



TUALATIN CITY COUNCIL MEETING

MONDAY, JUNE 08, 2020

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Nancy Grimes
Councilor Paul Morrison Councilor Robert Kellogg
Councilor Bridget Brooks Councilor Maria Reyes
Councilor Valerie Pratt

Special Announcement Regarding the June 8, 2020 City Council Meeting

The Tualatin City Council meeting scheduled for Monday, June 8, will proceed at this time with several modifications:

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, June 8. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 896 5760 1047

Password: 18880

Link: <https://us02web.zoom.us/j/89657601047pwd=YVNSVEFXTkJIRkt6dGJ0TkIkWXZLdz09>

Questions? Please contact Assistant to the City Manager Megan George.

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Public Comment

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.

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.

- [1.](#) Consideration of Approval of the Work Session and Regular Meeting Minutes of May 26, 2020
- [2.](#) Consideration of Approval of a Change in Liquor License Application for Buffalo Wild Wings
- [3.](#) Consideration of Approval of a Liquor License Application for Red Robin Gourmet Burgers and Brews
- [4.](#) Consideration of **Resolution No. 5497-20** an Amendment to the Intergovernmental Agreement between Washington County and the City of Tualatin for the Washington County Community Development Block Grant Program
- [5.](#) Consideration of **Resolution No. 5498-20** Resolution Authorizing Solid Waste and Recycling Rate Adjustments 2020

Special Reports

- [1.](#) Presentation of the 2019 Tualatin Planning Commission Annual Report

Public Hearings - Legislative or Other

- [1.](#) Consideration of **Resolution No. 5496-20** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2020-21
- [2.](#) Consideration of updates to Mixed Use Commercial Provisions of the Tualatin Development Code to apply a Mixed Use Commercial Zone in the Area Subject to the Existing Provisions of the Mixed Use Commercial Overlay Zone (Chapter 57 of the Development Code)

Council Communications

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.

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: June 8, 2020

SUBJECT:
Consideration of Approval of the Work Session and Regular Meeting Minutes of May 26, 2020

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of May 26, 2020
- City Council Regular Meeting Minutes of May 26, 2020



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 26, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Call to Order

Mayor Bubenik called the meeting to order at 7:01 p.m.

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda made by Council President Grimes, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of May 11, 2020
2. Consideration of **Resolution No. 5494-20** Authorizing the City Manager to Execute an Extension of the Intergovernmental Agreement Between the TriCounty Metropolitan Transportation District Of Oregon (Trimet), the City Of Portland, and the City of Tualatin for Transit Police Services
3. Consideration of **Resolution No. 5495-20** Authorizing a Full Faith and Credit Borrowing and Related Matters.

Special Reports

1. Republic Services Annual Report and Request to Consider a Rate Adjustment

Management Analyst Lindsay Marshall introduced Republic Services General Manager Jason Jordan, Municipal Relations Manager KJ Lewis, and Business Unit Finance Manager Will Mathias. Mr. Jordan presented an overview of the history of Republic Services with the City of Tualatin. Mrs. Lewis spoke to the revamping of the recycling system that is being considered by the legislature. She also spoke to Republic's extensive community involvement. Mrs. Lewis addressed Republic's response to the pandemic via community education through brochures, social media, and their website.

Councilor Reyes stated she wants to work with Republic on how to help the Hispanic community learn how to use their services more effectively.

Councilor Brooks thanked Republic for their environmental and community engagement efforts.

Mr. Mathias presented Republic's proposed rate increase. He stated the last rate adjustment was 6% in 2018. The current rate proposal is an increase of 3.1%. Mr. Mathias stated this increase will help them remain flat and not dip below the profitability range by 2022. He shared their schedule of expenses and rate comparable for surrounding cities.

Mayor Bubenik asked for clarification on what the Metro Tipping Fee is and who sets the rate. Manager Jordan stated Metro has authority over the flow of solid waste in the region. He stated for every ton of garbage generated there is roughly a \$30 fee. He noted increases happen from Metro as needed.

Manager Jordan stated Metro is proposing a transfer station in Cornelius. He stated the concern Republic has is in regards to the new transfer station is the minimum tons Metro needs to collect and the ability for Republic to take waste to their own transfer stations which will affect their efficiency in collection.

Councilor Brooks asked if there used to be credit for recycling or has it always been a fee. Manager Jordan stated previously recycling was shipped to China at a nominal cost and then they reduced their contamination threshold which in turn caused fees to increase.

Councilor Brooks asked about the paper bag vs. plastic bag discussions. Manager Jordan stated the problem they see with plastic bags is that they get caught in the conveyer belts and cause inefficiencies in the system.

Councilor Morrison asked if Republic has started fall curbside pickup again. Manager Jordan stated they had to shift volume for commercial to residential at the beginning of COVID to make sure basic services could be maintained. He stated they have since resumed the service.

Councilor Morrison asked how many natural gas trucks are serving Tualatin. Manager Jordan stated 19 natural gas trucks are serving the city.

Councilor Morrison asked if any state wide legislation would result in the reduction or elimination of the recycling fee. Manager Jordan stated it is hard to tell due to the instability in the recycling market currently.

Councilor Pratt asked about the inflation estimates being low in Republic's budget. Mr. Mathis stated they took a three year rolling trend on increases to come to that estimate.

Council President Grimes commended Republic Services for their community outreach and engagement. She asked why the cities bins are so much cheaper than surrounding areas. Manager Jordan stated each city is looked at individually based on their initiatives and then Republic provides the best rate possible.

Councilor Reyes asked if the potential increase in tipping fees has been factored into this years proposed increases. Manager Jordan stated they will have to reevaluate next year how any increases have impacted their bottom line.

Councilor Kellogg thanked Republic for all they have done for the community. He requested a can insurance policy be built into the next round of the city's franchise agreement. He asked about the advantages of the City and Republic offering a food scraps program. Mr. Jordan stated Republic has been talking with city staff what a potential food scraps program could look like for Tualatin.

Tualatin Chamber of Commerce Linda Moholt thanked Republic Services for providing the highest service for the fairest price in the region.

Motion to have staff prepare a resolution for the proposed rate adjustment made by Councilor Pratt, Seconded by Councilor Kellogg.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Councilor Brooks stated she would like Republic to consider a local food scraps program.

2. Tualatin's Economy: Recognizing Our Past and Charting Our Future

Economic Development Manager Jonathon Taylor presented the 2019 Economic Development Annual Report. He stated his mission is to retain and cultivate growth of existing business and attract new industry while creating and maintaining a positive business climate within our community. Manager Taylor stated there are two strategies for accomplishing this. The first is business retention, expansion, and recruiting. He stated two projects were assisted this past year that totaled \$106 million dollars in capital investments. The businesses added 108,000 in new and expanded square feet in Tualatin and brought 366 announced jobs. Manager Taylor stated he visited 30 businesses this year across six business sectors and worked with businesses to help secure over \$250,000 in grants in the form of strategic reserve funds, trade assistance, and capital access. Manager Taylor noted the city saw 176 new business licenses filed in 2019 which increased new employment to 1,232 new jobs.

Manager Taylor stated strategy two is about business climate and competitive positioning. He conducted a site tour with the Port of Portland that hosted 125 attendees and visited three total properties. In addition, he worked with a committee to create a site readiness toolkit to help businesses move into a development ready site. Manager Taylor stated tourism was a new item that was added to the economic development portfolio this year to help encourage visitor attraction by investing transient lodging tax in capital development, events, placemaking, visitor services, and marketing. He stated this year the city committed tourism dollars in the following ways: \$20,500 to the Tualatin Chamber of Commerce, \$20,000 to a digital photography library, \$2,000 to the Portland Trailblazer yearbook, \$10,000 to the Viva Tualatin event, and \$20,000 to the Pumpkin Regatta.

Councilor Pratt asked who the city is trying to reach with the Portland Trail Blazer yearbook. Manager Taylor stated the advertisement was to showcase Tualatin to the region and to show Tualatin's role in Portland's success.

Councilor Reyes asked how we are encouraging businesses to occupying vacant locations. Manager Taylor stated the city has a very low vacancy rate of 2%. He noted the city's office vacancy rate sits at about 12.2% which is standard in the industry.

Manager Taylor presented a recovery outline for Tualatin. He stated the plan is to manage and implement an effective, efficient, and nimble local economic recovery effort, in collaboration with vital partners, that charts a path for future economic prosperity. He stated Business Oregon conducted a survey of Oregon businesses to gather information on economic impacts of COVID-19. The survey had over 5,000 responses and found that 28% of Oregon businesses saw revenue decline by 90% or more in April. Business impacts from COVID-19 included decreased

sales, decreased hours for workers, temporary business closures, inability to pay expenses, supply and workforce interruptions, layoffs, inability to pay rent, and permanent business closure. Manager Taylor stated business categories with the largest revenue declines included the Accommodation and Arts, Entertainment, and Recreation sectors.

Manager Taylor stated there are four response and recovery phases: disaster, stabilization, preservation, and enhancement. He stated the city quickly mobilized city resources after the disaster that included a business resource page, an Economic Stabilization fund, and participation on the Regional Strategic Committee. He stated the city is currently in the stabilization phase (1-6 months after disaster). Manager Taylor stated this phase works to stabilize existing or at risk businesses from disruptions or closures. Manager Taylor stated the next phase is the preservation phase (6-12 months after disaster). He stated the phase works to preserve economic response efforts to stabilize the local economy while preparing for the future economic health of our residents, businesses, and workers. Manager Taylor stated the last phase is the enhancement phase which is a commitment to combining and enhancing our past economic successes and our current recovery efforts to ensure a bright economic future.

Councilor Brooks thanked Manager Taylor for his care for the local business community during this time. She asked about employment recovery in Tualatin and for clarification on what Greater Portland Inc. does. Manager Taylor stated the city doesn't want to duplicate efforts so they are making sure local businesses have access to local workforce centers to help establish themselves back into the economy. Mayor Bubenik stated Greater Portland Inc. (GPI) is the economic engine for the area. He stated they established the Small City Consortium for cities can't afford the full investment into GPI. Mayor Bubenik stated he meets with the group monthly to talk about development projects around the area.

Councilor Reyes asked if there is a way to advocate for micro businesses in the area. Manager Taylor stated there are some matching grant funds the City has applied to the State for to help get funds into these types of businesses. Mayor Bubenik stated the Mayor's Consortium is working with the County on funneling some of the funds they received into businesses in cities.

Council President Grimes asked about the potential locations for the Business Recovery Center. Manager Taylor stated there are three locations considered: Tualatin, Beaverton, and Hillsboro. He added there will also be a location in a rural community.

Councilor Brooks asked if the state would be reimbursing the business grants the city issued. Manager Taylor stated the City's program is qualified to be considered for reimbursement.

Council President Grimes asked if the city can be a resource to help businesses line up vendors when they are in need. Manager Taylor stated the Business Recovery Centers could assist with items like this. City Manager Lombos stated the goal would be to have the County serve in that capacity and not the city.

Tualatin Chamber of Commerce Director Linda Moholt stated this is an incredibly innovative plan and she is happy with how quickly the city is moving.

3. Council Advance Debrief

Assistant to the City Manager Megan George presented the City Council Advance debrief. She spoke to the ideas that were considered mission critical for the council. The 2019 vision was reviewed and the council reaffirmed the 2030 vision statement. She stated the council looked at

top issues for 2020 including Diversity, Equity, and Inclusion both internal and external, water supply and conservation, the library levy, parks funding, transportation, housing, community identity, cyber security, economic development, growth, and climate. Manager George stated after discussion and review the council established its 2020/21 priorities as housing, environment, transportation, diversity, community assets, and economic development.

Councilor Brooks stated she would like to see the climate action plan under the environment priorities.

Council President Grimes asked to have growth added under economic development as it is listed as one of the top issues.

Manager George recapped Council team dynamics that where then translated to the “Keys to Our Success” section of the placemat.

4. COVID-19: Tualatin’s Response, Adjustments, and What’s Next

City Manager Lombos presented Tualatin’s COVID-19 response. She recapped where Tualatin has been and the timeline of events to date. She highlighted items including the closure of city facilities and the declaration of emergency in March. Manager Lombos stated the guiding principles during this time have been to keep the public and our employees safe, follow state and county guidelines, and keep providing services. She stated 40% of employees are working onsite and over 150 pieces of technology have been deployed to allow staff to work from home. She recapped ongoing services for the Police Department, Community Development, Public Works, Human Resources, Legal, Administration, Information and Maintenance Services, and Finance departments. City Manager Lombos spoke to the plans going through phase one of the pandemic. Items in phase one include limited public access to city facilities, limited employees in the workplace, framework for continuing services, most programs and events will remain virtual, conduct meetings virtually as much as possible, use of meetings rooms will be limited, interoffice mail resumes, and no non-essential work related travel.

Finance Director Don Hudson spoke to municipal court services. He stated staff has maintained a presence onsite to process citations. Director Hudson stated in-person arraignments will resume in phase one with physical distancing and safety protocols in place. Human Resources Director Stacy Ruthrauff spoke to how Volunteer Services and the Library have adjusted various services. Parks and Recreation Director Ross Hoover spoke to how his department has carried forth various park projects and taken some of their programming online. Library Director Jerianne Thompson spoke to how they have pivoted to virtual programming including story time videos, STEAM videos, and trivia.

General Business

1. Consideration of **Ordinance No. 1437-20** establishing a Core Area Parking District (CAPD) Tax Rate for Fiscal Year 2020/21

Maintenance Services Manager Clay Reynolds presented an ordinance for a CAPD tax increase. He stated the increase is done by the municipal code index average for 2019 of 1.26%, which is on average a \$10 increase per business. He stated the increase will help keep pace with inflation costs for maintenance and improvements outlined in the ADA plan.

Councilor Kellogg stated this increase will allow the city to maintain the lots into the foreseeable future.

Motion for first reading by title only made by Councilor Kellogg, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion for second reading by title only made by Councilor Kellogg, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion to adopt Ordinance No. 1437-20 establishing a Core Area Parking District (CAPD) Tax Rate for Fiscal Year 2020/21 made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Council Communications

Mayor Bubenik recessed the meeting from 11:05 p.m. to 11:10 p.m.

Councilor Pratt stated the Tualatin Police Department is holding a Prescription Drug Take Back this Saturday from 11am- 2pm, at the Police Department. She encouraged citizens to support local businesses and wear masks when in public.

Councilor Brooks stated she virtually attended the Policy Advisory Board meeting and the Arts Advisory Committee meeting. She thanked city staff for their commitment and dedication.

Council President Grimes stated she is thankful for the city's amazing leadership team during this time.

Councilor Reyes stated she virtually attended the Policy Advisory Board meeting.

Mayor Bubenik stated he attended a meeting with State Representatives on the reopening plan for the state. He stated he participated in the Neighbors Nourishing Communities plant handout event, the Washington County Coordinating Committee meeting, and the Mayor's meeting with the Tigard-Tualatin School District.

Mayor Bubenik adjourned the meeting at 11:23 p.m.

Adjournment

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

/ Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR MAY 26, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Mayor Bubenik called the meeting to order at 5:04 p.m.

1. Metro Presentation on Get Moving 2020.

Metro Council Craig Dirksen and Metro Staff Tyler Frisbee presented an update from Metro. Councilor Dirksen stated Metro is working on an investment package for transportation due to the growing population in the area. He stated the package will provide new safety measures, reliability, access to transportation, and economic opportunity. Councilor Dirksen stated this is a region wide project with 16 investment corridors. He noted region wide programs include: safe routes to school, safety hot spots, regional walking and bike connections, and revitalization of main streets. He added additional programs will include anti-displacement strategies, affordable housing strategies, student fare affordability, and investments in the bus system. Councilor Dirksen stated specific Washington County investments include the Southwest Corridor, TV Highway, SW 185th, Burnside, Hwy 217, and Pacific Highway 99W. The overall measure is estimated to have \$4 billion in construction spending and create 37,500 construction jobs. Councilor Dirksen stated Metro will be working with community partners to finalize the project definitions. He stated in July Metro is set to finalize the package, hold hearings, and make a decision on referral.

Councilor Pratt asked about reduced transit cost for youth and seniors. Councilor Dirksen said discussions are being held on reduced youth costs. He noted there is already a program for seniors.

Councilor Pratt asked if there will be bike and pedestrian improvements towards the PCC Sylvania campus. Councilor Dirksen stated that hasn't been specifically identified as a project but the safe routes to school dollars could make improvements in the area if needed.

Councilor Pratt asked if the Bridgeport Terminus could be used to connect to Wilsonville in the future. Councilor Dirksen stated no design would prevent a future extension.

Councilor Morrison stated he hasn't received good reception to the plan. He stated he is concerned that nothing is planned for the northern portion of Clackamas County and SW Washington County. Councilor Morrison also expressed concerns with the inadequate amount of parking that is planned at the Bridgeport Terminus.

Councilor Kellogg stated full funding for the SW Corridor needs to happen so the new transit line makes its way to the Bridgeport Transit Center. He stated the Bridgeport station will provide an estimated 15% of ridership on the new line. Councilor Kellogg added that connectivity between the WES and the line at Bonita Station will be important to increase accessibility and ridership. He added an above grade crossing at Boones Ferry and Carmen Drive will also be needed to help with congestion.

Mayor Bubenik concurred an above grade crossing is necessary at the Carmen intersection. He added a pedestrian bridge over 72nd Street will also be needed for pedestrian safety.

2. ODOT | Tolling Project Update.

ODOT Tolling Program Director Lucinda Broussard presented an update on the I-5 and I-205 Tolling Project. She stated HB 2017 tasked ODOT with looking at two tolling projects: I-5 SW Multnomah Boulevard to N Going/Alberta Bridge and I-205 at or near the Abernethy Bridge. The projects have dual objectives to generate revenue and manage demand. Mrs. Broussard stated they have started to look at revenue generation. She noted the price of the tolls and the times of day when tolls may be in place have not been determined. She added tolls will be determined by the Oregon Transportation Commission during project development. Mrs. Broussard shared the timelines for the I-205 Toll project, I-205 widening project, and I-5 Toll project. She noted the I-205 Toll Project is slated to begin the National Environmental Policy Act (NEPA) technical process in July with completion in 2022.

