



TUALATIN CITY COUNCIL

Monday, JULY 24, 2017

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg

Councilor Paul Morrison

Councilor Jeff DeHaan

Councilor Frank Bubenik

Councilor Nancy Grimes

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 your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

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

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 24, 2017

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. New Employee Introduction- Terrance Leahy, Water Division Manager

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of July 10, 2017

E. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit for MITCH Charter School to Expand the Campus and Operations of a Kindergarten through Grade 12 School in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001).

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Resolution No. 5330-17** Setting Road Utility Fees, Effective August 1, 2017

G. ITEMS REMOVED FROM CONSENT AGENDA

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

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 07/24/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of July 10, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of July 10, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of July 10, 2017](#)
[City Council Regular Meeting Minutes of July 10, 2017](#)



Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs; Project Engineer Dominique Huffman; IS Director Bates Russell; Associate Planner Charles Benson

CALL TO ORDER

Mayor Ogden called the work session to order at 5:37 p.m.

1. ***Mobile Food Unit Ordinance: Project Update.***

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson provided a project update on mobile food units. Planner Benson provided a brief recap on the project timeline to date. Draft ordinance components including applicability, licensing and regulatory requirements, and location standards were reviewed. Manager Hurd-Ravich spoke to concerns presented from the Commercial Citizens Involvement Organization (CCIO) regarding food trucks in Commercial Office (CO) areas. The CCIO would like to see buffering in place around the Central Commercial District. Planner Benson reviewed site standards as a component of the draft ordinance. Next steps for this project include incorporating feedback from Council and the Planning Commission, holding a public hearing on the proposed ordinance, and a public hearing on the plan text amendment.

Councilor Kellogg asked why CO was removed from the original proposal. Manager Hurd-Ravich stated it was removed in order to place a buffering between food carts and brick and mortar restaurants. Councilor Kellogg stated he was under the impression the CCIO was not opposed to their being food trucks in CO zones. Assistant City Manager Alice Cannon stated one of the solutions was to put a 1,000 foot buffer in place which eliminated all CO zones. She stated staff was not in favor of the buffer in this form because it is difficult to administer. Councilor Kellogg stated he would like to see CO included as permissible, so citizens could eat in their office parks and reduce congestion on the roads.

Councilor DeHaan arrived at 5:53p.m.

Councilor Kellogg asked if private catering events are excluded from the ordinance. Planner Benson stated as long as they are not selling directly to the public they are allowed to cater.

Council President Davis asked if there were other groups opposed to including CO.

Manager Hurd-Ravich stated participants wanted a buffer of some sort in place.

Councilor Morrison asked if developers would be able to have food trucks come into unimproved areas to feed workers during construction periods. He also asked if food trucks would be allowed if the Farmers Market returned to the Commons. Manager Hurd-Ravich stated the Commons and City operated property would be excluded.

Councilor Grimes asked if CO was included, if a permitting processes could be established instead of administering a buffer.

Councilor Kellogg asked if CO could have the same standards as General Commercial (GC). Manager Cannon stated staff could review that as an option.

Mayor Ogden asked why there are permitted uses. Manager Hurd-Ravich stated there are permitted uses in place to not disturb current uses. Mayor Ogden asked if there was pushback on permitted uses in the GC. Manager Hurd-Ravich stated she did not receive any from brick and mortar stores.

Council President Davis asked if food truck owner's getting private property owner's permission was a possible to solution instead of buffering.

Mayor Ogden requested staff go back to the task force group and get clarity on the OC standards. Councilor Grimes would also like clarification from the group on the permitting processes.

Councilor DeHaan asked if there was research available to support brick and mortar's stores dissatisfaction with food trucks and the actual affects on their businesses.

Councilor Kellogg asked if there are exemptions for city events. City Manager Lombos stated there is a process in place through Community Services for city events, she noted their permits have standards for food trucks.

2. *Active and Safe Transportation in Tualatin.*

Assistant City Manager Alice Cannon spoke to the Council goal regarding active and safe transportation in Tualatin. She stated this goal was identified at the Council Advance in February 2017. The goal specifically stated "a funded transportation system that supports mobility, connectivity, and accessibility in all modes." Currently there is a Transportation Safety Coordination Team in place that includes staff from the Police, Public Works and Community Service Departments. They discuss safety concerns from residents, evaluate, prioritize, and implement projects, communicate with residents, and include the CIO's when appropriate. The current budget for the program is \$80,000 and the purpose of that funding is to address affordable safety projects in neighborhoods. Examples of typical costs for projects and completed projects done over the past two years where shared.

Councilor Bubenik would like to research an additional small fee on utility bills to fund future projects.

Councilor Kellogg stated fees where just added for street trees and would like to

research another options, such as a local Major Streets Transportation Improvement Program (MSTIP).

Council President Davis stated she is in support of all things that improve transportation in the area. She wanted to be clear the money now is for small local projects and not major transportation projects.

Councilor Morrison stated he would like to take a \$5 million, 5 year bond, to the voters to fund such projects.

Mayor Ogden stated two separate types of projects are being discussed, neighborhood projects and congestion projects. He noted funding for these types of projects is very different.

Councilor Kellogg stated he believes citizens would rather see funding go to congestion relief then pedestrian projects.

Councilor DeHaan would like to focus projects on walk ability in the area.

Council President Davis stated original funding for the projects was in response to a request from CIO's wanting to be able to complete smaller neighborhood projects and not to fix congestion.

3. Council Rules.

Due to lack of time this item will be placed on a future meeting agenda.

4. Climate Cities.

Due to lack of time this item will be placed on a future meeting agenda.

5. Council Meeting Agenda Review, Communications & Roundtable.

None.

ADJOURNMENT

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 10, 2017

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; IS Director Bates Russell

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:06 p.m.

B. ANNOUNCEMENTS

1. New Employee Introduction- Geo DePaz, Water Technician I

Public Works Director Jeff Fuchs introduced Water Technician I Geo DePaz. The Council welcomed him.

