 29,000 people.

The PMA would acknowledge the existing reservoir necessary to provide water for existing development but also future development with the South Tualatin Concept Plan area. The Engineering and Building Department wants to upgrade the on-site pump station and ancillary equipment, necessitating the sequence of annexation, PMA, and eventually CUP. Ultimately, this serves to maintain potable water, a critical class of public infrastructure. This PMA thereby furthers the objective of accommodating present and future population within the time horizon of the Plan. The objective is met.

TDC 4.050(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

The IN Planning District was created to provide areas to specifically accommodate the development needs of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature, which often consist of multiple structures or facilities located on larger parcels of land and which often serve multiple purposes and provide multiple services to the community. These types of developments may not readily conform to development patterns and standards in normal residential, commercial, or manufacturing land use categories. Therefore, application of the IN Planning District, with a separate set of standards, to the subject property minimizes land use conflicts between public and semi-public uses and adjacent residential, commercial, and manufacturing land uses.

The objective is met because applying the IN designation to the subject property does not present land use conflicts, but rather minimizes them and maximizes the use of public facilities.

TDC 4.050(9) Prepare a plan providing a variety of living and working environments.

The IN Planning District standards are designed to accommodate development of public and semi-public uses to accommodate those activities that are neither strictly residential nor work-related, such as civic and religious activities. The PMA recognizes the existing reservoir as a necessary use that serves all land uses.

The objective is met because applying the IN designation to the subject property will help to provide a variety of living and working environments in the City.

TDC 4.050(10) Encourage the highest quality physical design for future development.

The IN Planning District regulates development of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature in a manner that encourages the highest quality physical design. Applying the IN Planning District to the subject property will hold additional development or redevelopment to these high quality standards, thus encouraging the highest quality physical design for future development in the city.

The objective is met because applying the IN designation to the subject property encourages the highest quality physical design for future development in the City.

Residential Planning District Objectives.

TDC 5.030(1) Provide for the housing needs of existing and future City residents.

Applying the IN Planning District to the subject property does not hinder the community's ability to provide for the housing needs of existing and future City residents. In addition, the PMA helps to conserve land designated for residential use by providing an alternative Planning District for locating and developing large campus-style religious institutions, schools, parks, and other community services of a similar nature such as the existing water reservoir and pump station.

The objective is met because applying the IN designation to the subject property does not hinder the City's ability to provide housing opportunities

and helps the City to ensure land designated for residential use develops for residential use.

Commercial Planning District Objectives.

TDC 6.030(1) Encourage commercial development.

The PMA does not hinder the community's ability to encourage commercial development and will help conserve land designated for commercial use by not reducing the commercial land use allocation for the City.

The objective is met because applying the IN designation to the subject property does not hinder the City's ability to encourage commercial development and helps the City conserve land designated for commercial use.

Manufacturing Planning District Objectives.

TDC 7.030(1) Encourage new industrial development.

The PMA does not hinder the community's ability to encourage industrial development and will help conserve land designated for industrial use by not reducing the industrial land use allocation for the City.

The objective is met because applying the IN designation to the subject property does not hinder the City's ability to encourage industrial development and helps the City conserve land designated for industrial use.

Public, Semi-Public and Miscellaneous Land Uses.

TDC Chapter 8 establishes the IN Planning District objectives as follows:

TDC 8.100(1) The purpose of this district is to provide an environment exclusively for, and conducive to, the development and operation of religious institutions, schools, public parks, and related uses, in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses.

The proposed PMA is consistent with the purpose of the IN Planning District. Applying the IN Planning District to the subject property will provide an environment exclusively for and conducive to the continued operation and improvement of a major City water reservoir. The objective is met.

TDC 8.100(2) The district is intended to accommodate large-scale campus-style developments, owned and operated by governmental or non-profit entities, consisting of multiple structures or facilities, which may serve multiple purposes and provide multiple services to the community.

The proposed PMA is consistent with the intent of the IN Planning District. Applying the IN Planning District to the subject property will accommodate a major City water reservoir that provides potable water. Pump station upgrades will ready the reservoir to accommodate development of other land uses in the South Tualatin Concept Plan area. The objective is met.

TDC 8.100(3) Permitted and conditional uses shall be developed and operated in a manner that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses. Additionally, conditional uses shall be allowed provided that the use is developed and operated in a manner that is consistent with the intent of the planning district, and that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

The proposed PMA will allow the pump station to be a use permitted outright in the IN Planning District. As discussed earlier in this report, the Engineering and Building Department would need to submit a Conditional Use Permit (CUP) to acknowledge the water reservoir itself.