Mrs. Broussard provided feedback that ODOT has received including traffic congestion being a key concern for the region, equitable tolling, lack of a robust transit system in Clackamas County, and tolling creating diversions into communities along the corridors. She stated ODOT is working on income impacts by working with Community Based Organizations to conduct discussion groups, obtain input using a variety of targeted multi-lingual engagement methods, develop and obtain input on income-related qualitative and quantitative performance measures, and engaging the Equity and Mobility Advisory Committee to provide recommendations. ODOT is also addressing transit impacts by collaborating with the Transit and Multi-Modal Working group to understand how planned transit improvements are associated with shifts related to tolls. Mrs. Broussard stated they are evaluating diversion impacts by using a Regional Travel Demand model that illustrates demand over the course of the day and analyzing rerouting patterns on the local street network during peak hours. She stated this data will be shared with all regional partners soon so it can be evaluated and questions answered. Mrs. Broussard stated there will be several upcoming opportunities for input from the community. She stated they launched an I-205 Toll Project Travel Preference Survey to provide insight into traffic patterns. She stated the survey will be open until the fall of 2020.

Mrs. Broussard stated they are starting to incorporate equity into their projects through an Equity and Mobility Advisory committee (EMAC). She stated members represent a variety of equity and mobility interests and perspectives in the Portland Metro and SW Washington areas. She stated the purpose is to advise on how tolling can benefit historically underserved and underrepresented populations, consider needs and opportunities for achieving community mobility and equity, and provide input to the Oregon Transportation Commission and ODOT on how to implement tolling.

Councilor Morrison asked what the purpose of tolling is when there is no money for construction available. Mrs. Broussard stated tolling could fund construction but money wouldn't be available for at least four years.

Councilor Morrison stated his problem with tolling is equity fairness. He noted he also has concerns with traffic diversion into Tualatin based on where the toll booths are placed.

Councilor Pratt asked if teleworking becoming common would affect the tolling fees. Mrs. Broussard stated they will be evaluating that. Councilor Pratt asked if they are taking into account the planned growth in the region and the effects of diversion onto smaller roads. Mrs.

Broussard stated their models are using data from Metro. Councilor Pratt stated the bus lines now are not sufficient for people traveling over to I-205, she asked if that is being considered in this process. Mrs. Broussard stated their Transient Group will be evaluating the bus system.

Councilor Brooks expressed concerns with equity and sees this as a regressive way of paying for something. She stated she is not in favor of tolling in our area.

Councilor Kellogg stated HB 2017 didn't specify what areas needed tolling, it was just assumed that it would be these area. He asked if it was ever considered to have the tolls placed at the three major bridges. Mrs. Broussard stated she would have to research that and send an answer later. Councilor Kellogg asked how effective tolling is at reducing congestion. Mrs. Broussard stated it is very effective. Councilor Kellogg stated he questions the effectiveness of these tolls since there will be the ability to divert around them. Mrs. Broussard stated that is what they are hoping they find out from the study. Councilor Kellogg asked if funding from the tolling could go to help ease some of the diversions points. Mrs. Broussard stated it would be years down the road because construction would need to be paid for first. Councilor Kellogg asked how congestion would be reduced since the population forecast is set to increase. Mrs. Broussard stated the Commission will evaluate revenue generation and managing demand to help provide a reliable trip for everyone.

Councilor Reyes asked when the community will be able to give feedback. Mrs. Broussard stated they are informing people now of the discussions. She stated the next public comment period will be from July 13- August 24.

Council President Grimes stated she is opposed to all of the suggest tolling areas along I-205. She stated she is concerned with equity that can't be addressed effectively right now, transit difficulties in regards to the bus system, and travel times for essential workers.

Mayor Bubenik asked if all the lanes on I-205 will be tolled or will there be free lanes. Mrs. Broussard stated all lanes will be tolled. Mayor Bubenik asked if modeling from existing tolling systems across the country are being used. Mrs. Broussard stated they are taking data from Metro and applying that to their models.

Councilor Kellogg asked if there is a presumptions about who would operate the system. Mrs. Broussard stated a vendor would be selected to manage the system.

Mayor Bubenik adjourned the meeting at 6:56 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 6/8/2020

SUBJECT:

Consideration of Approval of a Change in Liquor License Application for Buffalo Wild Wings

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Buffalo Wild Wings.

EXECUTIVE SUMMARY:

Buffalo Wild Wings has submitted a change in application under the liquor license category of full on-premises. This would permit them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at their location. They would also be permitted to sell malt beverages for off-site consumption in securely covered containers provided by the customer. The business is located 8505 SW Tualatin-Sherwood Road. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date _____

IMPORTANT: This is a three-page form. **You are required to complete all sections of the form.**

If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): BUFFALO WILD WINGS

Business address 8505 Tualatin Street City Tualatin State OR Zip Code 97062

Mailing address 111 W 39th Street City Vancouver State WA Zip Code 98660

Telephone # 360 694 7855 Fax # _____

Email Joe.Janaszek@Iceland.com

Name(s) of business manager(s) First GARY Middle Alfred Last SWANSON

Date of birth 3/26/69 Social Security # 542088328 ODL# 4223705 M F

Home address 4705 SW 107th Ave City Beaverton State OR Zip Code 97005
(attach additional pages if necessary)

Type of business Full Service Rest.

Type of food served American wings, Burgers, Fries

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

Days and hours of operation EVERY DAY: 11AM - 2AM

Food service hours: Breakfast _____ Lunch 11-3 Dinner 5-9

Restaurant seating capacity 219 Outside or patio seating capacity N/A

How late will you have outside seating? _____ How late will you sell alcohol? _____

How many full-time employees do you have? 30 Part-time employees? 40

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Wingmen V, LLC

Type of liquor license (refer to OLCC form) Full on-premise

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

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

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

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name _____
Business address _____

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

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

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: Joseph A Janasich Date of birth: 6-25-63
Residence address: 12715 NE 7th Place, Vancouver, WA 98684

Thomas M. Cook
1911 NW 206th St. Ridgefield, WA 98642 10-27-60

Full name: WBAH Antehinson Date of birth: 4-5-1960
Residence address: 24024 SW Stafford Rd., Tualatin, OR 97062

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

SECTION 4: APPLICANT SIGNATURE

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

 _____ 4-28-2020
Signature of Applicant Date

For City Use Only

Sources Checked:

DMV by [Signature] LEADS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

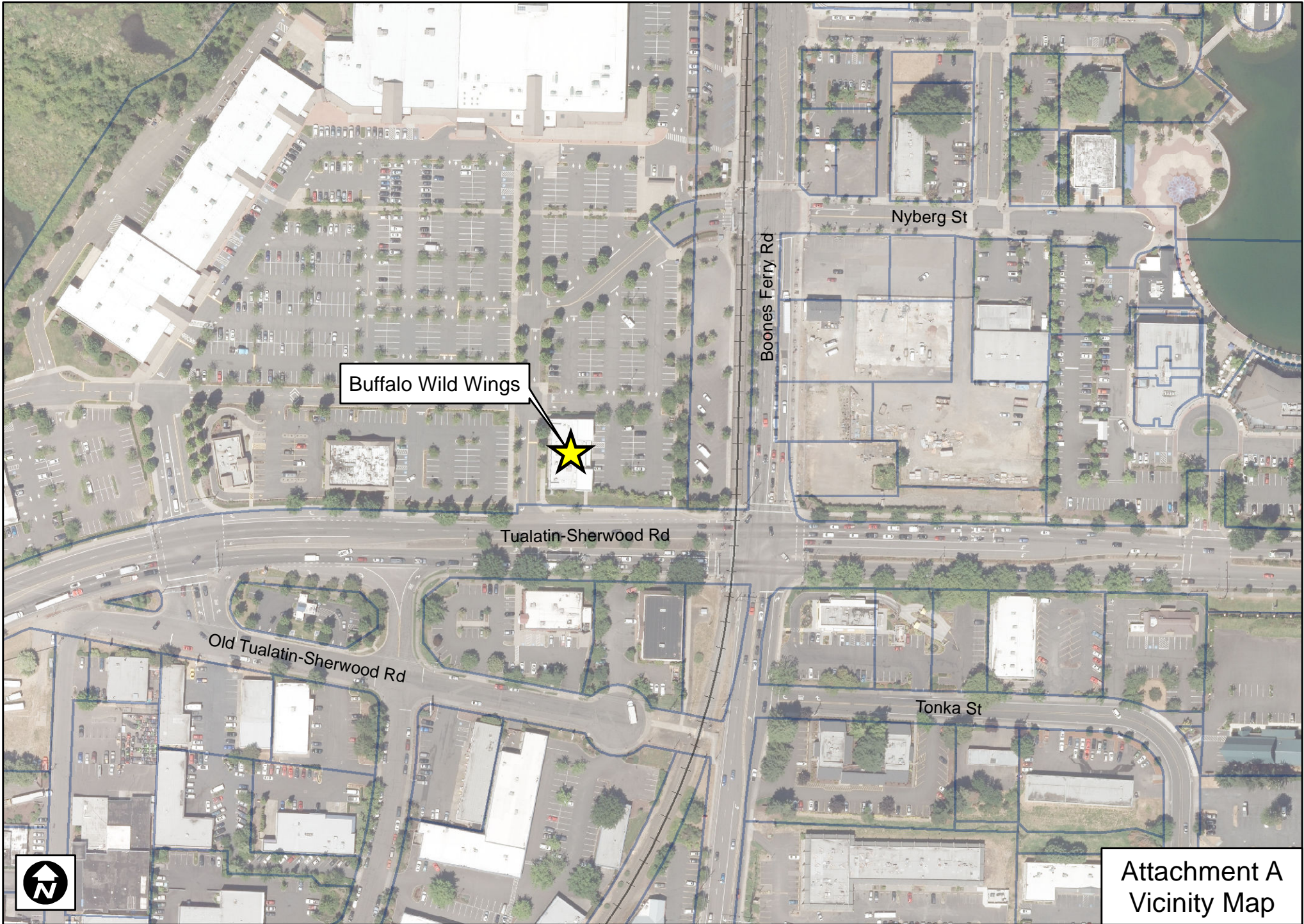
It is recommended that this application be:

Granted

Denied
Cause of unfavorable recommendation: _____

 _____ 5-18-2020
Signature Date

Bill Steele
Chief of Police
Tualatin Police Department



Buffalo Wild Wings



Tualatin-Sherwood Rd

Nyberg St

Boones Ferry Rd

Old Tualatin-Sherwood Rd

Tonka St



Attachment A
Vicinity Map



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 6/8/2020

SUBJECT:

Consideration of Approval of a Liquor License Application for Red Robin Gourmet Burgers and Brews

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Red Robin Gourmet Burgers and Brews.

EXECUTIVE SUMMARY:

Red Robin Gourmet Burgers and Brews has submitted a change in application under the liquor license category of full off-premises. Under the category of off-premise sales, they may sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. In addition this category allows for providing sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 7425 SW Nyberg Road. The application is in accordance with provisions of Ordinance No.680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date _____

IMPORTANT: This is a three-page form. **You are required to complete all sections of the form.**
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Red Robin Gourmet Burgers and Brews

Business address 7425 SW Nyberg Street City Tualatin State OR Zip Code 97062

Mailing address 6323 S. Fiddler's Green Circle City Greenwood State CO Zip Code 80111

Telephone # Suite 200N CORPORATE: (303) 846-6000 Village Fax # (503) 213-6489
(503) 427-9941

Email LICENSING@REDROBIN.COM

Name(s) of business manager(s) First JUDY Middle _____ Last JAMES

[Redacted information]

Home address [Redacted] City [Redacted] State [Redacted] Zip [Redacted]
(attach additional pages if necessary)

Type of business Restaurant

Type of food served Burgers, sandwiches, salads, dessert

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

Days and hours of operation Sunday-Saturday, 11 am to 10 pm ^{THURSDAY} FRI-SAT 11:00 AM-11:00 PM

Food service hours: Breakfast N/A Lunch 11 am. to 10 pm Dinner 11 am to 10 pm

Restaurant seating capacity 113 Outside or patio seating capacity None

How late will you have outside seating? N/A How late will you sell alcohol? ;10 pm

How many full-time employees do you have? 5 Part-time employees? 75

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Red Robin International, Inc.

Type of liquor license (refer to OLCC form) Off premises and same day delivery

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

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

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

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name Corporation Service Company
Business address 1127 Broadway Street, NE, Suite 310, Salem, OR 97301

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name Red Robin Courmet Burgers, Inc. (100%) Date of birth N/A
Residence address 6312 S. Fiddler's Green Circle, 200N, Greenwood Village, CO 80111

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: Paul Murphy Date of birth: [REDACTED]
Residence address: [REDACTED] e. [REDACTED] [REDACTED]
Full name of treasurer: Lynn Schweinfurth Date of birth: [REDACTED]
Residence address: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Full name of secretary: Michael I. Kaplan Date of birth: [REDACTED]
Residence address: [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

Full name: _____ Date of birth: _____
Residence address: _____

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

SECTION 4: APPLICANT SIGNATURE

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

X  _____ Date 04/08/2020

For City Use Only

Sources Checked:

DMV by [Signature] LEADS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

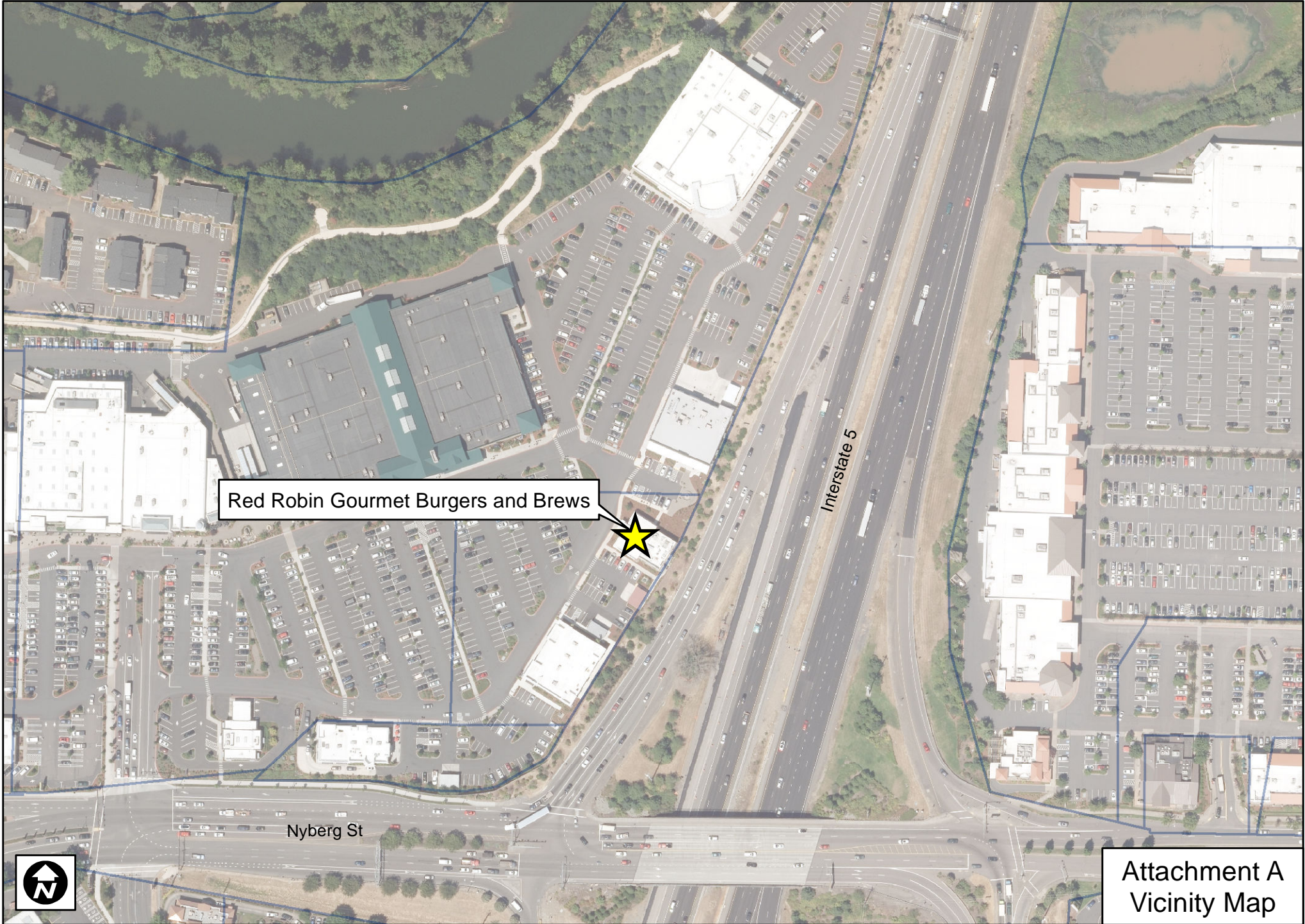
Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____

 _____ Date 6-1-2020

Bill Steele
Chief of Police
Tualatin Police Department



Red Robin Gourmet Burgers and Brews

Nyberg St

Interstate 5

Attachment A
Vicinity Map



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Megan George, Assistant to the City Manager
DATE: June 8, 2020

SUBJECT:

Consideration of an Amendment to the Intergovernmental Agreement between Washington County and the City of Tualatin for the Washington County Community Development Block Grant Program

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to execute the amendment to the Intergovernmental Agreement.

EXECUTIVE SUMMARY:

In 2014, Tualatin entered into a three-year Intergovernmental Cooperation Agreement with Washington County to continue partnership in the Community Development Block Grant (CDBG) program. While the existing agreement contains an automatic renewal clause, and was renewed as such in 2018, an amendment is required because of recent guidance released by HUD. The changes are minor and include:

- More detailed statutory language under II.3
- New language prohibiting use of funds if the City does not further fair housing within the City or if City's actions impede the County's actions to comply with the County's fair housing certification under II.3
- More detailed statutory language under III.3

FINANCIAL IMPLICATIONS:

There are no direct financial implications to this agreement; however, the City of Tualatin has received CDBG funds through Washington County and the updated agreement will allow Tualatin to continue to participate.