2. Tualatin Youth Advisory Council Update for July 2017

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. The YAC held the annual Blender Dash on June 3 at Tualatin Community Park where 650 youth participated. The Teen Scavenger Hunt was held on June 21 in partnership with the Teen Library Committee. A total of 38 teens participated to solve clues to win prizes. The YAC participated in the first Movies on the Commons events this summer. Movies are shown every Saturday starting on July 1 through the end of the summer. Upcoming fall events include Park After Dark and the Haunted House.

3. The 22nd Annual ArtSplash Art Show & Sale Announcement

Recreation Supervisor Julie Ludemann announced the 22nd Annual Artsplash Art Show and Sale to be held July 21-23 at the Tualatin Commons. She noted this year there will be 50 artists participating, three days of concerts, kids activities, and food carts. All proceeds raised go to funding public arts in Tualatin.

C. CITIZEN COMMENTS

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None.

D. CONSENT AGENDA

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MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of June 26, 2017
2. Consideration of Approval of a New Liquor License Application for Gonzales Wine Company
3. Consideration of Approval of a New Liquor License Application for Rosie's Kitchen
4. Consideration of **Resolution No. 5334-17** Authorizing the City Manager to Execute an Amendment to an Intergovernmental Agreement with Clackamas County's Community Development Block Grant Program.

E. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of Recommendations from the Council Committee on Advisory Appointments

MOTION by Councilor Jeff DeHaan, SECONDED by Councilor Frank Bubenik to approve the recommendations.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

2. Consideration of Appointments to the Parks and Recreation Master Plan Update Project Advisory Committee

Community Services Director Paul Hennon stated a Parks and Recreation Master Plan Update Project Advisory Committee is being formed to provide staff and consultants with a diversity of perspectives, advice, and recommendations on all matters pertaining to the project, and to review documents to ensure accuracy and consistency with community and city needs. The Project Advisory Committee will make a final recommendation on plan acceptance to the Council. Director Hennon added committee members will serve for the duration of the project with a anticipated ending date in the Fall of 2018. He presented a roster of proposed committee members.

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis to approve the committee recommendations.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

F. 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.

G. COMMUNICATIONS FROM COUNCILORS

Councilor Morrison thanked staff for their hard work on the food cart issues.

Councilor Kellogg stated he would like to discuss the Lights Out Program, regarding light omissions and pollution, at a future work session. Councilor Bubenik stated the LED light conversion project will address many of the presented concerns.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:28 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Charles Benson, Associate Planner

DATE: 07/24/2017

SUBJECT: Consideration of a Conditional Use Permit for MITCH Charter School to Expand the Campus and Operations of a Kindergarten through Grade 12 School in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001).

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is the consideration of a conditional use permit for MITCH Charter School to expand the campus and operations of a kindergarten through grade 12 school in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200), a property currently owned and operated by Frontier Communications.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution that conforms with Council direction.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing for a requested Conditional Use Permit (CUP-17-0001) for the applicant, MITCH Charter School, to expand its campus and operations of a kindergarten through grade 12 school in the Light Manufacturing (ML) Planning District, pursuant to Tualatin Development Code (TDC) 60.040(1)(g), on a 1.52-acre property at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) currently owned and operated by Frontier Communications. According to the Tualatin Community Plan, the purpose of the Light Manufacturing (ML) planning districts is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses; certain heavier manufacturing uses may be allowed as conditional uses. Conditional uses are those uses which may result in conflicts with surrounding uses, and thus an additional level of review is required to ensure that any potential conflicts are reduced or eliminated; in many instances, this may include specific conditions of approval.

The applicant has agreed to lease approximately 30,000 square feet of existing green space on the subject site from Frontier Communications to convert into a vegetative garden and athletic field for MITCH Charter School to promote its student wellness program. The subject property is located within the boundaries of the ML planning district. There are a number of mixed

commercial and industrial uses already operating in the area, including Tualatin Valley Fire & Rescue (TVF&R) Station 34, Sherwin Williams, Diamond Pro NW, Cardenas Motorsports, and notably, Tualatin Early Intervention, which conducts similar school-type operations in the same ML planning district.. This subject site was chosen due to its location immediately adjacent and north of the existing MITCH Charter School Building (SW 19500 and 19550 SW 90th Court) and would serve as an extension of school uses already in operation on this property. A Vicinity Map is included as Attachment A.

The applicant conducted a Neighborhood/Developer meeting on Thursday, February 23, 2017 at 5:30 p.m. at MITCH Charter School (19550 SW 90th Court) to explain the proposal to neighboring property owners and to receive comments. The meeting was attended by City staff and members of the applicant development team. No attendees from the general public or neighboring properties were in attendance. Staff and the applicant had a pre-application meeting on Wednesday, January 18, 2017.

Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the subject planning district and the application submittal meets the five criteria listed in Tualatin Development Code (TDC) 32.030. The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment B). The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP. The five (5) criteria of TDC 32.030, including a summary of findings, and conditions of approval necessary to meet the criteria, are discussed below:

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

The subject property is located in the Light Manufacturing (ML) Planning District, where “Schools for kindergarten through 12” are a conditional use pursuant to TDC 60.040(1)(o). Staff finds that Criterion 1 is met.

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

The proposed garden and athletic field uses will be located within the existing green spaces on the project site; the other existing uses on the site, including the Frontier Communications building and associated off-street parking, will remain unchanged such that an Architectural Review (AR) would not be required pursuant to TDC 73.040. Staff finds that the following condition of approval is required to meet Criterion 2:

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

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

The proposed garden and athletic field will not result in any changes to access or parking on the subject (Frontier Communications) site. These new amenities are intended to complement existing programs at MITCH Charter School and would not directly result in

increased attendance or enrollment. As such, the proposed project would not result in an increase in traffic or parking demand and would not adversely impact nearby transportation systems.

Public sewer, water, and storm connections that currently exist are adequate to serve the property and the proposed use. Additional drainage control measures will also be constructed as part of the proposed project.

In addition, a Minor Architectural Review (MAR) approval for a gated entrance and an ADA access ramp between the subject site and the site immediately south housing the MITCH Charter School building—including fencing along the internal green space perimeter on the subject site—was granted on October 18, 2016.