Applicant has secured relevant land use approvals from Washington County for development on the subject property. This demonstrates that, to date, the subject property is being developed in a manner that promotes and protects the health, safety, and general welfare of adjacent Planning Districts and uses. Future permits, if necessary, from the City of Tualatin will require demonstration that future development continues to be in the public interest and consistent with promotion and protection of the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

Staff finds TDC 8.100(3) is met because applying the IN designation to the subject property, by allowing the development to proceed as a use permitted outright, promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

TDC 8.100(4) The district may be applied to land that is able to accommodate large-scale campus-style development and operation of religious institutions, schools, public parks, and related uses, as follows: (a) Contiguous land one and one-half acre in size or greater;

(b) Access to a collector or arterial street; (c) Adequate public facilities are available to the property.

The subject property is a single tax lot of approximately 1.4 acres, very close to the "one and one-half" acreage requirement for such uses. Access is from SW Norwood Road, which has a classification of minor collector, via a driveway through an easement across neighboring Tax Lot 2S 1 35D 100. The site itself is development as a public facility in order to provide potable water to the city. Because the facility is a water reservoir and ancillary equipment, the site itself does not need access other public facilities. The reservoir has and will continue to have a *de minimis* effect on the adopted vehicular level of service (LOS) for Norwood Road, SW Boones Ferry Road (major arterial: Eb&T), and the intersection of the two roads. In other words, it would have an effect so negligible as to be unworthy of the law's attention. The reservoir has no occupancy, and so does not lower the LOS of other classes of public facilities.

Objectives (a), (b), and (c) are met.

Plan Map.

TDC 9.010. This Plan section includes the Plan Map, (Map 9-1) classification of planning district boundaries, and brief descriptions of the land uses in each Plan area. The Plan Map is a synthesis of the objectives contained in each Plan element that can be portrayed graphically in map form. The Map is based on an analysis of data contained in the Phase I – Technical Memoranda, Northwest Tualatin Concept Plan 2005 and an analysis of Plan objectives and the Statewide Planning Goals of the Land Conservation and Development Commission.

The proposed PMA fulfills the objective of the Tualatin Community Plan by demonstrating compliance with the standards and criteria of the TDC.

Community Design Objectives.

TDC 10.020(1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

As discussed earlier in this report, the IN Planning District regulates development of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature in a manner that encourages the highest quality physical design. The IN District also encourages originality, flexibility, and innovation in site planning and development of these larger scale campus-style developments. Applying

the IN Planning District to the subject property will hold redevelopment on the site to those high quality standards, thus encouraging the highest quality physical design for future development in the City consistent with this objective. In addition, the proposed PMA is consistent with the community design objectives in Chapter 10 because future redevelopment of the subject property, including the pump station upgrade, will be subject to conditional use review as in other existing Planning Districts. The objective is met.

Transportation Goals and Objectives.

TDC 11.610(2)(e) For Plan Map and Text Amendments adopt a Level of Service Standard 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. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

See response to Criterion H below.

Water Service – General Purpose.

TDC 12.010(6)(a) Provide for reinforcement of the existing water system to provide adequate peak and fire-flow capabilities. (b) Expansion of the distribution system as areas inside the Urban Growth Boundary are annexed to the City and are developed;

The proposed PMA does not affect the provision of water service to the subject property; the reservoir will continue to provide potable water and be ready to serve as a component of the potable water distribution system for the acreage brought within the Urban Growth Boundary and that will be developed upon completion of the South Tualatin Concept Plan and then annexation.

Upon annexation of the subject property into the City, Clean Water Services (CWS) will annex it into its service district. The City Council motioned to approve the annexation on May 12, 2008 and will review the adopting ordinance on June 9, 2008. The objectives are met.

Sanitary Sewer System Objectives.

TDC 13.015(2) Provide a City sanitary sewer system in cooperation with Clean Water Services (CWS). The City is responsible for the collection system's smaller lines and the 65th Avenue pump station

and CWS is responsible for the larger lines, pump stations and treatment facilities.

The proposed PMA does not affect the provision of sanitary sewer service to the subject property; the reservoir has and will have no occupancy requiring sanitary sewer service. Upon annexation of the subject property into the City, CWS will annex it into its service district. The City Council motioned to approve the annexation on May 12, 2008 and will review the adopting ordinance on June 9, 2008. The objective is met.

TDC 13.015(4) Prohibit the extension of sewer service to areas outside the City limits, unless it is provided to an area inside the city limits of an adjacent city.

As discussed above, upon annexation of the subject property into the City, CWS will annex it into its service district. The City Council motioned to approve the annexation on May 12, 2008 and will review the adopting ordinance on June 9, 2008. The reservoir has and will have no occupancy requiring sanitary sewer service. The objective is met.

TDC 13.015(5) Require developers to aid in improving the sewer system by constructing facilities to serve new development as well as adjacent properties.