ATTACHMENTS:

- Amendment No. 1
- Intergovernmental Agreement

RESOLUTION NO. 5497-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF TUALATIN FOR THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, ORS 190.110 et seq., authorizes the City to enter into Intergovernmental Agreements with other government entities;

WHEREAS, in 2014, the City entered into a three-year Intergovernmental Cooperation Agreement with Washington County to continue partnership in the Community Development Block Grant (CDBG) program, which was automatically renewed in 2018;

WHEREAS, an amendment to the IGA is needed to comply with recent Housing and Urban Development (HUD) guidance and rules;

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

Section 1. The City Manager is authorized to execute an amendment to the Intergovernmental Agreement (IGA) between Washington County and the City of Tualatin for the Washington County Community Development Block Grant Program.

Section 2. This resolution is effective upon adoption.

ADOPTED by the City Council this 8th day of June, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

INTERGOVERNMENTAL AGREEMENT AMENDMENT NO. 1

This amendment is made and entered into by and between, the City of Tualatin (City) and Washington County, a political subdivision of the State of Oregon (County).

This amendment modifies that certain Intergovernmental Agreement (IGA) between the parties, the original contract number being 14-0626.

The IGA is amended as follows:

Section II.3 is hereby amended and modified to read as follows:

3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, administered in accordance with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing; section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 of Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968; and other applicable laws. The parties further agree that no urban funding shall be provided to City under this agreement for any activities in or in support of City if City does not affirmatively further fair housing within its own jurisdiction or if City's activities impede the County's actions to comply with the County's fair housing certification.

Section III.3 is hereby amended and modified to read as follows:

3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall, pursuant to 24 CFR 570.501(b), be subject to the same requirements applicable to subrecipients under 24 CFR 570.503, including the requirement to enter into a written contract.

CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Amendment.

In WITNESS, the undersigned parties have executed this Amendment this ____ day of 2020.

All other terms and conditions of the original Agreement shall remain in full force and effect.

WASHINGTON COUNTY

CITY OF TUALATIN

Signature

Signature

Printed Name, Title

Printed Name, Title

Date

Date

It is my opinion that the terms and provisions of this Amendment are fully authorized under the State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Paul L. Hathaway, III
Senior Assistant County Counsel

**INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS – 2015 - 2017**

This Agreement is entered into between Washington County (“COUNTY”), a political subdivision of the State of Oregon, and the City of Tualatin (“CITY”), a municipal corporation of the State of Oregon located within Washington County, for the cooperation of units of local government under the authority of ORS 190.010.

I. RECITALS

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 (“THE ACT”), the Housing and Urban/Rural Recovery Act of 1983, the Housing and Community Development Act of 1987, the National Affordable Housing Act of 1990; and

WHEREAS, Congress has declared that the nation’s cities, towns and small urban communities face critical social, economic and environmental problems; and

WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

WHEREAS, the parties are dedicated to the conservation and expansion of existing public housing stock in order to provide a decent home and a suitable living environment for all persons but principally those of low and moderate income; and

WHEREAS, the parties are dedicated to the expansion and improvement of quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities; and

WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

WHEREAS, the parties are dedicated to the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorated neighborhoods; and

WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

WHEREAS, the parties are dedicated to the conservation of the Nation's scarce energy resources, improvement of energy efficiency and the provision of alternative and renewable energy resources; and

WHEREAS, the parties desire to join together to meet the criteria for an urban county in order to qualify to receive funds to meet each of these national objectives,

NOW THEREFORE, in consideration of the mutual promises and benefits given and received within this agreement, the parties agree to each and every term contained below:

II. MUTUAL COVENANTS

1. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.
2. The parties agree that this agreement covers the CDBG Entitlement program, the HOME Investment Partnerships program (HOME), and the Emergency Solutions Grant Program (ESG).
3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing; section 109 of Title I of the Housing and Community Development Act

of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; and other applicable laws.

4. Both parties agree that the County has the final responsibility for selecting CDBG, HOME, and ESG activities and filing required documents with HUD.

III. CITY COVENANTS

1. The City expressly agrees that as the cooperating unit of general local government it has adopted and is enforcing the following requirements of law:
 - 1.1 A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 1.2 A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
2. The City agrees that it is subject to the same requirements applicable to subrecipients set forth in 24 CFR 570.501 (b).
3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall enter into a contract as required by 24 CFR 570.503.
4. The City agrees that the County as the recipient is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County as recipient is responsible for determining the adequacy of performance under subrecipient agreements.
5. The City authorizes the inclusion of its population for purposes of the Act, and joins together with other units of general local government to qualify the County as an urban county for Housing and Community Development Act block grant funds.
6. The City agrees it may not apply for grants from appropriations under the State CDBG program for fiscal years during the period in which it participates in the urban county's CDBG program.
7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments.
8. The City agrees that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-federal considerations, but must use such funds for activities eligible under Title I of the Act.

IV. TERM OF AGREEMENT

1. This Agreement shall remain in effect for three Fiscal Years commencing July 1, 2015, and ending June 30, 2018, which shall constitute the urban county qualification period.
2. This agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received (with respect to activities carried out during the three-year qualification period, and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed.
3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at 1220 SW 3rd Avenue, Suite 400, Portland, OR 97204-2825, upon such election.
 - 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.
 - 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.

3. The County shall not distribute any CDBG, HOME, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY ADVISORY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Advisory Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Advisory Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Advisory Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, Fair Housing Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Advisory Board shall make final recommendation on the Housing and Community Development Plan (Consolidated Plan) which may be accepted by Washington County at a public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that , should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.
4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this 26th day of June 2014.

WASHINGTON COUNTY

CITY OF TUALATIN

BY Andy Duyck Andy Duyck
Chair, Washington County Board of
Commissioners

By [Signature]
City Manager
Title

6/9/14
Date (required)

[Signature]
Recording Secretary

06-24-14
Date (required)

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 14-157
DATE 06-24-14
BY [Signature]
CLERK OF THE BOARD

It is my opinion that the terms and provisions of this Intergovernmental Agreement are fully authorized under the State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

[Signature]
Paul L. Hathaway III
Senior Assistant County Counsel



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Lindsay Marshall, Management Analyst II
DATE: 06/08/2020

SUBJECT:

Consideration of **Resolution No. 5498-20** Resolution Authorizing Solid Waste and Recycling Rate Adjustments 2020

RECOMMENDATION:

Staff recommends approval of Resolution 5498-20.

EXECUTIVE SUMMARY:

City of Tualatin has an exclusive franchise with Republic Services. They have requested a 3.1% aggregate rate adjustment because of increased costs due to inflation, fuel and disposal costs, vehicle and container replacements and a decline in the commodity revenues.

OUTCOMES OF DECISION:

The proposed rate adjustment will keep Tualatin rates comparable with the average cost of service to surrounding cities.

FINANCIAL IMPLICATIONS:

Effective July 1, 2020, the service rates and changes set forth in Schedule A and B, which are attached and incorporated into this resolution, would be established and authorized for collection of solid waste, refuse, and recycling material within the corporate limits of the City of Tualatin.

ATTACHMENTS:

- **Resolution No. 5498-20** Resolution Authorizing Solid Waste and Recycling Rate Adjustments 2020

RESOLUTION NO. 5498-20

A RESOLUTION AUTHORIZING SOLID WASTE AND RECYCLING RATE
ADJUSTMENTS AND RESCINDING RESOLUTION NO. 5365-18

WHEREAS, City of Tualatin has an exclusive franchise with Republic Services, as set forth in Ordinance No. 1318-11;

WHEREAS, Republic Services has requested a 3.1% aggregate rate adjustment because of increased costs due to inflation, fuel and disposal costs, vehicle and container replacements and a decline in the commodity revenues;

WHEREAS, the City Council considered the 3.1% aggregate rate adjustment to the solid waste and recycling fees from Republic Services; and

WHEREAS, the proposed rate adjustment will keep Tualatin rates comparable with the average cost of service to surrounding cities.

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

Section 1. Effective July 1, 2020, the service rates and changes set forth in Schedule A and B, which are attached and incorporated into this resolution, are established and authorized for collection of solid waste, refuse, and recycling material within the corporate limits of the City of Tualatin.

Section 2. Effective July 1, 2020, Resolution No. 5365-18 is rescinded in its entirety.

Section 3. This resolution is effective upon adoption.

INTRODUCED and ADOPTED by the City Council this 8th day of June, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Resolution No. 5498-20

Schedule A

REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTY

CITY OF TUALATIN

I. RECYCLING SERVICES: The rates below were established to include the cost for specific recycling services, as well as the collection and disposal of solid waste. They include the items listed below. The current recycle surcharge that is being considered by the city is excluded from the scheduled items below:

A. SINGLE-FAMILY RESIDENTIAL:

1. Weekly curbside pick-up of co-mingled recycling on the same day as garbage service providing one 65-gallon roll-cart container and a glass recycling bin.
2. Weekly curbside pick-up of yard debris providing a 65-gallon roll cart. Only yard debris at the curb in the 65-gallon roll cart will be collected.

B. MULTI-FAMILY RESIDENTIAL: Weekly or weekly on-call pick-up of recyclables (newspaper, glass, tin, aluminum, and cardboard).

C. CITY OFFICES: Office paper recycling of all items included in the Republic Services Mixed Paper Program and corrugated cardboard.

II. MONTHLY RATE FOR RESIDENTIAL SERVICE OF ONE CART:

Cart Size	One Stop per Week
20-Gallon	\$23.00 \$23.71
35-Gallon	\$27.00 \$27.84
65-Gallon	\$36.00 \$37.12
Occasional extra	\$5.50 \$5.67
(35-Gallon can or Bag)	\$11.00 \$11.34
An additional cart will be charged at double the single cart rate.	

NOTES ON RESIDENTIAL SERVICE:

1. In mobile home parks and apartment complexes where residents have individual cart service and individual billing, single-family cart rates will apply. Where park residents have individual service, but the owner of the park is responsible for payment of services.

2. All carts will be provided by the franchisee to regular, weekly customers with a cart service level only. No carts will be provided on an on-call basis.
3. Only 35-gallon carts can be used for the occasional extra cart for both regular and occasional customers.
4. An occasional extra 35-gallon cart for a regular customer is ~~\$5.50~~ **\$5.67**.
5. The minimum charge for any stop for an occasional customer is ~~\$11.00~~ **\$11.34**. Occasional customers (on-call) should have their carts serviced a minimum of once (1) every other month.
6. Recycling service will be provided to an occasional customer only on days that garbage is collected from that customer. A fee of ~~\$11.08~~ **\$11.69** may be charged for replacement of damaged or lost glass recycling bins. Customers will be charged ~~\$70.00~~ **\$72.17** for a lost or damaged garbage, recycling, or yard debris carts.
7. State Accident Insurance Fund safety recommendations shall be followed. Cans provided by customers shall not exceed 35-gallons and 60-pounds when full.
8. Yard debris carts are intended for the collection of yard debris only. If the yard debris or recycle cart contains material other than yard debris/recycling, collection shall be charged at garbage rates (~~\$11.00~~ **\$11.34** per contaminated cart).
9. Carts and recycling bins shall be at curbside no more than 24 hours prior to collection and shall be removed within 24 hours after collection of solid waste and recyclables by the franchisee.
10. An extra charge may be made for service that incurs additional disposal costs such as tires, major appliances, etc., or for handling oversized, odorous, dangerous, or liquid articles.
11. Customers may request recycling only (~~\$7.00~~ **\$7.22** per month); yard debris collection only (~~\$7.00~~ **\$7.22** per month); or both (~~\$14.00~~ **\$14.44** per month).
12. An extra charge of ~~\$27.00~~ **\$27.84** for a driver to go back and pick up customer who was reinstated or failed to put cart out on time after driver has left area.

III. MULTI-FAMILY AND COMMERCIAL SERVICE:

Monthly Rates for Multi-Family and Commercial Single Cart Service - Loose	
Cart Size	One Stop Per Week
35-Gallon	\$24.50 \$25.26
65-Gallon	\$33.02 \$34.04
90-Gallon	\$40.47 \$41.72
An occasional extra 35-Gallon Can or Bag	\$5.50 \$5.67
An additional Cart will be charged at double the single Cart rate.	

**Monthly Rates for Multi-Family and Commercial
Single Cart Service – Loose**

Container Size	Stops per Week					
	1	2	3	4	5	6
1 Cubic Yard	\$105.01	\$200.64	\$293.72			
	\$108.27	\$206.86	\$302.83			
1.5 Cubic Yard	\$133.13	\$261.17	\$381.89	\$497.22	\$609.25	
	\$137.26	\$269.27	\$393.73	\$512.63	\$628.14	
2 Cubic Yard	\$175.76	\$341.34	\$498.16	\$646.88	\$793.89	\$953.17
	\$181.21	\$351.92	\$513.60	\$666.93	\$818.50	\$982.72
3 Cubic Yard	\$245.29	\$474.79	\$691.08	\$891.14	\$1,102.58	\$1,339.56
	\$252.89	\$489.51	\$712.50	\$918.77	\$1,136.76	\$1,381.09
4 Cubic Yard	\$311.11	\$602.11	\$891.10	\$1,163.83	\$1,427.79	\$1,713.21
	\$320.75	\$620.78	\$918.72	\$1,199.91	\$1,472.05	\$1,766.32
5 Cubic Yard	\$379.10	\$744.86	\$1,088.08	\$1,432.64	\$1,757.95	\$2,109.52
	\$390.85	\$767.95	\$1,121.81	\$1,477.05	\$1,812.45	\$2,174.92
6 Cubic Yard	\$438.72	\$861.63	\$1,277.76	\$1,658.74	\$2,081.28	\$2,462.26
	\$452.32	\$888.34	\$1,317.37	\$1,710.16	\$2,145.80	\$2,538.59
8 Cubic Yard	\$550.64	\$1,080.25	\$1,597.43	\$2,124.29	\$2,457.60	\$2,835.03
	\$567.71	\$1,113.74	\$1,646.95	\$2,190.14	\$2,533.79	\$2,922.92

A. COMPACTED CONTAINER SERVICE:

Compacted is defined as manually or mechanically compacted. When materials can be collected from a compacted container by the normal container truck, the charge will be three (3) times the loose container rate. The weight of material put into a container or drop box, whether compacted or un-compacted, shall not exceed the lifting capacity of the collector's equipment nor shall the weight put the collector over the weight limit for the loaded vehicle. Compactor containers shall be furnished by the customer and shall be compatible with the collector's equipment. Customer shall be required to maintain the container in a safe and operable condition in accordance with workers' compensation board regulations.

RECYCLING ONLY RATES:

Where a multi-family complex uses a compactor or train system for garbage collection, the following schedule will be used to charge for recycling services provided:

Recycling Rates for Multi-Family Sites	
With Compactors or Train Systems	
Number of Units	Monthly Charge
10-99	\$148.05 \$152.64
100-199	\$2.52 \$2.60
200-299	\$1.98 \$2.04
300-399	\$1.79 \$1.85
400+	\$1.73 \$1.78

Note: Customer will provide and maintain enclosure/shelter and Hauler will provide containers. Enclosure/shelter is defined as any City/Hauler-approved system to collect material. Material to be collected must be approved by the Hauler.

NOTES ON MULTI-FAMILY AND COMMERCIAL SERVICE:

1. Additional carts shall be at 100% of the first cart rate multiplied by the stops per week.
2. An occasional extra 35-gallon can for a regular customer shall be ~~\$5.53~~ **\$5.70** each occurrence.
3. An extra charge may be made for garbage which is not readily available on collection day or which needs additional janitorial service.
4. The charge for multiple units of any type shall be to the owner of the units.
5. Collection of tires, major appliances, etc., or for handling oversized, odorous, dangerous or liquid articles will be charged according to the charges referred to in Schedule A — Section 6.
6. When a stop uses the equivalent of seven or more 35-gallon carts, collector may require that the service be shifted to a container-type service.
7. Franchisee reserves the right to refuse carts to any customer where the use is not compatible with the cart.
8. All carts will be provided by franchisee.

IV. DROP BOX SERVICE:

Drop box rates shall be the following rates plus 103% of disposal fees. The disposal fee includes landfill or transfer center fee, disposal franchise fee, and Metro user or service fees. The rates are as follows:

Box Size	Loose (Per Haul)	
<30 Yard	-\$121.41	\$125.17
30 Yard	\$144.84	\$149.33
40 yard	\$175.80	\$181.25
<30 Yard compactor	\$175.80	\$181.25
30 Yard Compactor	\$235.52	\$242.82
40 Yard Compactor	\$266.54	\$274.80

A. MISCELLANEOUS ADDITIONAL DROP BOX CHARGES:

1. Delivery fee of ~~\$45.00~~ \$46.40 shall be charged for drop box delivery for the occasional customer or repeat customer requiring service at different locations.
 - 1a. An additional haul fee of ~~\$28.33~~ \$29.21 will be charged to customers with covered (lids) boxes that require the box to be round-tripped.
2. Special disposal/diversion needs: All customers will be charged the hourly charge rate in addition to the normal haul rate whenever collected materials require disposal at a site other than the franchisee's traditional disposal site.
3. After 48 hours, temporary users of 10-cubic yard and larger drop boxes collecting loose materials shall be charged a rental fee (noted below):

Box Size	Loose (Per Day)	Loose (Per Month)	Loose (Per Day)	Loose (Per Month)
10 Yard	\$7.84	\$87.04	\$8.08	\$89.74
20 Yard	\$7.84	\$87.04	\$8.08	\$89.74
30 Yard	\$8.41	\$92.85	\$8.67	\$95.73
40 Yard	\$9.00	\$98.65	\$9.28	\$101.71

4. Additional rental fees of ~~\$6.54~~ **\$6.74** per month may be charged to customers who require custom made drop boxes or boxes with lids. Additional rental fees of ~~\$16.00~~ **\$16.50** per month will be charged for customers who have their box(es) hauled less than one time per month.