Staff finds that Criterion 3 is met.

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

The proposed use would not alter the overall character of the immediate area defined by the properties abutting SW 90th Court south of SW Tualatin-Sherwood Road, which include a mix of commercial and industrial uses. The proposed use would serve as an extension of school uses already in operation on the property (SW 19500 and 19550 SW 90th Court) adjacent and south of the subject site. In addition, the proposed use would only affect the green spaces on the subject site and the existing light manufacturing uses at 19430 SW 90th Court (Frontier Communications) will remain. While the proposed garden and athletic field will result in users in an outdoor setting, the activities associated with the proposed use would not limit, impair, or affect uses on the surrounding properties.

Staff finds that Criterion 4 is met.

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

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

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

The proposed use is consistent with the policies of TDC Section 60.010 which states that the Light Manufacturing (ML) planning district is "suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke." All activities are non-hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. In addition, the proposed use would redevelop an open field area with a similarly developed field and garden area which will continue to buffer heavier manufacturing uses and commercial uses, and is consistent with adjacent uses in the ML planning district. The proposed use meets this standard.

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

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

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

TDC 60.085.

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

Condition of Approval No. 5: The approval period shall terminate, consistent with TDC 32.090 Automatic Termination of Conditional Use, as outlined below:

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

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

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

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.

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

Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after that application is deemed complete. The Council hearing date of July 24, 2017 is the 69th day following completeness, and the 120th day is September 16, 2017.

Based on the application materials and the Analysis and Findings (Attachment C), the MITCH Frontier Garden & Athletic Field Project (CUP-17-0001), the use of existing lawns and landscaped areas on the Frontier Communications site to support the adjacent kindergarten through grade 12 school meets the criteria of TDC 32.030 with recommended conditions of approval, which would run with the property and not the property owner.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit (CUP) request will result in the following: 1. Allows the applicant to expand a school campus and operations onto the subject property. 2. At its next meeting on August 14, 2017, Council approves Resolution Number 5327-17. Denial of the CUP request will result in the following: 1. Prohibits the applicant from expanding a school campus and operations onto the subject property.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are: 1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary. 2. Deny the request for the proposed CUP with findings that state which criteria in Tualatin Development Code (TDC) 32.030 the applicant fails to meet. 3. Continue the discussion of the proposed CUP and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 2017/18 budget allocated revenue to process current planning applications, and the applicant has submitted payment per the City of Tualatin Fee Schedule to process the application.

Attachments: [Attachment A - Vicinity Map](#)
 [Attachment B - CUP Application Materials](#)
 [Attachment C - Analysis and Findings](#)
 [Attachment D - PowerPoint Presentation](#)

MITCH FRONTIER GARDEN & ATHLETIC FIELD

CONDITIONAL USE PERMIT APPLICATION

ATTACHMENT A: VICINITY MAP





City of Tualatin

www.tualatinoregon.gov

"NECESSARY PARTIES"
MARKED BELOW

NOTICE OF APPLICATION SUBMITTAL

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

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

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

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

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

City Staff

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

Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Development Dept.
- Wilsonville Planning Division

Counties

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

Regional Government

- Metro

School Districts

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

State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Environmental Quality (DEQ)
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program
- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Division

- OR Dept. of Revenue

Utilities

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

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)

*Paper Copies

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



City of Tualatin

www.tualatinoregon.gov

CITY OF TUALATIN
RECEIVED

MAY 16 2017

COMMUNITY DEVELOPMENT
PLANNING DIVISION

APPLICATION FOR CONDITIONAL USE PERMIT

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

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

Applicant's Signature:

Date:

12.14.16

Office Use

Case No:

Date Received:

Received by:

Fee: Complete Review:

Receipt No:



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

April 4, 2017

City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Or 97062

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

To Whom it May Concern:

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

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

Frontier Communications Northwest, Inc.



By: KELLEY STEWART
Title: DIRECTOR PRES



MITCH CHARTER SCHOOL FRONTIER GARDEN & ATHLETIC FIELD PROJECT

CONDITIONAL USE PERMIT APPLICATION

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

In order to grant the proposed Conditional Use Permit, the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The prepared narrative below addresses the criteria.

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

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

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

Applicant Response:

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

The site size is suitable for the proposed use.

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

The lot shape is suitable for the proposed use.

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

The location is suitable for the proposed use.

Topography: The property is flat.

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

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

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

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

Applicant Response:

Transportation Systems

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

Off-Street Parking

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

Public Facilities and Services

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

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

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

North: Light Manufacturing (ML) Planning District
Sherwin Williams, Circle Bolt and Nut, etc.
Light Manufacturing (ML) Planning District
East: Cardenas Motorsports
South: Light Manufacturing (ML) Planning District
MITCH Charter School
West: Light Manufacturing (MP) Planning District
7ECO

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

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

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

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

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

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

Section 32.030 Criteria for Review of Conditional Uses

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

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

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

Section 60.010 Purpose states that the "purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses" and that this "district serves to buffer heavy manufacturing uses from commercial and residential areas."

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

The proposed use is consistent with plan policies.