See discussion under TDC 13.015(4) above.

Drainage Plan and Surface Water Management Objectives.

TDC 14.040(7) Enforce drainage and storm water management standards.

As discussed for water and sanitary sewer service above, the proposed PMA does not affect the drainage plan or surface water management on the subject property. The objective is met.

Park and Recreation Objectives.

TDC 15.020(3) Create a park and recreation system that provides diverse recreation opportunity.

The PMA will not interfere with this objective. The existing reservoir will continue to provide potable water for existing land uses and for future land uses including parks. The objective is met.

TDC 15.020(16) Whenever possible, locate neighborhood parks adjacent to school sites.

Because the PMA covers a property developed as a water reservoir and pump station, which will continue to be the uses of the subject property, this objective is not relevant to this property.

Historic Preservation Objectives.

TDC 16.030(1) Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest within the City.

The proposed PMA, for the purpose of permitting development of on the subject property, does not hinder the community's ability to promote the historic, educational, architectural, cultural, economic, and general welfare of the public through identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest. No such historic resources are affected by the existence of the reservoir and pump station. The objective is met.

The proposed amendment conforms to the applicable objectives of the Tualatin Community Plan. Criterion C is met.

D. The factors listed in TDC 1.032(4) were consciously considered:

The various characteristics of the areas in the City.

The neighboring properties are as follows:

N: FD-20 (rural / agricultural)
E: FD-20 (rural / agricultural)
S: FD-20 (rural / agricultural)
W: IN (Horizon Community Church)

The City created the Institutional (IN) Planning District in 2006 and has applied it only to the campus of Horizon Community Church, formerly known as Grace Community Church, because the property owner wanted to be annexed to receive urban water and sewer service. In order to comply with statewide planning Goal 11 regarding the efficient and timely provision of public facilities, the City removed the possibility of residential development on the property by designating it IN upon annexation. The subject property lies due east of the Horizon property. In keeping with the purpose of IN to remove the possibility of residential development while accommodating public, semi-public, and miscellaneous land uses, the subject property also needs IN designation. It also lies within the acreage south of the city limits that Metro

added to the regional UGB in 2004. The Cities of Tualatin and Wilsonville must create concept plans for this acreage, which includes extension of urban services, and development. Annexing the property, but not applying a planning district designation, would fail to meet the intent of Metro.

The Oregon Department of Transportation (ODOT), Metro, and Washington County are conducting a corridor study to extend a limited access roadway from south of the I-5 and I-205 interchange to the Pacific Highway (U.S. 99W), passing between Tualatin and Wilsonville. The agencies have not yet selected a preferred alternative among the alternative corridor alignments, and this has delayed completion of concept planning by the Cities. The IN designation serves to both remove the Washington County zoning and to prevent the possibility of residential development until a future time when concept planning is completed, acreage is annexed, and the City is ready to extend urban services for planned development.

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

Development near the subject property consists of a house of worship and undeveloped rural land. The IN designation serves to both remove the Washington County zoning and to prevent the possibility of residential development until a future time when concept planning is completed and the City is ready to extend urban services for planned development. It also accommodates existing site development: the municipal water reservoir, pump station, and cell tower, which are all public or semi-public land uses.

Trends in land improvement and development.

The IN designation of Horizon Community Church established a precedent for handling annexed properties until concept planning is completed, and the IN designation of this property would be in keeping with that precedent.

Property values.

The water reservoir is an existing critical component of municipal infrastructure that provides a necessary public service for the inhabitants of Tualatin and can serve future inhabitants to the south. It provides a B level of service (LOS) and contributes to the creation and preservation of a desirable community in which to live, work, and invest.

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

Metro designated the 2004 addition to the UGB for regionally significant industrial land use. The existing pump station can provide B Level service to

future development, but more importantly IN designation removes the possibility of residential development. It is a precursor to the completion of the South Tualatin Concept Plan, allowing development of public, semi-public, or miscellaneous including public facilities serving existing and future development at large. The IN designation signals awareness of and compliance with statewide and Metro planning goals.

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

IN designation limits possible development to public, semi-public, or miscellaneous land uses. Practically, the subject property is already developed as a municipal water reservoir with ancillary uses and has existing access from Norwood Road; this development has negligible effect on roadway level of service (LOS). Refer to the attached traffic analysis (Attachment F). It also does not block or divert any future roadway corridors identified on TDC Figure 11-1 Functional Classification Plan effective 7/28/2005.

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

The subject property is already developed as a municipal water reservoir, and is not near any Natural Resources Protection Overlay District (NRPO) district, existing or proposed greenway, or significant natural resource as identified on TDC Maps 72-1, 2, and 3. The GIS viewer InterMap provided by Washington County reports no overlay districts.