V. MISCELLANEOUS SERVICE RATES AND PROVISIONS:

- A. Hourly hauling rates (plus cost of disposal):
 - 1 truck and 1 driver ~~\$113.78/hour~~ **\$117.31/hour**
 - 1 truck, 1 driver, and 1 helper ~~\$143.73/hour~~ **\$148.19/hour**
- B. Each location of carts, containers, or drop boxes will be billed as a separate account.
- C. When customers abuse or cause excessive wear or damage to a cart, container, or drop box, the cost of repair or replacement may be charged to the customer. Customers shall take appropriate actions to ensure that hazardous materials, chemicals, paint, corrosive materials, infectious waste, or hot ashes are not put into a cart, container, or drop box.
- D. The weight of material put into a container or drop box, whether compacted or un-compacted, shall not exceed the lifting capacity of the collector's equipment nor shall the weight put the collector over the weight limit for the loaded vehicle. The collector shall furnish the customer with information concerning limitations on his equipment, upon request. If the total weight of a container exceeds 500 pounds per cubic yard for 40-yard container, 600 pounds per cubic foot for a 30-yard, or 900 pounds for a 20-yard container, an additional reasonable disposal fee may be charged. Customers shall not overfill a cart or container so that the lid cannot be securely closed. If a cart or container is overfilled, an additional reasonable fee may be charged. If the contents of a container, cart, or drop box are compacted (either mechanically or manually), the compactor rate shall be charged.
- E. Customers shall provide a space for all carts, containers, or drop boxes, whether used for garbage or recycling, that has adequate and safe access for collection personnel and equipment. The space provided must also comply with the City of Tualatin Development Code.
- F. If overtime or weekend collection is required to meet the request of a customer, the hauling portion of the rate shall be increased by 50%.
- G. The collection of tires shall be charged under the hourly charge rates, plus disposal.
- H. Garbage or yard debris carts which exceed two pounds per gallon, or where lids will not properly close, will be assessed an "occasional extra" charge of ~~\$5.50~~ **\$5.67**.

- I. Yard debris carts contaminated with garbage will be charged ~~\$11.00~~ **\$11.34** extra per occurrence.
- J. Franchisee may require generators of putrescible solid waste to remove waste at least every seven days, or more frequently, if necessary, to prevent a health hazard, nuisance, or pollution.
- K. When a single customer uses multiple carts, which are the equivalent of one cubic yard or more of waste per week, the franchisee may require the customer to change to a container type service.
- L. If material collected requires disposal at a site other than the franchisee's normal disposal site, the customer will be charged under the hourly charge rate, in addition to the normal haul rate.
- M. Placement of hazardous waste material, including tires, liquid waste (paint), and appliances, in a unit collected by franchisee is prohibited.

All customers shall provide a space, regardless of type of unit that is adequate for the franchisee to safely collect the material. The space provided must comply with the City of Tualatin's Development Code.

- O. Customers requesting the temporary use of a three-cubic-yard container will be charged ~~\$122.84~~ **\$126.65** for delivery, removal, and disposal. Containers on-site for a period in excess of 72 hours shall be charged rent at a rate of ~~\$19.05~~ **\$19.64** per week or ~~\$133.35~~ **\$137.48** for an extra haul fee. Container can only be on site for a maximum of two (2) weeks.
- P. Enclosures where driver has to open gates and roll out containers will be charged ~~\$17.41~~ **\$17.95** per enclosure per month.
- Q. Medical waste restrictions. Placement of any medical waste, including syringes, IV tubing with needles attached, glass tubes, and slides, in a unit collected by franchisee is strictly prohibited. Republic Services will provide at-cost sharps containers for medical waste disposal, (current cost is ~~\$17.41~~ **\$17.95** per container). Disposal of these containers must be brought directly to their facility for exchange/disposal.
- R. Franchisee will perform special pick-ups of irregular materials charging current disposal rates plus labor. These pick-ups will be performed at Republic Service's discretion and schedule.

TUALATIN SUPPLEMENTAL SERVICE SHEET

TYPE OF SERVICE	RATE
<u>Special services not listed:</u>	
Hauler will charge a reasonable rate for driver time, collection, and disposal. Charge to be related to a similar schedule fee where possible.	
<u>Appliances:</u>	
Large appliances that contain Freon (accessible @ curb)	\$50.86 \$52.44
Large appliances <i>without</i> Freon (accessible @ curb, Freon removal certificate required)	\$30.86 \$31.82
<u>Bathtub/Sink/Toilet:</u>	
Fiberglass tub/shower	\$45.19 \$46.59
Toilet	\$22.73 \$23.43
Sinks	\$16.98 \$17.51
<u>Carpets:</u>	
Rug	\$16.98 \$17.51
<u>Tires:</u>	
Tires with rims Passenger/Light Truck	\$22.73 \$23.43
Tires without rims Passenger/Light Truck	\$16.98 \$17.51
Tires - Heavy Equipment, Semi, etc. charged per ton at current disposal facility gate rate	
<u>Large furniture:</u>	\$28.21 \$29.08
(per item: Full size couch, dining table, dresser, mirror, etc.)	
<u>Small furniture:</u>	\$16.98 \$17.51
(per item: recliner chair, office chair, crib, coffee table, patio table, cabinets, etc.)	
<u>Hide-a-bed:</u>	\$46.01 \$47.44
(per item)	
<u>Mattresses:</u>	
Twin mattress/box spring (set) Double/	\$16.98 \$17.51
queen mattress/box spring (set) King	\$33.96 \$35.01
mattress/box spring (set)	\$39.44 \$44.66

Other:

Bicycle	\$11.50	\$11.86
Waterbed bag	\$16.98	\$17.51
Windows	\$16.98	\$17.51
Treadmill, door, furnace, BBQ, satellite dish,	\$28.21	\$29.08
lawnmower Basketball Hoop	\$45.19	\$46.59
Hot Water Heater (empty)	\$45.19	\$46.40
Hot Tub Cover	\$55.00	\$56.71
Entertainment Center	\$55.00	\$56.71
Christmas Tree less than 6'	\$10.00	\$10.31

E-waste Removal:

TV under 25", PC, Monitor, laptop	\$16.98	\$17.51
TV over 25"	\$33.96	\$35.01
TV console, TV Projection,	\$45.19	\$46.59

copiers

Customers shall not place hazardous chemicals, paints, corrosive materials, hot ashes or dirt/rocks into the carts or bins.

Damaged carts/bins due to noncompliance with the above

Return trip fee (if bulk items are not out for pick-up): ~~\$25.00~~ \$25.78

Bankruptcy and account closures for failure to pay:

Payment of service provided and two months advance payment required for residential and commercial service. Payment is due at delivery of service for industrial service.

Service interrupt fee/late fees:

A late fee of 18% per annum with a \$5.00 monthly minimum will be charged for non-payment after 45 days from invoice date for all lines of business.

Flat fee of \$25.00 will charged after 60 days of non-payment for all lines of business.

VII. FUTURE ANNUAL REPORT FILING SCHEDULE FOR FRANCHISEE:

On or before March 15, franchisees shall file an annual report with the City for the year ending the previous December 31.

Resolution No. 5498-20
Schedule B

Republic Services of Tualatin

	Current	Requested 3.1% Rate Adjustment	As of July 1, 2020	Washington County Interim Surcharge
Residential				
20 gallon	\$23.00	\$0.71	\$23.71	\$2.00
35 gallon	\$27.00	\$0.84	\$27.84	\$2.00
65 gallon	\$36.00	\$1.12	\$37.12	\$2.00
Commercial				
35 gallon	\$24.50	\$0.76	\$25.26	\$2.00
65 gallon	\$33.02	\$1.02	\$34.04	\$2.00
90 gallon	\$40.47	\$1.25	\$41.72	\$2.00
1 yard	\$105.01	\$3.26	\$108.27	4%
1.5 yard	\$133.13	\$4.13	\$137.26	4%
2 yard	\$175.76	\$5.45	\$181.21	4%
3 yard	\$245.29	\$7.60	\$252.89	4%
4 yard	\$311.11	\$9.64	\$320.75	4%
6 yard	\$438.72	\$13.60	\$452.32	4%
8 yard	\$550.64	\$17.07	\$567.71	4%
Industrial				
10 yard	\$121.41	\$3.76	\$125.17	N/A
20 yard	\$121.41	\$3.76	\$125.17	N/A
30 yard	\$144.84	\$3.76	\$149.33	N/A

The Washington County Recycling Surcharge is not adjusted in this resolution.



City of Tualatin

**CITY OF TUALATIN
Staff Report**

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Steve Koper, AICP, Planning Manager
DATE: June 8, 2020

SUBJECT:
Presentation of the 2019 Tualatin Planning Commission Annual Report

EXECUTIVE SUMMARY:
Section 11-1-080 of the Tualatin Municipal Code requires that each year the Planning Commission file its annual report of the activities of the Commission with the City Council. The attached report satisfies this requirement and provides a summary of notable actions and activities performed by the Commission in 2019.

ATTACHMENTS:
-Attachment A: 2019 Annual Report of the Tualatin Planning Commission



City of Tualatin

2019 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

March 19, 2020

Planning Commissioners:

Bill Beers, Chair
Mona St. Clair, Vice Chair
Alan Aplin
Janelle Thompson
Daniel Bachhuber
Mitch Green
Ursula Kuhn

2019 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission, formerly the Tualatin Planning Advisory Committee, was established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2019.

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

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

CITIZEN INVOLVEMENT AND INPUT

The Planning Commission is the official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the land use planning process.

Goal 1 is specific to land use and involving citizens in land use making decisions. The Planning Commission serves two functions in Tualatin's land use planning program. Their first and original function is to serve as an advisory committee to the City Council by reviewing and making recommendations on comprehensive plan amendments. Plan amendments implement policy direction and are essentially legislative decisions. The second function of the Planning Commission is decision making authority over a specified set of quasi-judicial land use decisions. In other words, the Planning Commission has the authority to approve or deny projects tied to specific properties.

Goal 1 allows for varying degrees of citizen involvement that is appropriate to the scale of the planning effort. For example in 2019, the Planning Commission recommended approval of the Basalt Creek Comprehensive Plan Amendments, implementing the Basalt Creek Comprehensive Plan (File Nos. PTA 19-0001 and PMA 19-0001). Additional Plan Text and Plan Map Amendments included: a request to rezone the City's public works yard for the proposed Tualatin Service Center (PTA19-0002 and PMA 19-0002), adoption of the 2018 update to the Tualatin Parks and Recreation

Master Plan (PTA19-0003 and PMA 19-0003), and adoption of the 2019 update to the Tualatin Sewer Master Plan (PTA19-0004). Notice for these amendments was given in accordance with the Tualatin Development Code and citizens were afforded the opportunity to comment at the Planning Commission meetings and the City Council public hearings.

In this case, citizens had a chance make comments either in writing or verbally at the public meeting prior to the Planning Commission making a recommendation to the City Council. All Planning Commission meetings regardless of the agenda items are published on the City website and notices of the meetings are posted in two different locations in City buildings. Additionally, the Community Development staff meets with the Citizen Involvement Organization Land Use Officers as topics arise. The purpose of the meetings is to provide updates on land use items such as projects under construction, upcoming decisions and long range planning. These meetings provide a forum for CIO officers to ask questions and get more information about community development processes.

PLANNING COMMISSION ACTION ITEMS

In January 2012, the City Council changed the Tualatin Planning Advisory Committee to the Tualatin Planning Commission and gave the Commission purview over certain quasi-judicial land use applications. In December of 2017, Conditional Use Permits were assigned to the Planning Commission in addition to the below listed applications:

- Industrial Master Plan
- Reinstatement of Use
- Sign Variance
- Variance
- Transitional Use Permit
- Conditional Use Permit

The Planning Commission retains the duties of the Advisory Committee, which is to make recommendations to City Council on comprehensive plan amendments such as Plan Text and Plan Map changes. In 2019, the Planning Commission reviewed and made recommendations on four Plan Text Amendments, three Plan Map Amendments, approved one Variance, and two Conditional Use Permits. They met seven times (including a joint meeting with other advisory groups) during the calendar year. Six meetings were cancelled due to a lack of agenda items.

CUP19-0001: A Resolution for wholesale sale of building materials and supplies.
Approved 3-0.

VAR19-0001: A Resolution for the Variance request for a Wireless Communications Facility (WCF) height and fence setbacks. Approved 3-0.

CUP19-0002: Consideration of a Conditional Use Permit for a Wireless Communications Facility (WCF) at the PGE Integrated Operations Center.
Approved 3-0.

PTA19-0001 and PMA 19-0001: Consideration of the Basalt Creek Comprehensive Plan Update. Recommended approval to Council.

PTA19-0002 and PMA 19-0002: Consideration of the request to rezone property located at 10699 SW Herman Rd for the proposed Tualatin Service Center.
Recommended approval to Council.

PTA19-0003 and PMA 19-0003: Consideration of amendments to the Tualatin Community Plan, Development Code, Transportation System Plan, and Maps and Figures reflecting the 2018 update to the Tualatin Parks and Recreation master Plan. Recommended approval to Council.

PTA19-0004: Consideration of amendments to the Tualatin Community Plan reflecting the 2019 updates to the Tualatin Sewer Master Plan. Recommended approval to Council.

STAFF UPDATES TO THE PLANNING COMMISSION

Staff presented several long range planning topics for discussion including:

- Tualatin 2040 Project overview and policy input.
 - Progress update
 - Overview of staff accomplishments
 - Policy Priorities
 - Housing Needs Analysis (HNA)
 - Economic Opportunities Analysis (EOA)
- Potential administrative amendments to land use procedures and application criteria from the Tualatin Development Code Chapters 32 and 33.
- Stafford Urban Reserves.
- House Bill 2001.
- Marijuana regulations.

COMMISSIONER TRAININGS

None.



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Don Hudson, Assistant City Manager/Finance Director
DATE: June 8, 2020

SUBJECT:

Consideration of **Resolution No. 5496-20** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2020-21

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. That public hearing was held on May 20, 2020. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

The City is set to receive \$413,890 in State Revenue Sharing Funds in 2020-21. This amount is a portion of the Liquor Tax and is apportioned to cities based upon a calculation defined in Oregon Revised Statutes (ORS) 221.770 using factors such as adjusted population and state per capita income.

The City also receives allocations for another portion of Liquor Tax funds, as well as Cigarette and Gas Taxes, based upon a per capita distribution. These funds are governed under ORS 221.760. The law provides that cities located within a county having more than 100,000 inhabitants, must provide four or more municipal services (out of a list of seven types of services) to be eligible to receive these revenues. Ability to receive these revenues are not part of tonight's public hearing.

These revenues are not restricted by the State and are therefore used as a General Fund revenue source.

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 will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$413,890 of state shared revenues in the General Fund for general city operations in Fiscal Year 2020-2021.

ATTACHMENTS:

- Resolution No. 5496-20

RESOLUTION NO. 5496-20

A RESOLUTION ELECTING TO RECEIVE STATE REVENUE SHARING FUNDS FOR THE 2020-21 FISCAL YEAR

WHEREAS, ORS 221.770 requires the City Council adopt a resolution declaring the City's election to receive State Revenue Sharing Funds; and

WHEREAS, the 2020-21 budget for the City of Tualatin contains State Revenue Sharing Funds as a resource in the budget year beginning July 1, 2020; and

WHEREAS, the Budget Advisory Committee held a public hearing to discuss the possible uses of State Revenue Sharing Funds on May 20, 2020 and the City Council held a public hearing on June 8, 2020 to discuss the proposed use of the funds for Fiscal Year 2020-21, giving citizens an opportunity to comment on use of State Revenue Sharing, and

WHEREAS, the City levied a property tax for the preceding fiscal year, beginning July 1, 2019.

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

Section 1. Pursuant to ORS 221.770, the City of Tualatin elects to receive State Revenue Sharing Funds for Fiscal Year 2020-21.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 8th day of June, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Erin Engman, Associate Planner
Steve Koper, AICP, Planning Manager

DATE: June 8, 2020

SUBJECT:

Consideration of updates to Mixed Use Commercial provisions of the Tualatin Development Code to apply a Mixed Use Commercial Zone in the area subject to the existing provisions of the Mixed Use Commercial Overlay Zone (Chapter 57 of the Development Code). The updates also include a maximum building height increase from 70 to 100 feet in a limited geographic area, further limited to mixed use commercial/commercial lodging uses.

RECOMMENDATION:

The Planning Commission has recommended that the City Council approve the proposed amendments (File Nos. PTA 20-0001/PMA 20-0001).

EXECUTIVE SUMMARY:

The subject proposal to update the Mixed Use Commercial provisions of the Tualatin Development Code includes a Plan Text Amendment (PTA 20-0001) and Plan Map Amendment (PMA 20-0001), which are both legislative amendments.

Proposal

- City Council directed staff to assess whether the Mixed Use Commercial Overlay District (MUCOD) could support a maximum building height over the 70 feet presently allowed, but lower than 150 feet.
- Staff found that if limited to a smaller geographic area within the District, and limited further to specific uses, the District could support a maximum building height of 100 feet for mixed use residential/commercial lodging uses.
- Staff also found that due to external – developer and public – confusion regarding application of the current MUCOD, that reformatting the Overlay District into a zoning district, known as the Mixed Use Commercial (MUC) District, would provide greater clarity and certainty and better communicate the City's commitment to supporting mixed use development in the Bridgeport Village area.
- The proposed text amendments would update the following development code chapters (*see Attachment B*):
 - Chapters 5, 6 – To address Comprehensive Plan residential / commercial objectives
 - Chapter 31 – Addition of applicable definitions from former MUCOD chapter
 - Chapter 38 – To acknowledge sign standards of new zoning district
 - Chapter 54 – Remove MUCOD language from General Commercial district chapter
 - Chapter 57 – Establish MUC permitted uses and development standard tables largely based on existing MUCOD language. Maximum building height standards are

increased to 70 feet district wide and Figure 57-1 identifies an area with a 100 foot maximum building height standard limited to commercial lodging and mixed-use residential development.