SUMMARY OF ANALYSIS AND FINDINGS

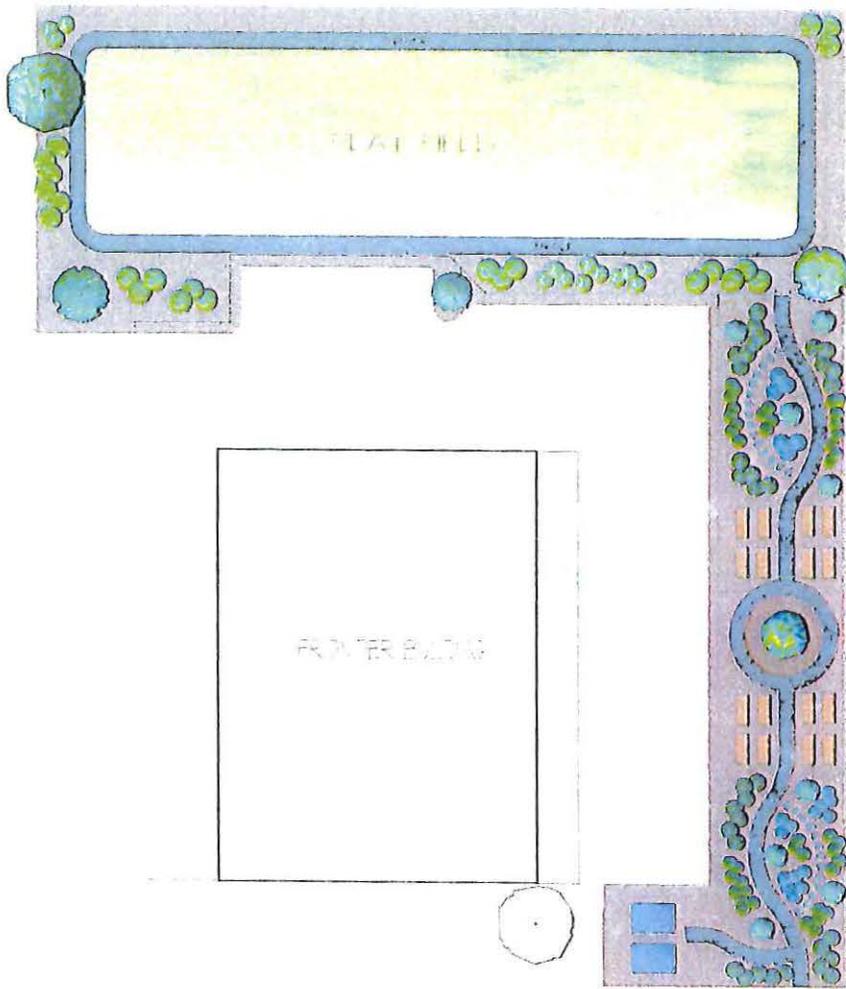
Therefore, the proposal for the addition to the MITCH Charter School use of a field area and garden in the Frontier open field space is consistent with the above criteria for a Conditional Use Permit. We urge Staff and the Tualatin City Council to approve this expansion in order to improve the outdoor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

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

Respectfully,

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

MITCH CHARTER SCHOOL FRONTIER GARDEN



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MAY 16 2017

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Assessment & Taxation Report

General Property Information

| | |
|--------------------------|--|
| Site Address: | 19430 SW 90TH CT, TUALATIN OR, 97062 |
| Tax Lot ID: | 2S123DB00200 |
| Property Account ID: | R1198787, |
| Property Classification: | 0030 - MISC. PROPERTY CENTRALLY ASSESSED BY DOR - See full list of Codes |
| Neighborhood Code: | YTSH |
| Latitude / Longitude: | 45.3792701 / 122.769857 |
| 2009-2010 Tax Statement: | R1198787.pdf |
| 2010-2011 Tax Statement: | R1198787.pdf |
| 2011-2012 Tax Statement: | R1198787.pdf |
| 2012-2013 Tax Statement: | R1198787.pdf |
| 2013-2014 Tax Statement: | R1198787.pdf |
| 2014-2015 Tax Statement: | R1198787.pdf |
| 2015-2016 Tax Statement: | R1198787.pdf |
| 2016-2017 Tax Statement: | R1198787.pdf |

Sales / Deed Information

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

Assessed Values for Account R1198787

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

N.W. 1/4 S.E. 1/4 SECTION 23 T2S R1W W.M.

WASHINGTON COUNTY, OREGON

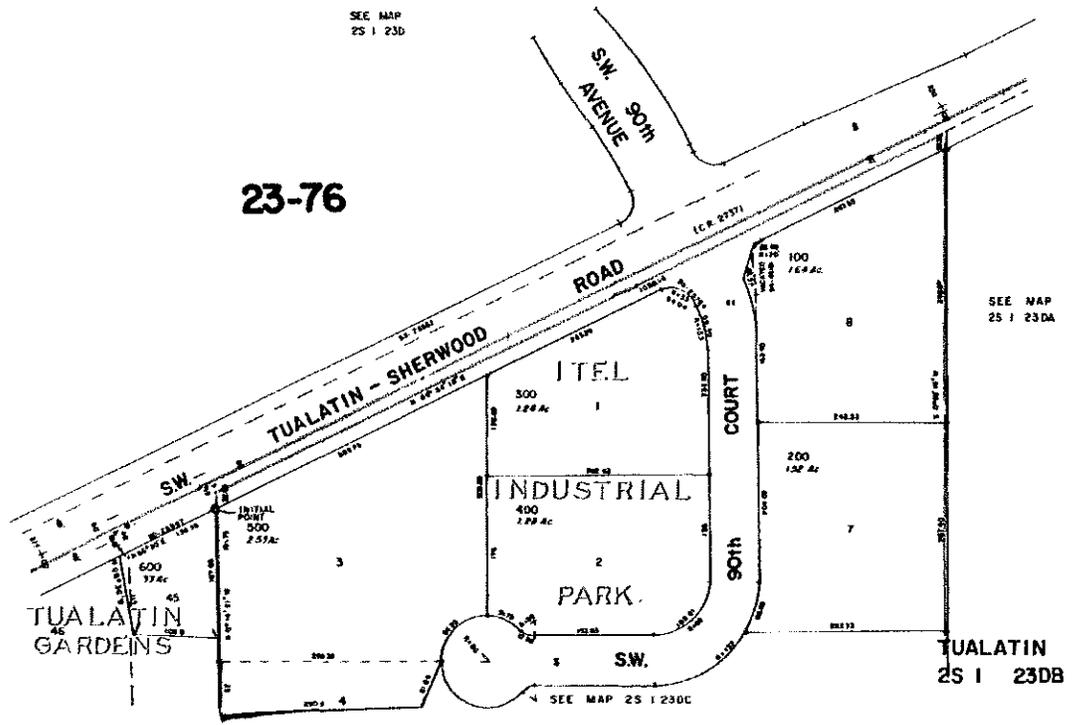
SCALE 1" = 100'

2S 1 23DB

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

SEC. MAP
2S 1 23D

23-76



SEE MAP
2S 1 23DA

TUALATIN
2S 1 23DB

SEE MAP 2S 1 23DC

0.2500 0.0000

S.W. 1/4 SE. 1/4 SECTION 23 T2S RIW WM.