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

The subject property is already developed as a municipal water reservoir, and is not near any Natural Resources Protection Overlay District (NRPO) district, existing or proposed greenway, or significant natural resource as identified on TDC Maps 72-1, 2, and 3. The GIS viewer InterMap provided by Washington County reports no overlay districts.

The public need for healthful, safe, aesthetic surroundings and conditions.

The existing municipal water reservoir is a necessary public facility that provides potable water, a healthful good. The IN designation will not change the existing reservoir, but designate its site for similar uses only. This prevents other land uses that would interfere with concept planning and fail to attain Metro and statewide planning goals. This preserves the City's ability to review future development for safety and aesthetics.

Proof of change in a neighborhood or area, mistake in the Plan map or text.

There is no alleged change in either a neighborhood or an area, and there is no alleged mistake in the Plan text or Community Plan Map for the property under consideration. Site conditions and the need to attain statewide and Metro planning goals necessitate IN designation.

The factors listed in TDC 1.032(4) were consciously considered. Criterion D is met.

E. 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.

This PMA does not affect public school capacity because IN designation does not allow for any residential development, so this criterion is not applicable.

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

Of the 14 statewide planning goals, staff determined that Goals 2 and 11 are applicable and must be addressed.

Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The TDC established a local land use planning process as a basis for all decision and actions related to use of land within the Tualatin planning area, and this review serves to complete that process. As shown in the above section, the amendment complies with the plan amendment criteria in TDC Section 1.032, a part of the Tualatin Community Plan (TCP), which reflects Metro Code provisions and has been acknowledged by the Oregon Department of Land Conservation and Development (DLCD). Therefore, compliance with the TCP by definition includes compliance with state and regional minimum planning requirements.

The amendment is consistent with statewide planning Goal 2.

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The IN designation accommodates the existing reservoir as a public use and removes the possibility of residential development. It prevents premature

development in general until the completion of the South Tualatin Concept Plan. The amendment thereby serves to maintain timely, orderly, and efficient arrangement of public facilities.

The amendment is consistent with statewide planning Goal 11.

G. Metro's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan is Metro Code Section 3.07. Subsection 3.07.120(C) states: "If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory." The subject property is within the regional Urban Growth Boundary (UGB) and is to be annexed through ANN-08-01 in compliance with Metro Code Section 3.09. The 1.4-acre subject property with a municipal reservoir has Washington County zoning FD-20, allowing a maximum of 0.05 dwelling units (DUs) per acre or 1.00 DU per 20 acres. Tualatin Institutional (IN) Planning District allows no DUs. The net change from a *de jure* maximum of 0.07 DUs on 1.4 acres to 0.00 DUs is negligible. *De facto* site conditions allow for no dwelling units under either County or City land development regulations, and the PMA would not change this. The PMA meets Criterion G.

H. 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 City will retain the existing municipal water reservoir, and the decrease of maximum developable residential density from 0.05 DUs per acre to none at all results in a negligible increase of potential roadway level of service (LOS) and a negligible decrease in potential vehicle traffic. Refer to the attached Traffic Analysis memo (Attachment E) regarding compliance with Criterion H.



City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062
Main (503) 692-2000
TDD (503) 692-0574

MEMORANDUM

DATE: April 23, 2008
FROM: Tony Doran
Engineering Associate
TO: Colin Cortes
Assistant Planner
SUBJECT: PMA 08-02, Traffic LOS

The most recent traffic study in this area was submitted for the annexation of Grace Community (Horizon) Church, dated August 25, 2006. This study indicated that at the intersection of SW Boones Ferry Road & SW Norwood Road the LOS would be D. The counts in this study are:

	AM Peak	PM Peak
SB	261	581
SBLT	127	96
WBRT	80	66
WBLT	62	34
NB	457	434
NBRT	20	67

Operations at the reservoir site are expected to be at most a few additional per day for either AM or PM Peak. This small additional amount of traffic generated only by City vehicles provide such a small impact that no public improvements can be justified and given the current LOS, not needed.

ORDINANCE NO. _____

AN ORDINANCE APPLYING THE INSTITUTIONAL (IN) PLANNING DISTRICT TO 8930 SW NORWOOD ROAD AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-08-02)

WHEREAS, the Community Plan Map 9-1 is a part of the adopted comprehensive plan of the City of Tualatin and designates planning districts serving as both future land uses and zoning districts; and

WHEREAS, the staff recommends to Council that the Community Plan Map 9-1 be amended; and

WHEREAS, Council finds the amendment to be appropriate.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to designate tax lot 2S 1 35D at 8930 SW Norwood Road as an Institutional (IN) planning district.

INTRODUCED AND ADOPTED this 9th day of June, 2008.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

DRAFT

DRAFT