- Chapter 73A – Add site design standards for MUC zone
- Chapter 73B – Add landscaping standards for MUC zone
- Chapter 73C – Add parking lot landscaping standards for MUC zone
- The proposed map amendment would rezone the Bridgeport area located north of Boones Ferry Road and west of I-5 and SW 72nd Avenue from General Commercial (CG) to Mixed Use Commercial (MUC) (*see Attachment C*).
- The area is presently developed with a regional shopping district, hotel, mixed use apartment complex, and small portion of vacant land.

Transportation Planning Rule (TPR) Compliance

- Application of the Mixed Use Commercial zone (MUC) to the Bridgeport area is achieved without a significant impact to the transportation system as defined by Oregon Administrative Rules Chapter 660 Division 12 Section 0060, also known as the "Transportation Planning Rule" or TPR (*see Attachment D, Exhibit 1*). The TPR requires that amendments do not create a significant impact on the transportation system beyond currently allowed, by comparing the change in trip potential between the existing zoning and proposed zoning.

The proposed amendments would increase the highest trip generation potential during the weekday p.m. peak hour by approximately 49 net new vehicle trips. Given that the code standards encourage compact, pedestrian scale development and the site location and accessibility from various existing roads that connect to the broader transportation system, the change would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour.

Compliance with Applicable Criteria

- As demonstrated within the Findings and Analysis (*see Attachment D*), the proposed amendments comply with the applicable criteria of: the Oregon Statewide Planning Goals; Oregon Administrative Rules; Metro Code; the Tualatin Comprehensive Plan; and the Tualatin Development Code.

Public Notice

- Notice of the proposed amendments was provided to the Oregon Department of Land Conservation and Development (DLCD), the required 35 days prior to the City Council public hearing. Notification of the upcoming City Council hearing was made consistent with Tualatin Development Code Section 32.250, which included Measure 56 notices mailed to affected property owners, and published and posted notices.

OUTCOMES OF DECISION:

Approval of PTA 20-0001 and PMA 20-0001 would support:

- Establishment of the Mixed Use Commercial (MUC) Zone in Chapter 57. Improved readability and organization of former MUCOD development standards. An increase in maximum building height within the MUC zone, limited in area, limited to specific uses.
- An amendment to Map 9-1 of the Tualatin Comprehensive Plan to apply the Mixed Use Commercial Zone (MUC) designation to the Bridgeport area.
- Increase potential of undeveloped property within the Bridgeport area.

ALTERNATIVES TO RECOMMENDATION:

The Council may alternatively:

- Approve PTA 20-0001 and/ or PMA 20-0001 with further amendments;
- Deny PTA 20-0001 and/ or PMA 20-0001; or
- Continue the public hearing to later hearing date.

FINANCIAL IMPLICATIONS:

These amendments may increase the economic vitality of the Bridgeport area.

ATTACHMENTS:

- Attachment A – Presentation
- Attachment B – Proposed Text Amendments
- Attachment C – Proposed Map Amendment
- Attachment D – Analysis and Findings
 - Exhibit 1 – TPR Memorandum



PTA 20-0001 & PMA 20-0001 Mixed Use Commercial Updates

City Council
June 8, 2020



TONIGHT'S DISCUSSION

- Overview & project history
- Proposed amendments
- Implementation process
- Recommendation / Q&A



*Example of Mixed-Use Residential Development
Credit: Bridge Housing*



OVERVIEW

- Council directed staff to determine the feasibility of increasing the maximum height in the Mixed Use Commercial Overlay District.
- Ensure transportation system can support impacts.
- Ensure parking requirements still apply to taller development.
- Consider how building heights might be increased in other areas of Tualatin.



VICINITY





PROPOSED PTA AMENDMENTS

Application of the current Mixed Use Commercial Overlay District is confusing to developers & the public

- Reformating the overlay into a zoning district would provide greater clarity and certainty



Credit: Andersen Construction - Goat Blocks



PROPOSED PTA AMENDMENTS

Increase maximum building height:

- 70 feet district wide
- 100 feet, limited to geographic area / uses





PROPOSED PTA AMENDMENTS

Comprehensive Plan Amendments

- **Chapter 5:** Update *Residential Planning Growth* assumptions & objectives to recommend location of high-density development near transit corridors
- **Chapter 6:** Update *Commercial Planning Districts* objectives to establish the Mixed-Use Commercial purpose statement



PROPOSED PTA AMENDMENTS

Development Code Amendments

- **Chapter 31:** Moved definitions to appropriate section
- **Chapter 38:** Acknowledge sign standards of MUC zone
- **Chapter 54:** Remove MUCOD reference from General Commercial chapter



PROPOSED PTA AMENDMENTS

Development Code Amendments

- **Chapter 57 Mixed Use Commercial District:**
Purpose Statement: Provide area suitable for a mix of: office, retail, and high-density housing. Retail uses should be located on the ground floor to encourage an active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.



PROPOSED PTA AMENDMENTS

Development Code Amendments

- **Chapter 57 Mixed Use Commercial District:**
 - Formatted *Use Categories, Housing Types, and Development Standards* in tables, consistent with other planning district chapters
 - Revised language for readability
 - Increased *Maximum Structure Height* to 70 feet district wide



PROPOSED PTA AMENDMENTS

Development Code Amendments

- **Figure 57-1:** Identifies area eligible for maximum structure height of 100 feet
** limited to commercial lodging & mixed-use residential development*





PROPOSED PTA AMENDMENTS

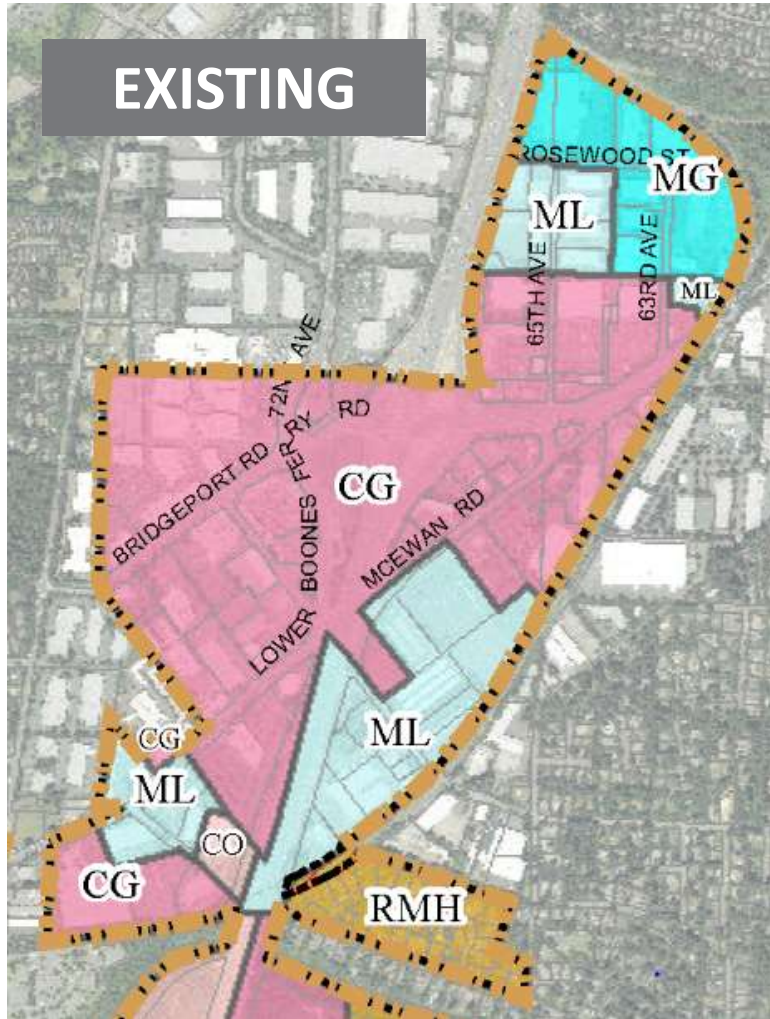
Development Code Amendments

- **Chapter 73A:** *Site Design Standards* for the MUC zone relocated to appropriate chapter
- **Chapter 73B:** *Landscaping Standards* for the MUC zone relocated to appropriate chapter
- **Chapter 73C:** *Parking Lot Landscaping Standards* for the MUC zone relocated to appropriate chapter

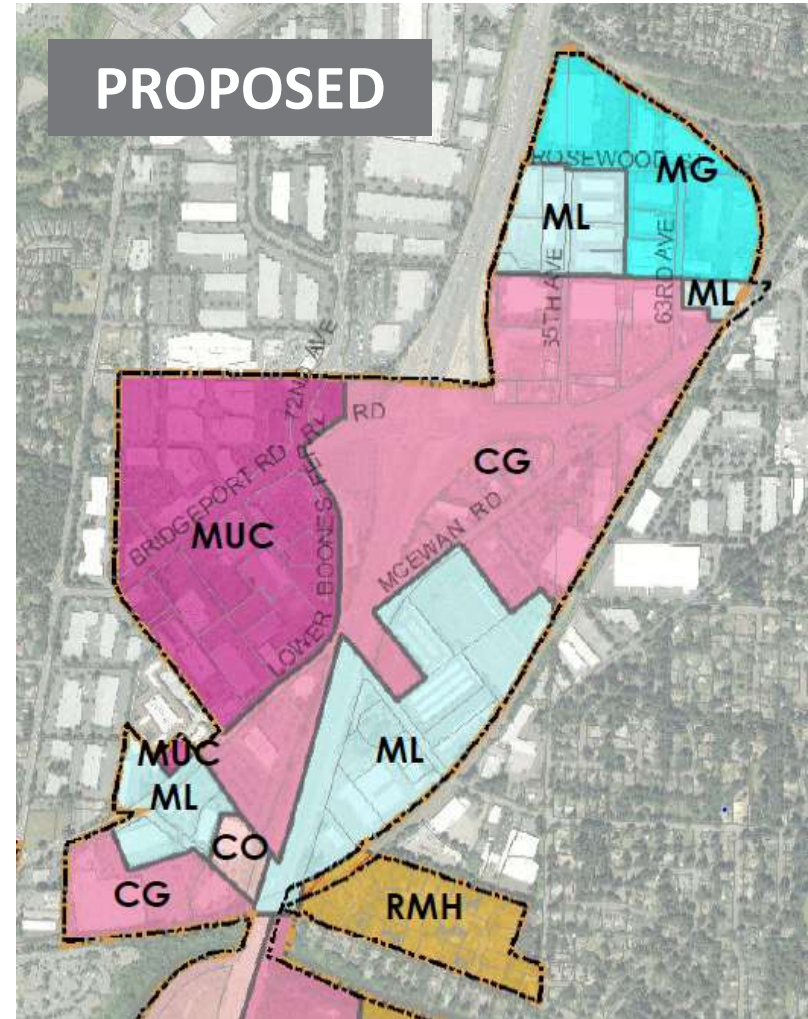


PROPOSED PMA AMENDMENTS

EXISTING



PROPOSED





IMPLEMENTATION

Applicable Criteria

- PTA & PMA 20-0001 complies with:
 - Oregon Statewide Planning Goals
 - Oregon Administrative Rules
 - Metro Code
 - Tualatin Comprehensive Plan
 - Tualatin Development Code



IMPLEMENTATION

Applicable Criteria

- Transportation Planning Rule
Given the code standards encourage compact, pedestrian scale development and the area's accessibility to the broader transportation system- the amendments would not add more than 20 trips to an individual movement during the weekday p.m. peak hour.



IMPLEMENTATION

Noticing Criteria for Legislative Actions

- Preadoption Notice sent to Oregon Department of Land Conservation and Development (DLCD)
- Measure 56 Notice sent to affected property owners regarding base zoning
- Hearing Notice sent to partner agencies and CIOs
- Notice posted in newspaper publication and in public



RECOMMENDATION

The Planning Commission recommends that City Council approve the proposed amendments (PTA 20-0001 and PMA 20-0001)

Alternatives:

- Approve PTA 20-0001 and/ or PMA 20-0001 with further amendments;
- Deny PTA 20-0001 and/ or PMA 20-0001; or
- Continue the public hearing to later hearing date



QUESTIONS



TDC 5.020. - Assumptions.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

[...]

(4) Locate higher density development where it is convenient to the City's commercial core, near schools **and transit corridors**, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial ~~Overlay~~-District.

TDC 5.030. - General Objectives.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

[...]

(4) Locate higher density development where it is convenient to the City's commercial core, near schools **and transit corridors**, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial ~~Overlay~~-District.

DRAFT

TDC 6.030. - Objectives.

The following are general objectives used to guide the development of this Plan:

[...]

~~(9) To work with the applicable jurisdictions and agencies to develop the Durham Quarry Site and Durham Quarry Area with high quality development. It is appropriate to apply an overlay district on the Durham Quarry Site and Durham Quarry Area to allow mixed commercial/residential uses. It is appropriate to enter into an intergovernmental agreement with the City of Tigard and Washington County to allow the City of Tualatin to review and decide land use applications and building permit applications for the portion of the Durham Quarry Site in the City of Tigard.~~

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

[...]

(5) General Commercial Planning District (CG). To provide areas suitable for a full range of commercial uses, including those uses that are inappropriate for neighborhood, office or central commercial areas. This district is particularly suitable for automobile/service-oriented businesses, excluding automobile, truck and machinery sales and rental, located along the freeway and major arterials. Because of their location, these uses are highly visible to large numbers of passing motorists. 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. ~~This District is suitable for mixed commercial and residential uses through the Mixed Use Commercial Overlay District on the Durham Quarry Site and in the Durham Quarry Area.~~

(6) Mixed-Use Commercial Planning District (MUC). To provide areas suitable for a mix of office, retail commercial, and high-density housing. Development standards in this district shall encourage a range of complementary and integrated uses oriented toward pedestrian activity.

~~(6 7)~~ Mid Rise/Commercial Office Planning District (CO/MR). To provide areas suitable for professional Class A Mid Rise offices. The CO/MR District shall be applied to appropriate lands west of Interstate 5 and south of the Tualatin River. Since the potential application of this district extends over most of the City's incorporated area, considerations such as proximity to established residential districts and preservation of significant views and visual corridors shall be encouraged.

~~(7 8)~~ Medical Center Planning District (MC). To provide areas for major medical centers providing medical facilities and health care services for the residents of Tualatin and the surrounding area, and to provide limited supporting retail and service uses for the convenience of patients, patient visitors and staff. The Medical Center District shall be no less than 25 acres and front on an arterial as designated in TDC Chapter 11, Tualatin Community Plan.

TDC 31.060. - Definitions.

As used in this Code, the masculine includes the feminine and the neuter, and the singular includes the plural. For the purposes of the TDC, the following words and phrases, unless the context otherwise requires, mean:

[...]

Adjacent Property. A property or unit of land which is touching, or which is across from a public right-of-way, easement, small creek, or small stream, from the extension of the property lines of the subject property.

Aisle. The corridor by which cars enter and depart parking spaces.

Alley. A narrow street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

Animal, Small. A domestic animal, such as a dog, cat, rabbit, or guinea pig, accepted by the American Veterinary Medical Association as a household pet.

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. It is typically mounted on a supporting tower, pole, mast, or building.

Applicant. The owner of land proposed to be developed, or a representative, who has express written authority to act on behalf of the owner.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arcades. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

Architectural Feature or Architectural Features. The portion of a structure or remodeling activity which is regulated or controlled by the objectives, criteria and standards for architectural, graphic and landscaping design, which are subject to Architectural Review, and includes all aspects of an Architectural Review Plan which are not Utility Facilities.

Architectural Focal Element. A publicly-owned structure whose primary function is to attract attention and create a special sense of place.

Assembly. As used in the Manufacturing Planning districts, assembly means the putting together of a final product using parts and components that have been fabricated elsewhere and shipped in. See also Manufacturing.

Awning. A shelter supported entirely by the exterior wall of a building and composed of nonrigid materials except for a supporting framework.

Barriers. Physical or topographic conditions that make a street or accessway connection impracticable. Such conditions include but are not limited to freeways; railroads; steep slopes; wetlands or other bodies of water where a connection could not reasonably be provided; where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; and where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection, or the requirements of Titles 3 and 13 of the Metro Urban Growth Management Functional Plan (UGMFP).

Bike (Bicycle) Facilities. On and off street improvements and facilities designed to accommodate bicycles.

Bike (Bicycle) Lane. A portion of roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bike (Bicycle) Parking, Long-term. Facilities for parking bicycles for stays of more than four hours.

Bike (Bicycle) Parking, Short-term. Facilities for parking bicycles for stays of less than four hours.

Bike (Bicycle) Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the public street right-of-way or within an independent right-of-way or easement.

Bikeway. Any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

Buffer. A landscaped portion of land established to separate and protect incompatible land uses.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. That portion or percentage of a lot utilized by a building or structure, excluding parking lots and driveways or sidewalks.

Building Official. The person charged by a municipality with responsibility for administration and enforcement of the state building code in the municipality as defined by ORS 455.715.

Business. All of the activities carried on by the same legal entity on the same premises, whether or not the enterprise operates for profit, and includes freemasonry, fraternal, religious, educational or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations, and joint stock companies.

Business Occupant. A nonresidential use of real property by an owner or lessee. Each user is considered a separate business occupant if the user has an independent or distinct property right in the real property.

Bus Stop. See Transit Stop.

Caliper. The diameter of a tree trunk measured at a prescribed height.

Canopy. A rigid non-movable roof-like structure supported only by columns or posts permanently affixed to the ground, or by a building at one or more points or extremities and by columns or posts in the ground at other points or extremities.

Central Design District. The Central Design District as identified in Section F of the Central Urban Renewal Plan.

Certificate of Appropriateness. A final written decision of approval, approval with conditions or denial from the City Manager or City Council for demolition, relocation, alteration, or new construction concerning a landmark.

Child Care:

Child Care Center. A child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

Child Care Facility. Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

Certified Child Care Provider. A person licensed by the State of Oregon to provide Child Care ORS329A.280.