WASHINGTON COUNTY, OREGON

2S 1 23DC

SCALE 1" = 100'

SEE MAP
25 1 23

SEE MAP
25 1 23DB

CHANGELAND FOR LOT 2
300,000, \$13,750,000 P.A.
100,000'

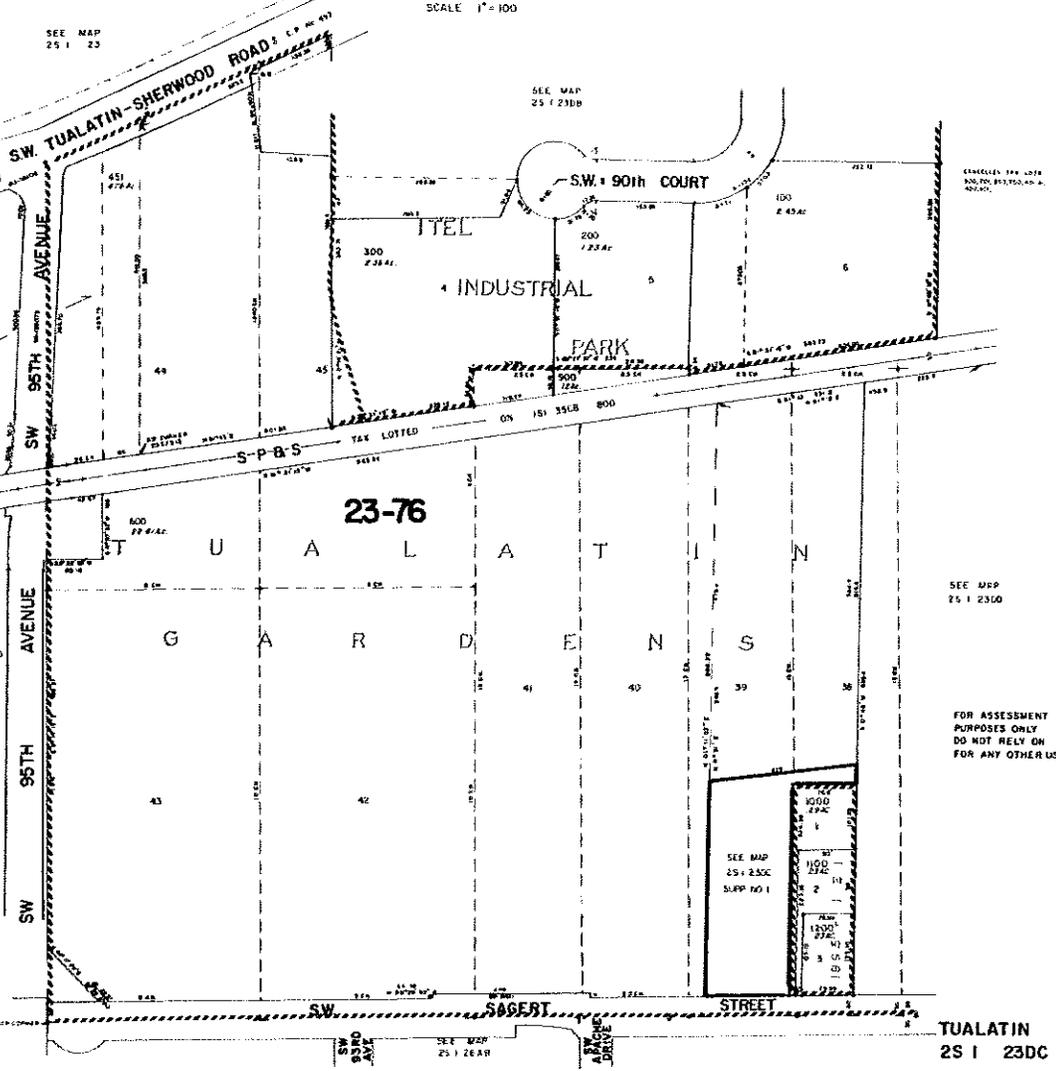
SEE MAP
25 1 23CD

SEE MAP
25 1 23DO

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

SEE MAP
25 1 23CC
SLEPP NO 1

23-76



TUALATIN
2S 1 23DC

4-28-5402



MITCH
Charter School

Inspiring colorful acts of greatness

January 24, 2017

RE: MITCH Charter School Field & Garden Expansion

Dear Property Owner:

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

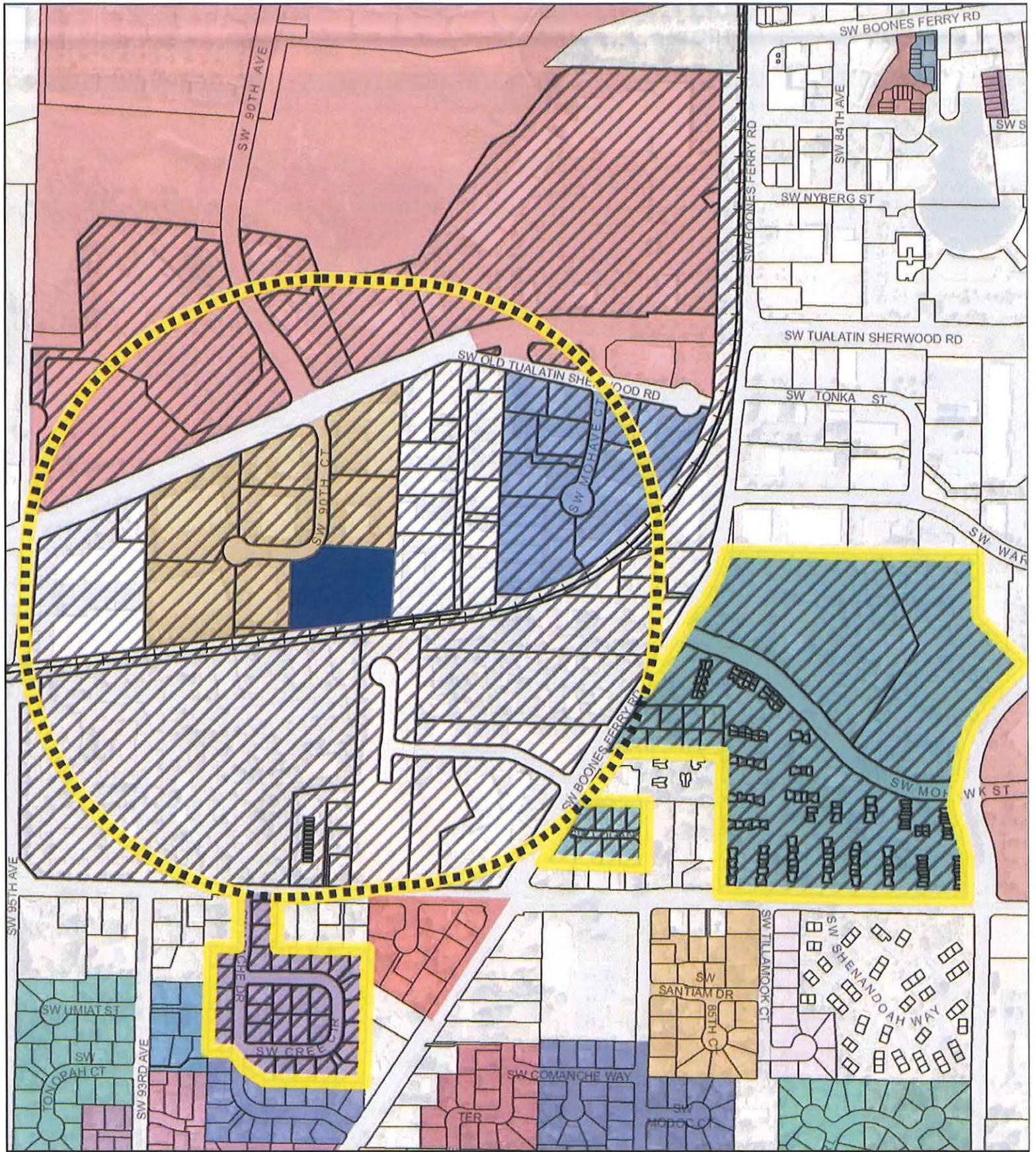
19430 SW 90th Court, Tualatin, Oregon, 97062.

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

Cordially,

Melissa S. Meyer
Executive Director
MITCH Charter School

503.639.5757



 1000' Buffer

 1000' Buffer with Subdivisions

 Selected Taxlots



**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That on the 23rd day of February, 2017, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

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





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

RE: _____

**NEIGHBORHOOD / DEVELOPER MEETING
CERTIFICATION OF SIGN POSTING**

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

24" 18"

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

As the applicant for the
MITCH Frontier Garden project, I
hereby certify that on this day, 1 sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code
and the Community Development Department - Planning Division.

Applicant's Name: Melissa S. Meyer
(PLEASE PRINT)
Applicant's Signature: Melissa Meyer
Date: 2-23-17

Neighborhood Development Meeting Notes

MITCH Charter School Field Expansion & Garden

2/23/17

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

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



City of Tualatin

www.tualatinoregon.gov

CONDITIONAL USE PERMIT CERTIFICATION OF SIGN POSTING



18"

24"

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

As the applicant for the MITCH FRONTIER GARDEN project, I hereby certify that on this day, May 19, 2017 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: MELISSA S. MEYER
(PLEASE PRINT)

Applicant's Signature: Melissa Meyer

Date: May 19, 2017

MITCH FRONTIER GARDEN & ATHLETIC FIELD

CONDITIONAL USE PERMIT APPLICATION (CUP-17-0001)

ATTACHMENT D: ANALYSIS AND FINDINGS

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

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

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

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

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

Staff finds that Criterion 1 is met.

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

Applicant Response:

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

The site size is suitable for the proposed use.

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

The lot shape is suitable for the proposed use.

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

The location is suitable for the proposed use.

Topography: The property is flat.

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

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

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

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

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

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

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

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

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

Applicant Response:

Transportation Systems

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

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

Off-Street Parking

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

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

Public Facilities and Services

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

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

Staff finds that Criterion 3 is met.

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

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

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

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

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

Staff finds that Criterion 4 is met.

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

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

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

Section 32.030 Criteria for Review of Conditional Uses

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

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

Section 60.010 Purpose states that the “purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses” and that this “district serves to buffer heavy manufacturing uses from commercial and residential areas.”

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

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

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

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

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

Condition of Approval No. 5: *The approval period shall be pursuant to TDC 32.090 Automatic Termination of Conditional Use as reproduced:*

- (1) *Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:*
 - (a) *The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.*
 - (b) *The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.*
- (2) *The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.*

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

SUMMARY OF ANALYSIS AND FINDINGS

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



**MITCH CHARTER SCHOOL
FRONTIER GARDEN &
ATHLETIC FIELD
CONDITIONAL USE PERMIT
CUP-17-0001**

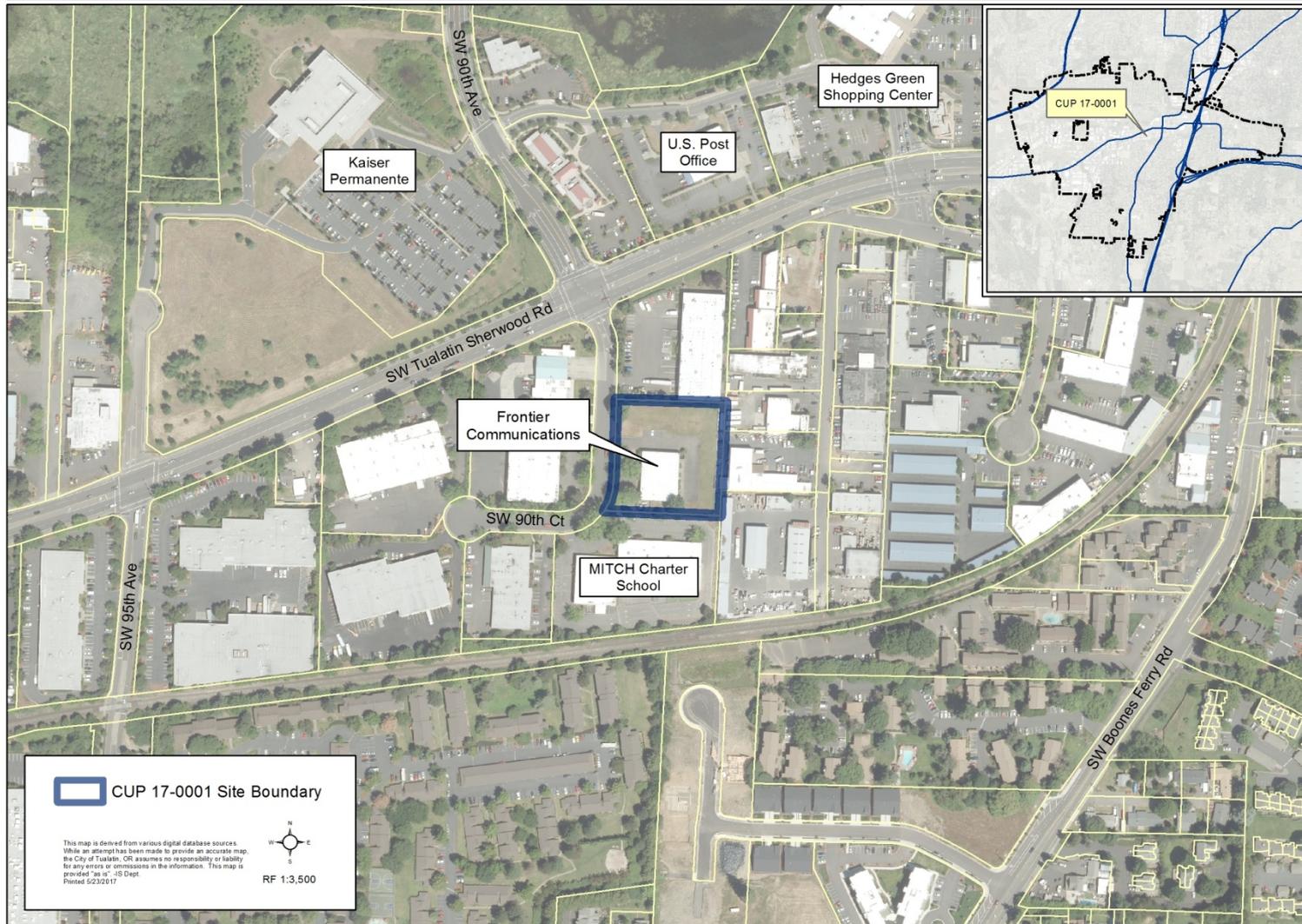
**CUP-17-0001
MITCH CHARTER SCHOOL**

**TUALATIN CITY COUNCIL PUBLIC HEARING
JULY 24, 2017**



PURPOSE OF HEARING

- Consideration of a conditional use permit to expand the campus and operations of a kindergarten through grade 12 school in the Light Manufacturing (ML) Planning District
- City Council must find that the proposed conditional use meets the five criteria listed in Tualatin Development Code (TDC) 32.030



CUP-17-0001
MITCH CHARTER SCHOOL

TUALATIN CITY COUNCIL PUBLIC HEARING
JULY 24, 2017



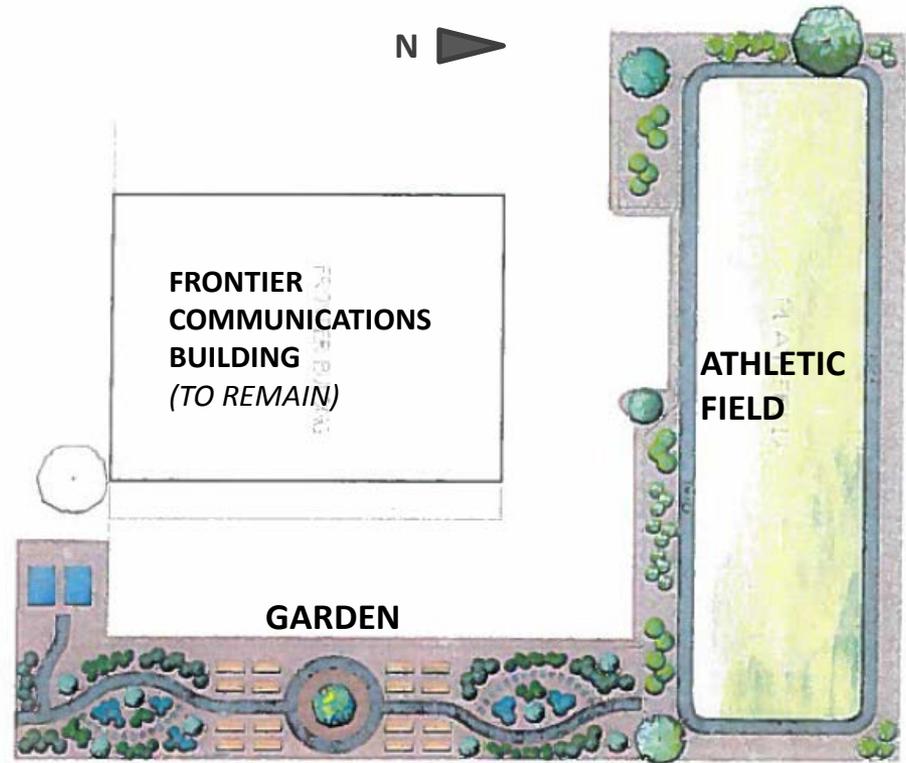
**CUP-17-0001
MITCH CHARTER SCHOOL**

**TUALATIN CITY COUNCIL PUBLIC HEARING
JULY 24, 2017**



APPLICANT PROPOSAL

-Conversion of approximately 30,000 SF of existing green space on the subject site into a vegetative garden and athletic field for MITCH Charter School to promote its student wellness program.