Family Child Care Home, Registered. The residence of the provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters, as provided by ORS 329A.330.

Family Child Care Provider, Registered. An individual who operates a family child care home that is registered under ORS 329A.330.

Children's Play Area. An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, basketball courts, hard surface courts and wading pools.

Citizen Involvement Organization. As provided in the Tualatin Municipal Code Chapter 11-9 Citizen Involvement Program.

City. The City of Tualatin, Oregon, a municipal corporation.

City Manager. The person appointed by the City Council as the City Manager, or the City Manager's designee.

Civic Rooms. Outdoor areas that are open to the public where the space is defined by the locations of buildings, landscaping, or accessways.

Clean Water Services (CWS). A special service district (formerly known as the Unified Sewerage Agency) that serves as a separately managed and financed public utility and provides stormwater and wastewater services in partnership with 12 member cities in Washington County, including Tualatin. CWS maintains and enhances the public drainage system to meet public needs and to comply with strict water quality regulations set for the Tualatin River drainage area by the Oregon Department of Environmental Quality (DEQ).

Commercial Use. See Chapter 39 (Use Categories).

Common Wall Dwellings. Dwelling units characterized by shared wall structures, including, but not limited to, duplexes, triplexes, rowhouses, townhouses, multi-family dwellings, and condominiums.

Compliance Agreement. A contract entered into by the owner and the City Manager, on behalf of the City, by which the owner promises to complete the required public improvements relating to a subdivision or partition within a specified time period in exchange for the City granting final subdivision or partition plat approval prior to completion of required public improvements.

Condominium. A property with a building or group of buildings, submitted to the provisions for condominiums in state statutes, in which units are owned individually, and common areas, structures, facilities, easements, rights and appurtenances belonging to the property are owned by all the owners on a proportional, undivided basis.

Congregate Care Facility. See Residential Structure Types.

Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

Core Area Parking District (CAPD) Parking Standards. Off-street motor vehicle parking requirements for development within the CAPD.

Craft of Building. Using skill and expertise in the design and quality of the construction of the building, especially in the building's architectural details.

Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cul-de-sac. A dead end street terminating in a turnaround.

Customer Entry Area. For the Mixed Use Commercial Overlay District only, a customer entry area is defined as the area up to five feet on each side of the customer entry doors and extending perpendicular no further than ten feet from the doors.

Decibel.

- Decibel (dB) means to a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).
- "dBA" refers to the standard "A" weighting network as specified in the American National Standard Specification for Sound Level Meters (ANSI §1.4—1971).

Demolition. Raze, destroy, dismantle, or in any other manner cause significant partial or total destruction of a building, structure, or landmark.

Density Transfer Project. A residential development in a Medium Low Density Residential (RML) Planning District consisting of an area of single family development wherein the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, or consisting of both an area of single family development and an area of multi-family development in an identified project area wherein (1) the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, (2) the multi-family development consists of multi-family dwellings on a lot or lots approved through a Subdivision or Partition application and (3) an amount of unused density from the area of single family dwellings may be transferred to and used in the area of multi-family dwellings.

Developable Area. The privately owned land area upon which site improvements are to be placed, including but not limited to buildings, landscaping, parking, loading, vehicular circulation areas, outdoor storage, and water quality facilities. Developable areas do not include public rights-of-way and wetlands.

Development or Redevelopment. A planning or construction project involving property improvement, or a change of land-use character within the site; the act of using land for building or extractive purposes.

Development Application. The application form and checklist which sets forth all submittal requirements for approval of development proposals, including but not limited to architectural review, subdivision, partition and property line adjustment.

Development Project. A defined and planned undertaking for the physical development or redevelopment of real property, and subject to a submitted or approved development application.

Drip Line. The outside boundary of the branches of a tree, projected downward to the ground. For the purposes of this Development Code, a drip line will be assumed to be circular rather than irregular, elliptical or whatever its actual shape might be. While the drip line need not be centered on the tree trunk, in the instance of an irregularly shaped tree, the minimum distance radius from the trunk of the tree shall be measured so that the drip line area is most advantageous to the tree's health.

Drive-through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from private property to a public or private street.

Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A nonpossessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

Election. The time designated by law for voters to cast ballots for candidates and measures.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to determine what the controlling value should be for the individual resources being examined. The analysis considers economic, social, energy and environmental values.

Evergreen. Having foliage that remains green until the formation of new foliage.

Exterior Major Remodeling. Modifications to the exterior of a building or placement of new mechanical equipment which are visible from a public right-of-way such as installation of new exterior material, addition of canopy or installation of dust collectors or storage tanks.

Family. A person living alone or two or more related or unrelated persons living together in a single dwelling unit.

Final Approval. The official action taken on a preliminarily approved subdivision, partition or property line adjustment, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required public improvements have been installed, or where satisfactory security to assure completion of such improvements has been properly posted.

Fish and Wildlife Habitat Area. An area in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor.

Floor area. The total floor area of a building, both above and below ground with a clear ceiling height of at least seven feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

1. **Roof area;**
2. **Roof top mechanical equipment;**
3. **Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two (42) inches in height, for fifty (50) percent or more of their perimeter; and**
4. **Vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.**

Floor Area Ratio. The ratio of the total amount of enclosed gross floor area within a structure to the amount of buildable acreage. For purposes of calculation, both floor area and net site area shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking.

Frontage. See Lot Line, Front.

Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Garage. A building or portion thereof designed for the storage of a motor vehicle licensed to operate on public highways.

Gateway Tower Element. A tall structure, rectilinear or round in plain view, that rises to a greater height than the surrounding buildings and which is located in a 3.0 acre or larger commercial center development that is in the General Commercial (CG) Planning District and within a 1,000 foot radius of either (1) the intersection of the centerline of SW Nyberg Street with the centerline of Interstate 5, or (2) the intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate 5.

Governmental Structure. A structure to be used by a federal, state or local government or municipality, special district, or agency of any such government, excepting public transportation shelter structure.

Green Building. The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the construction of buildings, structures, or sites.

Green Design. The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the design of buildings or structures.

Green Streets. The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of streets, sidewalks, or parking areas.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Gross Leasable Area. The total floor area designed for tenant occupancy and exclusive use, expressed in square feet and measured from the center-line of joining partitions and from outside wall faces.

Group Living:

Congregate Care Facility. Retirement housing with common dining facilities and housekeeping services.

Group Living Unit. In assisted living facilities, residential facilities and congregate care facilities, a room, apartment, cottage or other area set aside for the use of a resident individual or couple.

Nursing Facility. A State of Oregon Licensed Intermediate or Long-term care facility including facilities identified as a nursing home, skilled nursing facility, or convalescent care as defined in Oregon Revised Statutes (ORS) Chapter 678 and Chapter 442.

Residential Facility. A residential facility providing residential care, training or treatment for six or more individuals exclusive of staff, as defined in ORS 443.400.

Height, Structure. Height of a structure is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum must be elected by either of the following, whichever yields a greater height of building: (1) the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; (2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Highway. When used in reference to railroad-highway grade crossing, "highway" includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public.

Home Occupation. A home occupation is a lawful business, occupation or activity undertaken for financial gain that: (1) is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its principal place of business; (2) by a resident of the dwelling unit; (3) who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and (4) is secondary and incidental to the use of the dwelling for dwelling purposes.

Household. One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit.

Housing Density. The number of dwelling units per acre of land, rounded to the nearest whole number. (For example, 12.5 is rounded to 13 and 12.49 is rounded to 12.)

Improvement Types:

Landscape Improvements (excluding greenways, parks and other Parks and Recreation Department roadside improvements). Addition or modification of landscape materials to a site which has not obtained prior Architectural Review approval or installation of landscape material which is substantially different than approved through a prior Architectural Review.

Private Improvements. Includes any drainage ditch, roadway, parkway, bikeway, walkway, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility which the property owner, and not a governmental authority, is responsible for maintaining and operating.

Public Improvements. Includes any drainage ditch, roadway, parkway, bikeway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility constructed in compliance with the Public Works Construction Code for which the City or other governmental authority will ultimately assume the responsibility for maintenance and operation.

Industrial Master Plan. A plan, approved by the Tualatin City Council, that guides development within the boundaries of an Industrial Master Plan Area defined by that plan and located within a Manufacturing Park Planning District.

Industrial Master Plan Area. The area within the boundaries of an Industrial Master Plan.

Industrial Use. See Chapter 39 (Use Categories).

Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.

Joint Use Parking. Vehicle parking where two or more separate developments are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times.

Landmark or Landmark Related. See TDC Chapter 68 (Historic Preservation).

Landscape Improvement See *Improvement Types*.

Landscaped Plaza. An open space which may consist of trees, plants and lawn combined with decorative features such as fountains, paving bricks, benches or other site furniture.

Landscaping. The improvement of land by such means as contouring, planting of lawn, groundcover plants, shrubs or trees, and by the location of outdoor structures, courtyards, planters, raised beds, walkways and other similar features.

Limited Land Use Decision. Defined in ORS 197.015 and outlined in ORS 197.195 means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns: (1) the approval or denial of a tentative subdivision or partition, as described in ORS Chapter 92.040 (Application for approval of subdivision or partition); (2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

Limited Land Use Decision does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

L-max. A maximum noise level, measured in dBA and occurring over any duration or amount of time.

Local Government Unit. Any unit of local government, including a city, county, incorporated town or village, school district, any other special district, or any other municipal or quasi-municipal corporation, intergovernmental authority created pursuant to ORS 190.010, a district as defined in ORS 198.010, 198.180, and 198.210 or an urban renewal agency established under ORS 457.035.

Lot Area. The total horizontal area, calculated in square feet, within the property lines of the lot.

Lot Coverage. The proportional amount of land on a lot covered by buildings.

Lot Line. The property line bounding a lot. (Also known as a property line).

Front Lot Line. The lot line separating the lot from the street other than an alley.

Rear Lot Line. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or other-shaped lot, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street is considered a rear lot line.

Side Lot Line. Any lot line not a front or rear lot line.

Lot Line Adjustment. The relocation of a common property line between two abutting properties. (Also known as Property Line Adjustment.)

Lot of Record. A lot of record is a plot of land: (1) which was not created through an approved subdivision or partition; (2) which was created and recorded before July 26, 1979; and (3) for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

Lot Types:

Corner Lot. A lot abutting two intersecting streets other than an alley.

Double Frontage Lot. A lot having public right-of-way frontage on two sides, but is not a corner lot; or a lot having frontage on three sides.

Flag Lot. A lot the major portion of which has access to a public street by means of a narrow strip of the lot.

Lot. A unit of land that is created by a subdivision of land as set forth in ORS 92.010—92.190.

Primary Condominium Lot. A large lot, usually held in common ownership by condominium owners, and containing secondary condominium lots.

Reserve Frontage Lot. A lot which is required by the City to take access across a specified lot line to separate residential development from railroad tracks or crossings, arterial or collector streets, adjacent non-residential uses, or to overcome specific disadvantages of topography and orientation.

Secondary Condominium Lot. A small, individually owned lot, usually encompassing the perimeter of a dwelling unit and located inside the primary condominium lot.

Through Lot. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

Lot Width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

Average Lot Width. The sum of the length of the front lot line and the rear lot line divided by 2.

Major Driveway. Access is considered a major driveway when controlled by a traffic signal.

Major Remodeling. Any man-made exterior modifications to improved or unimproved real property, including but not limited to the construction, installation, or alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

Major Transit Stop. See Transit Stop, Major.

Manufactured Dwelling Types.

Manufactured Dwelling, as defined in state law ORS 446.003. A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the State of Oregon Structural Specialty Code adopted pursuant to ORS 55.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Manufactured Dwelling Park (includes Mobile Home Park). Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same

ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person consistent with state law ORS 446.003.

Marijuana. All parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

Edible Marijuana. Edible product that contains marijuana.

Homegrown Marijuana. Marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

Marijuana Extract. A product obtained by separating resins from the marijuana plant by solvent extraction.

Marijuana Facility. A commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

Marquee. A projecting, permanent, roofed structure attached to and supported only by a building.

Mixed Solid Waste. Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

~~*Mixed Use Development.* A tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, manufacturing, public, or entertainment, in a compact urban form.~~ The development of a lot, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, commercial, or entertainment, in a compact urban form.

~~*Mixed Use Residential Development.* A mixed use development containing one or more residences.~~

Mobile Home. See Manufactured Dwelling Types.

Mobile Home Park. See Manufactured Dwelling Park.

Modular Home. See Residential Structure Types.

Multi-Family Dwelling. See Residential Structure Types.

Mural. A pictorial or graphic decoration, illustration, visual representation or art work which is applied directly to a wall and does not contain letters, numbers, logos, brand names or trademarks. Murals are Architectural Features which are reviewed through the Architectural Review process.

Net acres. The area proposed for development measured to the property lines of the parcel(s) or development site boundary or lot after all deductions are made. Deductions include:

(1) The following sensitive land areas:

(a) Land within the 100-year flood-plain that is preserved in a tract;

(b) Land exceeding 25 percent slope;

(c) Drainage ways; and

(d) Wetlands and associated buffers.

(2) Land dedicated to the public for park purposes; and

(3) Land dedicated to the public for rights-of-way and stormwater facilities. When actual information is not available, the following formulas may be used:

(a) Single-family development: allocate 20 percent of gross acres;

(b) Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15 percent of gross acres.

Nonconforming Situations, Development, or Lots. See TDC Chapter 35 (Nonconforming Situations).

Off-Site. Any area not located within the property to be developed, whether or not in the common ownership of the applicant for development approval.

[...]

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CHAPTER 38 – SIGN REGULATIONS

TDC 38.060. - Sign Permit Required.

(1) Except as provided in (2) below, no person shall erect, construct, modify, relocate, use or replace a sign, change a sign face, or alter a sign or sign structure unless a sign permit and any required building permit and electrical permit have been issued.

(2) The following signs are not required to obtain a sign permit; however, they shall comply with applicable sign regulations:

- (a) Exempt signs in accordance with TDC 38.050;
- (b) A directory sign's change of readerboard copy of two inches or less in height;
- (c) Lawn signs;
- (d) Temporary window signs and displays that do not meet the definition of a sign, for example, murals;
- (e) Inlaid floor signs in the Mixed Use Commercial ~~Overlay~~ District; and
- (f) Directional signs in the Mixed Use Commercial ~~Overlay~~ District.

TDC 38.105. - Definitions.

For the purposes of the Chapter, the following words and phrases mean:

[...]

Inlaid Floor Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a sign on private property that is incorporated into the floor/walkway area in a customer entry area. This sign is intended to be seen only by people looking down who are at a customer entry area and not to be seen by people in a public right-of-way or a public access parking lot. An Inlaid Floor Sign is not a wall sign or a freestanding sign.

[...]

Plaque Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of wall sign associated with and located near a customer entry area.

Project Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of sign to identify a project. For the purposes of this definition a project is a functionally integrated and coordinated development on at least ten acres that may include more than one lot and be separated by a public street. The project is reviewed through the Architectural Review process as one application, as two or more simultaneous applications, or as two or more applications for phases of the same development.

TDC 38.110. - Sign Types.

[...]

(4) *Shingle Sign, Blade and Small Projecting Sign Provisions.* Shingle signs and blade signs may be erected in the Mixed Use Commercial ~~Overlay~~ District subject to TDC 38.225. Shingle Signs, Blade Signs and Small Projecting Signs may be erected in the Central Design District and in Major Commercial Centers and on Multi-story Buildings in the Central and General Commercial Planning Districts subject to TDC 38.220(2)(b,e) and to the following limitations after first obtaining a sign permit.

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

~~(1) TDC 38.220 does not apply to the Mixed Use Commercial Overlay District, see TDC 38.225.~~ Additional sign types are allowed on Multi-story Buildings, on buildings within a Major Commercial Center, and within the Central Design District. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

TDC 38.225. - Signs Permitted in the Mixed Use Commercial Overlay **(MUC) Planning** District.

~~(1) No sign shall be permitted in the Mixed Use Commercial Overlay~~ **MUC Planning** District for permitted and conditional uses except the following:

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CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

TDC 54.100. - Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access. ~~This zone is also suitable for the Mixed Use Commercial Overlay District to be applied in a specific area in accordance with TDC Chapter 57.~~

[...]

TDC 54.310. - Additional Development Standards.

(1) Gateway Tower Elements. Gateway Tower Elements are permitted in the CG Planning District, subject to the following restrictions. ~~A Gateway Tower Element must not be located within a Mixed Use Commercial Overlay District (MUCOD).~~

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CHAPTER 57 – MIXED-USE COMMERCIAL OVERLAY DISTRICT **ZONE (MUC)**

TDC 57.005. – Definitions.

As used in this chapter, the following definitions apply. Unless the context otherwise requires, the following words and phrases shall mean:

Abut/Abutting Lots, Adjacent/Adjoining Lots, Contiguous Lots. Two or more lots joined by a common boundary line or point.

Access. The place, means or way by which pedestrians, bicycles and vehicles enter or leave property. A private access is an access not in public ownership and is controlled by means of deed, dedication or easement.

Access, alternative. The ability to enter a highway or other public street indirectly through another improved roadway rather than direct driveway entrance from the public right-of-way frontage.

Addition. A modification to an existing building or structure which increases the site coverage.

Aisle. The corridor by which cars enter and depart parking spaces.

Alteration, structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders.

Amonity. A natural or created feature that enhances the esthetic and functional quality, visual appeal, or makes more attractive or satisfying a particular property, place or area.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building Envelope. That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building, primary. A building in which the primary use of the property is conducted.

Caliper. The diameter of a tree trunk measured at a prescribed height.

Complex. A structure or group of structures developed on one or more contiguous lots of record and developed as part of an overall development plan.

Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes.

Drive-through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.

Durham Quarry Area. Shown on Figure 57-1. The tax lots shown on Fig. 57-1 on the effective date of this definition were: Tax Lots 100, 200, 300, 400, 501, 600, 900, 1000 and 1300 on Assessor's Map 2S1 13DC and Tax Lots 400, 401, 500, 600, 700, 701, 900, 1000, 1100, and 1400 on Assessor's Map 2S1 13DB.

Durham Quarry Site. Shown on Figure 57-2. The tax lots shown on Fig. 57-2 on the effective date of this definition were: Tax Lots 100, 1200 and 1300 on Assessor's Map 2S1 13DB and the approximately one acre of Oregon Department of Transportation property at the immediate north-west corner of SW Bridgeport Road and SW 72nd Avenue. Note that Tax Lots 100 and 1200 on Assessor's Map 2S1 13AC north of the northern dashed line are owned by Washington County and are in the City of Tigard.

Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.

Exception. Permission to depart from a specific design standard in the TDC.

~~*Fence, sight-obscuring.* A barrier consisting of wood, metal, masonry or similar materials which obstructs vision one hundred percent.~~

~~*Floor Area Ratio.* The gross floor area of all buildings or structures on a lot divided by the total lot area.~~

~~*Glare.* The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.~~

~~*Habitable Floor Area.* The total floor area of all the habitable rooms in a dwelling unit.~~

~~*Household.* A group of related or unrelated individuals living together in a single dwelling unit.~~

~~*Household Living.* Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. Includes most types of senior housing, e.g. congregate care, assisted living, if residents live in self-contained units. The maximum number of people who may reside in any given dwelling unit shall be determined by the Oregon Structural and Specialty Code.~~

~~*Mixed-Use Development.* The 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.~~

~~*Projection.* Part of a building or structure that is exempt from the bulk requirements of the TDC.~~

~~*Remodel.* An internal or external modification to an existing building or structure which does not increase the site coverage.~~

TDC 57.100. - Purpose.

The purpose of this district is 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. The initial application of the District is only to the Durham Quarry Site. Possible future application of the Mixed Use Commercial Overlay District is the Durham Quarry Area through the Plan Text Amendment process. Retail, office, business services and personal services are emphasized, but residential uses are also allowed. A second purpose is to recognize that when developed under certain regulations, commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

TDC 57.40. - Application of the Mixed Use Commercial Overlay District (MUCOD).

(1) The MUCOD is applied to:

(a) The Durham Quarry Site (see Fig. 57-2).

(b) Tax Lot 1300 on Assessor's Map 2S1 13DC within the Durham Quarry Area (see Fig. 57-1).

(c) Tax Lots 1800 and 1900 on Assessor's Map 2S1 13DC within the Durham Quarry Area (see Fig. 57-1).

(2) In the future, the MUCOD may be applied to additional tax lots within the Durham Quarry Area (see Fig. 57-1) through the Plan Text Amendment application process. The City or another applicant would propose amending Subsection (1), above, to apply the MUCOD to additional lands in Fig. 57-1.

- ~~(3) When the MUCOD is applied to the Durham Quarry Site, or in the future to the Durham Quarry Area, where TDC Chapter 57 does not include a particular regulation or standard, the existing regulation or standard from TDC Chapter 54, 73 or elsewhere in the TDC shall apply.~~

TDC 57.200. - Permitted Uses **Categories**

The following are permitted uses:

~~(1) Residential.~~

- ~~(a) Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses.~~
- ~~(b) Home occupation.~~

~~(2) Commercial.~~

- ~~(a) Commercial lodging.~~
- ~~(b) Eating and drinking establishments.~~
- ~~(c) Indoor entertainment, including but not limited to cinemas and theaters.~~
- ~~(d) General retail:
 - ~~(i) Sales-oriented.~~
 - ~~(ii) Personal services.~~
 - ~~(iii) Repair oriented, provided the building footprint is no larger than 60,000 square feet of gross floor area.~~
 - ~~(iv) Bulk sales, provided the building footprint is no larger than 60,000 square feet of gross floor area.~~~~
- ~~(e) Offices, including research and development (R&D) provided the R&D square footage is less than the office square footage.~~
- ~~(f) Non-accessory parking.~~
- ~~(g) Cultural institution.~~
- ~~(h) Day care.~~
- ~~(i) Emergency services.~~
- ~~(j) Postal services.~~
- ~~(k) Social/fraternal clubs/lodges.~~
- ~~(l) Animal-related.~~
- ~~(m) Wireless communication facilities, attached.~~
- ~~(n) Utility corridors.~~

~~(3) Transportation facilities and improvements.~~

- (1) Use Categories. Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.**

Table 57-1
Use Categories in the MUC

<u>USE CATEGORY</u>	<u>STATUS</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>RESIDENTIAL USE CATEGORIES</u>		
<u>Household Living</u>	<u>P/C</u>	<u>Permitted housing types subject to TDC 57.220</u>
<u>COMMERCIAL USE CATEGORIES</u>		
<u>Commercial Lodging</u>	<u>P</u>	=
<u>Commercial Recreation</u>	<u>P</u>	=
<u>Commercial Parking</u>	<u>P</u>	=
<u>Durable Goods Sales</u>	<u>P/C (L)</u>	<u>Permitted uses limited to: Retail sale of furniture and large appliances, pursuant to TDC 57.210</u> <u>Conditional uses limited to: Outdoor sales subject to TDC 57.210.</u>
<u>Eating and Drinking Establishments</u>	<u>P</u>	
<u>Medical Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Other Educational and Vocational Servicing</u>	<u>P</u>	=
<u>Quick Vehicle Servicing</u>	<u>C (L)</u>	<u>Conditional uses limited to: Automobile service station subject to TDC 57.210.</u>
<u>Retail Sales and Services</u>	<u>P/C (L)</u>	<u>Pet day care without outdoor activity area is permitted outright.</u> <u>Mortuary not permitted.</u> <u>Conditional uses limited to: Outdoor sales subject to TDC 57.210.</u> <u>All other retail sales and service uses permitted outright.</u>

<u>INSTITUTIONAL USE CATEGORIES</u>		
<u>Assembly Facilities</u>	<u>C (L)</u>	<u>Conditional uses limited to: Religious institutions or major event entertainment.</u>
<u>Colleges, Universities, and Private Career Schools</u>	<u>C</u>	<u>=</u>
<u>Community Services</u>	<u>P</u>	<u>=</u>
<u>Medical Centers</u>	<u>C</u>	<u>=</u>
<u>Schools</u>	<u>C</u>	<u>=</u>
<u>INFRASTRUCTURE AND UTILITIES CATEGORIES</u>		
<u>Basic Utilities</u>	<u>P (L)</u>	<u>Permitted uses limited to sewer and water pump stations; pressure reading stations.</u>
<u>Greenways and Natural Areas</u>	<u>P</u>	
<u>Parks and Open Space</u>	<u>P (L)</u>	<u>Golf courses and country clubs prohibited. All other uses permitted outright.</u>
<u>Public Safety Facilities</u>	<u>P/C (L)</u>	<u>Conditional uses limited to: Fire stations; and publicly- and privately-operated ambulance facilities.</u> <u>All other uses permitted outright.</u>
<u>Transportation Facilities</u>	<u>P</u>	<u>=</u>
<u>Wireless Communication Facility</u>	<u>P (L)</u>	<u>Permitted uses limited to: Wireless communication facility attached.</u>

TDC 57.030. -- Conditional Uses.

The following are conditional uses:

- (1) ~~Group living and Transitional housing.~~
- (2) ~~Civic (institutional).~~
 - (a) ~~Colleges.~~
 - (b) ~~Medical center.~~
 - (c) ~~Religious institution.~~
 - (d) ~~School.~~
- (3) ~~Commercial.~~
 - (a) ~~Major event entertainment, excluding outdoor entertainment.~~
 - (b) ~~Motor vehicle retail fuel sales.~~
 - (c) ~~Outdoor sales for permitted out-right uses.~~

TDC 57.210. - Additional Limitations on Uses.

- (1) Durable Goods Sales. Uses limited to retail sale of furniture and large appliances subject to the following standards:**
 - (a) The building footprint is less than 60,000 square feet of gross floor area.**
 - (b) Incidental repair of appliances is permitted as an accessory use.**
- (2) Outdoor uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.**
 - (a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.**
 - (b) Conditional Uses. Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:**
 - (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.**
 - (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.**
 - (iii) The outdoor area must abut a wall of the store.**
 - (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.**
 - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.**
- (3) Major event entertainment. Requires a conditional use permit and are subject to the following standards:**
 - (a) Excludes outdoor entertainment.**
- (4) Automobile Service Station. Requires a conditional use permit and are subject to the following standards:**
 - (a) The minimum street frontage on each street on a corner lot is 120 feet.**
 - (b) The minimum street frontage on an interior lot is 150 feet.**
 - (c) The minimum building setback from any street right-of-way is 40 feet.**
 - (d) The minimum pump island set-back from any lot line is 15 feet.**
 - (e) Only two access points are allowed for an interior lot. A corner lot and a through lot are allowed only one access per street frontage.**
 - (f) The storage and display of merchandise such as tires and batteries offered for sale must be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.**
 - (g) Outside storage or sale of any vehicles is not permitted.**
 - (h) Must comply with TDC Chapter 34.200.**

TDC 57.220. - Housing Types.

Table 57-2 lists housing types permitted in the Mixed-Use Commercial District. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

Table 57-2
Housing Types in the MUC

<u>USE CATEGORY</u>	<u>STATUS</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>Single-Family Dwelling</u>	<u>N</u>	
<u>Accessory Dwelling Unit</u>	<u>N</u>	
<u>Duplex; Townhouse (or Rowhouse)</u>	<u>P</u>	
<u>Multi-Family Structure</u>	<u>P</u>	
<u>Manufactured Dwelling</u>	<u>N</u>	
<u>Manufactured Dwelling Park</u>	<u>N</u>	
<u>Retirement Housing Facility</u>	<u>C</u>	<u>Subject to TDC 34.400</u>
<u>Residential Home</u>	<u>N</u>	

TDC 57.05300. - Development Standards.

- (1) ~~Development shall comply with applicable development standards, except where variances and minor variances are granted in accordance with TDC Chapter 33.~~
- (2) ~~Development standards:~~
 - (a) ~~Minimum lot area: None.~~
 - (b) ~~Minimum building setbacks: None.~~
 - (c) ~~Except as determined in the Architectural Review Process, maximum building setbacks are:~~
 - (i) ~~Commercial: ten feet front and street side; 0 interior side and rear, except when the side and rear abut a residential district it is 20 feet.~~
 - (ii) ~~Residential: 20 feet front; 0 rear and interior side, except when the side and rear abut a residential district it is 20 feet; 20 feet street side.~~
 - (d) ~~Minimum structure height: Except for theaters and cinemas which can be one story, 20 feet.~~
 - (e) ~~Maximum structure height:~~
 - (i) ~~Any portion of a structure within 100 feet of the Durham Quarry Site Boundary, except that portion of the Boundary contiguous with the City of Tigard, 50 feet.~~
 - (ii) ~~Any portion of a structure greater than 100 feet from the Durham Quarry Site Boundary and that portion of the Boundary contiguous with the City of Tigard, 70 feet.~~
 - (iii) ~~Any portion of a structure within the Durham Quarry Area, 50 feet.~~
 - (f) ~~Maximum site coverage: 90 percent.~~
 - (g) ~~Minimum landscape coverage: ten percent.~~

- (h) ~~Density requirements. For determining floor area ratio (FAR) and residential densities, TDC 57.060 shall be used to establish the lot area.~~
- (i) ~~The minimum FAR for non-residential development and mixed-use development which includes a residential component is 0.50. In mixed-use developments, residential floor area is included in the calculations of FAR.~~
- (ii) ~~The minimum density for residential only projects is 25 dwelling units per net acre. There is no FAR for residential-only projects.~~
- (iii) ~~The maximum density for residential only projects is 50 dwelling units per net acre.~~

Development standards in the MUC zone are listed in Table 57-3. Additional standards may apply to some uses and situations, see TDC 57.400.

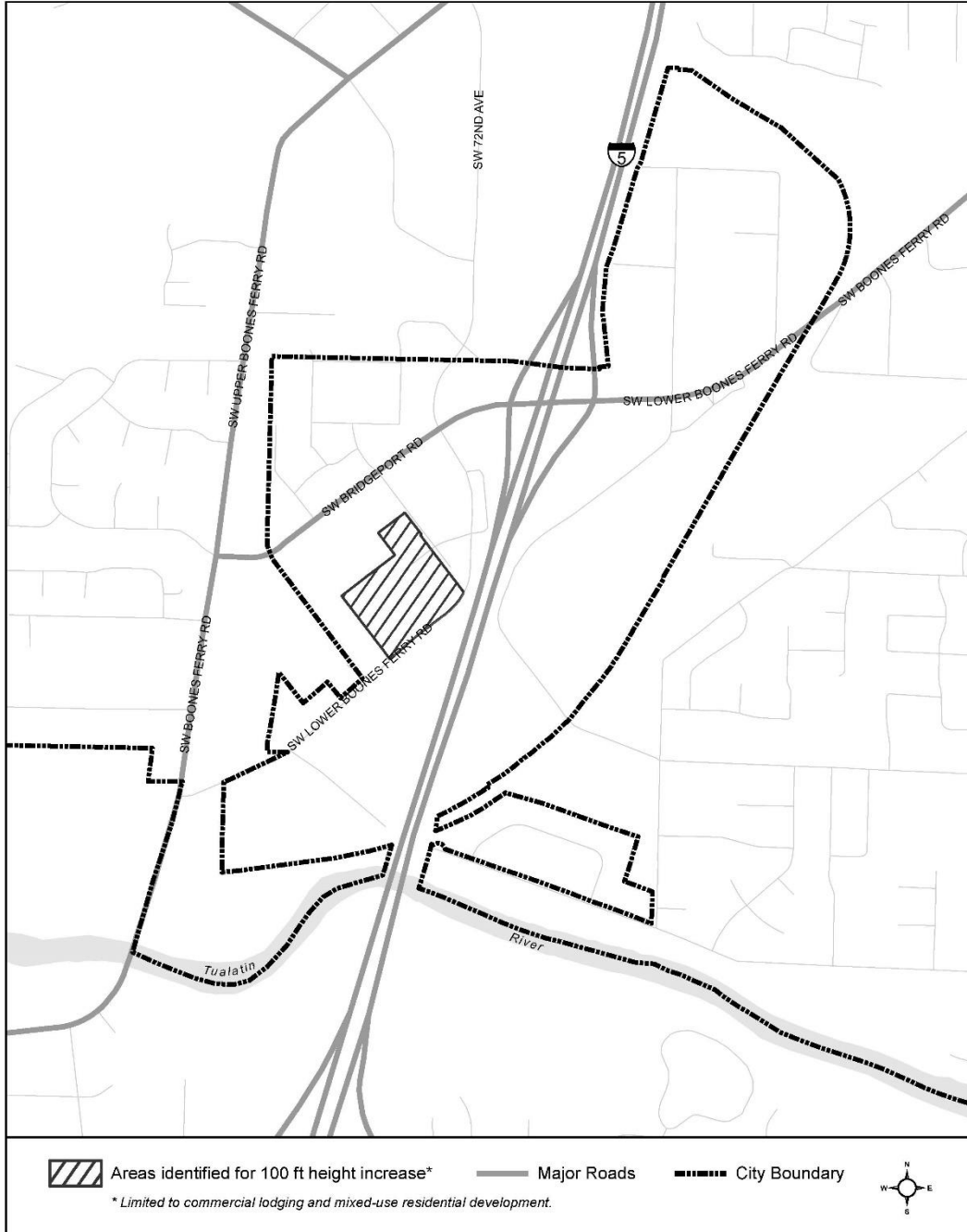
**Table 57-3
Development Standards in the MUC District**

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>MINIMUM LOT SIZE</u>		
<u>All Uses</u>	<u>None</u>	
<u>MINIMUM SETBACKS</u>		
<u>Front</u>	<u>None</u>	
<u>Interior Side and Rear</u>	<u>0-20 feet</u>	<u>Setbacks are 20 feet where the site abuts a residential district.</u>
<u>Corner</u>	<u>None</u>	
<u>MAXIMUM SETBACKS</u>		
<u>Commercial Uses</u>		
<u>Front/ Corner</u>	<u>10 feet</u>	
<u>Residential Uses</u>		
<u>Front/ Corner</u>	<u>20 feet</u>	
<u>MINIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>20 feet</u>	<u>Except for theaters and cinemas which can be one story.</u>
<u>MAXIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>70 feet</u>	<u>Refer to Figure 57-1</u>
<u>Commercial Lodging and Mixed Use Development</u>	<u>100 feet</u>	<u>Limited to the area defined in Figure 57-1</u>
<u>MINIMUM FLOOR AREA RATIO</u>		
<u>All uses</u>	<u>0.5</u>	<u>There is no FAR for residential-only projects.</u>
<u>DENSITY</u>		

<u>All uses with a residential component</u>	<u>25-50 units per acre</u>	
<u>MAXIMUM LOT COVERAGE</u>		
<u>All uses</u>	<u>90%</u>	

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Figure 57-1
100 Foot Maximum Structure Height



~~TDC 57.060. – Determining Net Acres.~~

~~Net acres shall be determined by subtracting the following land areas from the gross acres (all of the land included in the legal description of the property to be developed):~~

- ~~(1) The following sensitive land areas:
 - ~~(a) Land within the 100-year flood plain;~~
 - ~~(b) Land exceeding 25 percent slope;~~
 - ~~(c) Drainage ways; and~~
 - ~~(d) Wetlands.~~~~
- ~~(2) Land dedicated to the public for park purposes;~~
- ~~(3) Land dedicated to the public for rights-of-way. When actual information is not available, the following formulas may be used:
 - ~~(a) Single family development: allocate 20 percent of gross acres;~~
 - ~~(b) Multi family development including but not limited to apartments, condominiums and townhouses: allocate 15 percent of gross acres; and~~~~
- ~~(4) Land proposed for private streets.~~

~~TDC 57.100. – Access.~~

~~Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street or by creating uninterrupted vehicle and pedestrian access between the subject lot and the public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.~~