CUP APPROVAL CRITERIA

- 1. The use is listed as a conditional use in the underlying planning district.***
 - Staff finds this criterion is met.



CUP APPROVAL CRITERIA

2. The site characteristics are suitable for the proposed use.

- Staff finds this criterion is met with the following condition of approval:
 - i. The applicant shall obtain approval from the City for any site or exterior modifications



CUP APPROVAL CRITERIA

3. The proposed development is timely.

- Staff finds this criterion is met.



CUP APPROVAL CRITERIA

4. *The proposed use is compatible with surrounding area.*

- Staff finds this criterion is met.



CUP APPROVAL CRITERIA

5. *The proposed development satisfies applicable objectives and policies of the Tualatin Community Plan.*
 - Staff finds this criterion is met.



STANDARD CONDITIONS OF APPROVAL

- The applicant shall operate conditional use consistent with application materials
- The applicant shall comply with noise standards
- The applicant shall submit any sign permits separately
- The applicant shall comply with CUP approval period standards
- The applicant shall comply with all applicable TDC policies and regulations



STAFF RECOMMENDATION

- Based on staff analysis and findings, the proposed use meets the CUP criteria listed in TDC 32.030.
- Staff recommends approval of CUP-17-0001 with the conditions identified in the staff report.



CUP-17-0001
MITCH CHARTER SCHOOL

TUALATIN CITY COUNCIL PUBLIC HEARING
JULY 24, 2017



NEXT STEPS

- Applicant Presentation
- Public Comment
- Council Deliberation and Decision



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 07/24/2017

SUBJECT: Consideration of Resolution No. 5330-17 Setting Road Utility Fees, Effective August 1, 2017

ISSUE BEFORE THE COUNCIL:

Whether or not to approve Resolution No. 5330-17, Setting Road Utility Fees, Effective August 1, 2017.

RECOMMENDATION:

Staff recommends adoption of the attached resolution setting Road Utility Fees to be effective on and after August 1, 2017.

EXECUTIVE SUMMARY:

The Road Utility Fee was created for the purpose of maintenance of City streets, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, street tree replacement, and for paying the operating cost of street lights. The pavement maintenance and street light portion of the fee was created in April 1990, with the sidewalk/street tree portion added in July 1991. While the sidewalk/street tree portion has been adjusted on two occasions (August 2005 and June 2012), the pavement maintenance fees have only been adjusted once, when an index of the rate was added in July 2016. The cost of pavement maintenance has increased over the years with no adjustment to the rates.

Staff began looking at the rates over the last couple of years and are proposing rate increases to take effective August 1, 2017. There are three primary drivers behind the need to increase our road utility fees at this time. First, the costs of pavement maintenance have increased. Since 2011, the cost of asphalt has increased 15% and the cost of slurry seal has increased 40%. In addition, there are many instances where we are required to upgrade curb ramps to current ADA standards when performing road maintenance. Second, our road inventory has grown from 82 lane miles to be maintained in 1990 to the current 153 lane miles in the City.

Lastly, our roads are getting older and require more maintenance, though we have been able to extend the life of our streets and have spent less on maintenance over the years due to the pavement maintenance program that was put into place in the late 1980's. For example, asphalt roads are designed to last 20 years, but with good maintenance, they can last longer.

Nearly half our roads (46%) are older than 30 years and have exceeded their design life by 50%. Only 15% of our roads are less than 10 years old. While we have done a great job of maintaining our roads with the 27 year old rates, it is time to increase the rate to keep our pavement condition index in the good to very good range.

With expenses increasing and the reserve balance in the Road Utility Fund at dangerously low levels, staff is proposing the rates be increased, per the attached resolution.

OUTCOMES OF DECISION:

Failure to increase rates will keep revenues available for pavement maintenance at current levels of funding, and allow for less maintenance to be provided annually.

FINANCIAL IMPLICATIONS:

The proposed rate increases will increase pavement maintenance revenue approximately \$213,000 in FY 17/18 and sidewalk/street tree revenue for the sidewalk program and ADA ramp upgrades approximately \$100,000.

Attachments: [Resolution](#)

RESOLUTION NO. 5330-17

A RESOLUTION SETTING ROAD UTILITY FEE RATES

WHEREAS, under TMC 3-4, the Council established a Road Utility Fee; and

WHEREAS, under TMC 3-4-100, the Council is to establish the Road Utility Fee rates by resolution; and

WHEREAS, Council wishes to establish the Road Utility Fee rates as set forth in this resolution.

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

Section 1. Monthly Rates.

(a) The monthly Road Utility Fee rates charged to Residential Customer Groups are as follows:

| Property Group | Per Living Unit |
|---------------------------|-----------------|
| Single Family Residential | \$ 5.25 |
| Multi-Family Residential | \$ 4.75 |

(b) The monthly Road Utility Fee rates charged to Non-Residential Customer Groups are as follows:

| Property Group | Per Thousand Square Feet* | Flat Fee |
|-------------------------|---------------------------|----------|
| Non-Residential Group 1 | \$ 1.30 | \$ 3.25 |
| Non-Residential Group 2 | \$ 2.25 | \$ 3.25 |
| Non-Residential Group 3 | \$ 5.60 | \$ 3.25 |
| Non-Residential Group 4 | \$ 12.60 | \$ 3.25 |
| Non-Residential Group 5 | \$ 36.00 | \$ 3.25 |
| Non-Residential Group 6 | \$ 86.00 | \$ 3.25 |
| Non-Residential Group 7 | \$ 10.00 | \$ 3.25 |

* As set forth in TMC 3-4-120, the measurement of square feet is based upon "Gross Floor Area" consistent with the ITE Manual and means: the sum in square feet of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this Gross Floor Area is considered part of the overall square footage of the building. Unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, are excluded from the Gross Floor Area calculations. Parking garages within the building are excluded from the Gross Floor Area calculations.

Section 2. Effective Date. This resolution is effective August 1, 2017.

INTRODUCED AND ADOPTED this 24th day of July 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

BY _____
City Recorder