~~TDC 57.200. – Design Standards.~~

- ~~(1) Purpose and Applicability.
 - ~~(a) Design Principles. Design standards for public street improvements for the Mixed Use Commercial Overlay District (MUCOD) address several important guiding principles, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system and utilizing streetscape to create a high quality image for the area.~~
 - ~~(b) Development Conformance. New development, including remodeling and renovation projects resulting in non-single family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the TDC and Oregon Structural and Specialty Code, developments may be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects within and surrounding the MUCOD.~~~~
- ~~(2) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are:
 - ~~(a) Deference should be given to using the TDC Chapter 57 requirement, and~~~~

- ~~(b) Use the standard that will yield the highest quality development.~~
- ~~(3) Site Design Standards. Development shall meet the following site design standards.~~
- ~~(a) *Building Placement on Major and Minor Arterials.* Buildings shall occupy a minimum of 50 percent of Major and Minor Arterial street frontages. Buildings shall be located at public street intersections on Major and Minor Arterials.~~
- ~~(b) *Building Setbacks.* See TDC 57.050(2).~~
- ~~(c) *Front Yard Setback Design.* For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the sidewalk shall be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are required. These areas shall contribute to the minimum landscaping requirements.~~
- ~~(d) *Walkway Connection to Building Entrances.* A walkway connection is required between a building's entrance and a public street or accessway. The walkway shall be at least six feet wide and paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are required. These areas shall contribute to the minimum landscaping requirements.~~
- ~~(e) *Parking Location and Landscape Design.* Parking for buildings or phases adjacent to public street rights-of-way shall be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified where this requirement applies. If located on the side, parking is limited to 50 percent of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard.~~
- ~~(4) Building Design Standards.~~
- ~~(a) Non-residential buildings shall comply with the following:~~
- ~~(i) *Ground floor windows.* Street-facing elevations within the Building Setback (0–10 feet) along public streets shall include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground-level. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.~~
- ~~(ii) *Building Facades.* Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features:~~
- ~~(A) A variation in building materials,~~
- ~~(B) A building offset of at least one foot,~~
- ~~(C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade, or~~
- ~~(D) By other design features that reflect the building's structural system.~~
- ~~(E) No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.~~

- ~~(iii) *Weather Protection.* Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.~~
- ~~(iv) *Building Materials.* Plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding shall not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.~~
- ~~(v) *Roofs and Roof Lines.* Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.~~
- ~~(vi) *Roof-mounted Equipment.* Roof-mounted equipment shall be screened from view from adjacent public streets. Satellite dishes and other communication equipment shall be set back or positioned on a roof so that exposure from adjacent public streets is minimized.~~
- ~~(b) *Residential-only, and Mixed-Use Buildings where at least 50.1 percent of the gross floor area of the building is residential, shall comply with TDC 57.300, Design Compatibility Standards.*~~
- ~~(5) *Landscaping and Screening.*~~
 - ~~(a) *Applicable Levels.* Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in TDC Chapter 57. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.~~
 - ~~(i) *L-1 Low Screen.* For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC 57.400 apply. In addition, the L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of five feet between the parking lot and a major or minor arterial, deciduous trees of at least 3½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a three-foot high screen and a 90 percent opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.~~
 - ~~(ii) *L-2 General Landscaping.* For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC 57.400 apply. In addition, deciduous trees of at least 2½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.~~

~~TDC 57.300. – Design Compatibility Standards.~~

~~In accordance with TDC 57.200(4)(b) the following apply to residential-only and mixed-use buildings where at least 50.1 percent of the gross floor area of the building is residential.~~

- ~~(1) *Front Facades.* All primary ground-floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. The front elevation of large structures must be divided into smaller areas or planes of 500 square feet or less. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged for structures facing a street to create visual interest.~~
- ~~(2) *Main Entrance.* Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.~~
- ~~(3) *Unit Definition.* Each dwelling unit shall be emphasized by including a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Ground-level~~

~~dwelling units shall include porches that shall be at least 48 square feet in area with no dimension less than six feet.~~

- ~~(4) *Roof Lines.* Roofline offsets shall be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Roof line offsets shall be a minimum 4-foot variation either vertically from the gutter line or horizontally.~~
- ~~(5) *Trim Detail.* Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's street-facing elevation(s).~~
- ~~(6) *Mechanical Equipment.* Roof-mounted mechanical equipment, other than vents or ventilators, shall be located and constructed so as to be screened from ground-level view. Screening shall be integrated with exterior building design.~~
- ~~(7) *Parking.* Parking and loading areas may not be located between the primary structure(s) and the street upon which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be provided:
 - ~~(a) In a garage that is attached to the primary structure;~~
 - ~~(b) In a detached accessory structure located at least 50 feet from the front property line; or~~
 - ~~(c) In a parking area at the side or rear of the site.~~~~
- ~~(8) *Pedestrian Circulation.*
 - ~~(a) The on-site pedestrian circulation system shall be continuous and connect the ground-level entrances of primary structure(s) to the following:
 - ~~(i) Streets abutting the site;~~
 - ~~(ii) Common buildings such as laundry and recreation facilities;~~
 - ~~(iii) Parking areas;~~
 - ~~(iv) Shared open space and play areas;~~
 - ~~(v) Abutting transit stops; and~~
 - ~~(vi) Any pedestrian amenity such as plazas, resting areas and viewpoints.~~~~
 - ~~(b) There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.~~~~

~~TDC 57.400. - Landscaping and Screening.~~

- ~~(1) *General Provisions.*
 - ~~(a) *Obligation to Maintain.* Unless otherwise provided by the lease agreement, the owner, tenant and their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.~~
 - ~~(b) *Pruning Required.* All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:
 - ~~(i) It will not interfere with the maintenance or repair of any public utility;~~
 - ~~(ii) It will not restrict pedestrian or vehicular access; and~~
 - ~~(iii) It will not constitute a traffic hazard because of reduced visibility.~~~~
 - ~~(c) *Installation Requirements.* The installation of all landscaping shall be as follows:
 - ~~(i) All landscaping shall be installed according to accepted planting procedures;~~~~~~

- ~~(ii) The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986); and~~
- ~~(iii) Landscaping shall be installed in accordance with this title.~~
- ~~(d) *Certificate of Occupancy.* A Certificate of Occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.~~
- ~~(e) *Protection of Existing Vegetation.* Existing vegetation on a site shall be protected as much as possible:
 - ~~(i) The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and~~
 - ~~(ii) The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees).~~~~
- ~~(f) *Care of Landscaping along Public Rights-of-Way.* Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.~~
- ~~(g) *Conditions of Approval of Existing Vegetation.* The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance shall be less than that required for conventional development.~~
- ~~(h) *Height Restrictions Abutting Public Rights-of-Way.* No trees, shrubs or plantings more than 18 inches in height shall be planted in the public right-of-way abutting roadways having no established curb and gutter.~~
- ~~(2) *Buffering and Screening:*
 - ~~(a) *General Provisions.*
 - ~~(i) It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.~~
 - ~~(ii) Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter, Tables 57-1 and 57-2. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, except for separation by a right-of-way, buffering, but not screening, shall be required as specified in Tables 57-1 and 57-2.~~
 - ~~(iii) In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.~~~~
 - ~~(b) *Buffering and Screening Requirements.*
 - ~~(i) A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in Tables 57-1 and 57-2 and containing a length equal to the length of the property line of the abutting use or uses;~~
 - ~~(ii) A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City;~~~~~~

- ~~(iii) The minimum improvements within a buffer area shall consist of combinations of landscaping and screening as specified in Tables 57-1 and 57-2. In addition, improvements shall meet the following specifications:
 - ~~(A) At least one row of trees shall be planted. They shall have a minimum caliper of two inches at four feet in height above grade for deciduous trees and a minimum height of five feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:
 - ~~(1) Small or narrow stature trees, under 25 feet tall or less than 16 feet wide at maturity shall be spaced no further than 15 feet apart;~~
 - ~~(2) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart;~~
 - ~~(3) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, shall be spaced no greater than 30 feet apart.~~~~
 - ~~(B) In addition, at least ten five-gallon shrubs or 20 one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;~~
 - ~~(C) The remaining area shall be planted in lawn or other living ground cover.~~~~
- ~~(iv) Where screening is required the following standards shall apply in addition to those required for buffering:
 - ~~(A) A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four-foot continuous screen of the height specified in Table 57-2 within two years of planting; or~~
 - ~~(B) An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 57-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or~~
 - ~~(C) A fence or wall of the height specified in Table 57-2 shall be constructed to provide a continuous sight obscuring screen.~~~~
- ~~(v) Buffering and screening provisions shall be superseded by the vision clearance requirements in TDC 73.340(1) and 73.400(13);~~
- ~~(vi) When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval;~~
- ~~(vii) Fences and walls.
 - ~~(A) Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process;~~
 - ~~(B) Such fence or wall construction shall be in compliance with other City regulations;~~
 - ~~(C) Walls shall be a minimum of six inches thick; and~~
 - ~~(D) Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.~~~~
- ~~(viii) Hedges.~~

- ~~(A) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight-obscuring fence where required subject to the height requirement in TDC 57.400(2)(c)(ii)(A and B)~~
- ~~(B) Such hedge or other dense landscaping shall be properly maintained and shall be replaced with another hedge, other dense evergreen landscaping, or a fence when it ceases to serve the purpose of obscuring view; and~~
- ~~(C) No hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall in a vision clearance area.~~

~~(c) Setbacks for Fences or Walls.~~

- ~~(i) Fences and walls shall comply with TDC 57.400(2)(c)(ii) below, except when the approval authority, as a condition of approval, allows a fence or wall to be higher than otherwise permitted to mitigate against potential adverse effects;~~
- ~~(ii) Fences and walls.~~
 - ~~(A) May not exceed three feet in height in a required front yard along local streets or eight feet in all other locations and, in all other cases, shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);~~
 - ~~(B) Are permitted up to six feet in height in front yards adjacent to any designated arterial or collector street. For any fence or wall over three feet in height in the required front yard area, permission shall be subject to approval in the Architectural Review process.~~
- ~~(iii) Fences and walls shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);~~
- ~~(iv) All fences or walls greater than six feet in height shall be subject to building permit approval.~~

~~(d) Height Restrictions.~~

- ~~(i) The prescribed heights of required fences, walls or landscaping shall be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements;~~
- ~~(ii) An earthen berm and fence or wall combination shall not exceed the six-foot height limitation for screening.~~

~~(e) Screening: Special Provisions.~~

- ~~(i) Screening and landscaping of parking and loading areas:~~
 - ~~(A) Screening of parking and loading areas is required. The specifications for this screening are as follows:~~
 - ~~(1) Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;~~
 - ~~(2) Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;~~
 - ~~(3) Materials to be installed should achieve a balance between low-lying and vertical shrubbery and trees;~~
 - ~~(4) Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect; and~~

- ~~(5) The minimum dimension of the landscape islands shall be five feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.~~
- ~~(ii) *Screening of service facilities.* Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;~~
- ~~(iii) *Screening of swimming pools.* All swimming pools shall be enclosed as required by the Oregon Structural and Specialty Code;~~
- ~~(iv) *Screening of refuse containers.* Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.~~
- ~~(f) *Buffer Matrix.*~~
 - ~~(i) The Buffer Matrices in Tables 57-1 and 57-2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts;~~
 - ~~(ii) An application for a variance to the standards required in Tables 57-1 and 57-2 shall be processed in accordance with TDC Chapter 33.~~
- ~~(3) *Re-vegetation.*~~
 - ~~(a) *When re-vegetation is required.* Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion after construction activities are completed.~~
 - ~~(b) *Preparation for re-vegetation.* Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway; and~~
 - ~~(i) Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and~~
 - ~~(ii) After completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.~~
 - ~~(c) *Methods of re-vegetation.*~~
 - ~~(i) *Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates, and:*~~
 - ~~(A) Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area;~~
 - ~~(B) Other re-vegetation methods offering equivalent protection may be approved by the approval authority;~~
 - ~~(C) Plant materials are to be watered at intervals sufficient to ensure survival and growth; and~~
 - ~~(D) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.~~

~~TDC 57.500. – Additional Standards.~~

~~The following TDC chapters apply to these particular standards or requirements: Off-Street Parking and Loading, TDC Chapter 73; Environmental Standards, TDC Chapter 63; Floodplain District, TDC Chapter 70; Wetlands Protection District, TDC Chapter 71; Greenway and Riverbank Protection District, TDC Chapter 72; Community Design Standards, TDC Chapter 73.~~

~~TDC 57.900. – Figures and Tables.~~

**Table 57-1
Buffer Matrix
Proposed Use**

Existing/Abutting Dist.	Residential	Commercial	Industrial	Parking Lots 4-50 spaces	Parking Lots 50+ spaces
Residential	-	D	E	C	D
Commercial	C	-	D	-	-
Industrial	D	A	-	-	-
Parking Lots	C	-	-	-	-
Arterial Streets	A	-	A	-	-

**Table 57-2
Buffer Combinations for Landscaping and Screening¹**

	Options	Width (feet)	Trees (per linear foot of buffer)	Shrubs or Groundcover	Screening
A	-	10	-	Lawn/living groundcover	-
B	-	10	20' min/30' max spacing	Lawn/living groundcover	-
C	1	10	15' min/30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min/20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall
E	1	30	10' min/20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall

F	-	40	10' min/20' max spacing	Shrubs	6' hedge, fence, wall or berm
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~~⁴ Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in TDC 57.400(2)(a)(ii).~~

DRAFT

CHAPTER 73A – SITE DESIGN STANDARDS

TDC 73A.200. - Common Wall Design Standards.

The following standards are minimum standard for all duplex, townhouse, and multi-family developments in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone**. These standards do not apply to development in the Central Design District and ~~Mixed-Use Commercial Overlay District~~, which may be less than the minimums provided below.

[...]

TDC 73A.300. - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone**:

[...]

TDC 73A.400 – Mixed Use Commercial Design Applicability; Exceptions.

- (1) Applicability. The mixed-use design standards apply to:**
 - (a) New buildings in the Mixed-Use Commercial (MUC) zone.**
 - (b) Expansion or substantial exterior remodeling of existing nonresidential development in the Mixed-Use Commercial (MUC) zone which is greater than fifty (50) percent of the building's gross floor area or alters any façade visible from a public or private street frontage by more than fifty (50) percent.**
- (2) Exceptions: The City Manager may allow exceptions to these standards as determined through the Architectural Review process, if the physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.**

TDC 73A.410 - Mixed Use Commercial Design Standards.

The following are the minimum standards for development in the Mixed-Use Commercial zone.

- (1) Walkways. Mixed-Use Commercial development must provide walkways as follows:**
 - (a) Walkways must be a minimum of six feet in width;**
 - (b) Walkways must be constructed with scored concrete or modular paving materials;**
 - (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
 - (d) Walkways must be continuous and connect all building entrances within the development to one another and to: all public streets or private access abutting the site; all parking areas, storage areas, recreational facilities and common areas associated with the development; and adjacent development, transit stops, and public greenways and parks; and**
 - (e) Walkways must provide connection to an abutting street every 200 linear feet of frontage.**
- (2) Parking Location. Parking for all Mixed-Use Commercial zone uses must be provided within garages or parking lots as follows:**

- (a) Parking and loading areas are prohibited between the public street and proposed building(s);
 - (b) Parking is allowed on the side or rear of proposed building(s). If located on the side, the parking area may not exceed 50 percent of the total frontage of the site;
 - (c) Parking must be setback a minimum of 50 feet from the front property line; and
 - (d) Parking required for residential uses must be provided on the development site of the primary structure.
- (3) Drive-up Uses. Drive-up uses must comply with the following:
- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
 - (i) Banks—Each lane must be 100 feet long;
 - (ii) Restaurants—Each lane must be 160 feet long; and
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.
 - (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
 - (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.
 - (d) The width and turning radius of drive-up aisles must be approved by the City.
 - (e) A wall or other visual or acoustic may be required by the City.
- (4) Adjacent to Transit. Mixed-Use Commercial development adjacent to transit must comply with the following:
- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.
 - (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
 - (v) Provide lighting at the major transit stop.
- (5) Building Location. Buildings must occupy a minimum of 50 percent of arterial and collector street frontages. Buildings must be located at public street intersections on arterials and collectors.
- (6) Building Design Standards. All development in the mixed-use commercial zone must meet the following building design standards.
- (a) Non-residential buildings and mixed-use buildings where 50 percent or less of the gross floor area of the building is residential must comply with the following:
 - (i) Ground floor windows. Street-facing elevations must include a minimum of 50 percent of the wall area with windows that allow views into working areas or lobbies,

pedestrian entrances, or display windows set into the wall. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

- (ii) **Building Facade.** Street-facing facades must extend no more than 50 feet without providing at least one of the following features:
 - (A) A variation in building materials;
 - (B) A building offset of at least one foot;
 - (C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade, or
 - (D) By other design features that reflect the building's structural system.
- (iii) **Weather Protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, must be provided at building entrances and extend a minimum of six feet over the sidewalk connection and must not obstruct or prevent the placement of street trees, tree canopies or other improvements within the public right-of-way. Weather protection is encouraged along building frontages abutting a public sidewalk.
- (iv) **Building Materials.** The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.
 - (A) **Exceptions.** Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.
- (v) **Roof Lines.** Except in the case of a building entrance feature, roofs must be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.
- (vi) **Roof-mounted Equipment.** Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.
- (b) **Residential-only, and mixed-use buildings where 50.1 percent or more of the gross floor area of the building is residential, must comply with the following:**
 - (i) **Front Facades.** All primary ground-floor common entries or individual unit entries must be oriented to the street, not to the interior or to a parking lot. The front facade of large structures must be divided into smaller areas or planes of 500 square feet or less. Trim must be used to mark all building roof lines, porches, windows and doors. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged, to create visual interest.
 - (ii) **Main Entrance.** Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.
 - (iii) **Unit Definition.** Each dwelling unit must be emphasized with a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Ground-level dwelling units must include porches with no dimension less than six feet and an area of at least 48 square feet.

- (iv) Building Materials.** The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.
- (A) Exceptions.** Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.
- (v) Roof Lines.** Roofline offsets must be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Offsets must be a minimum four foot variation, either vertically or horizontally, from the gutter line.
- (vi) Roof-mounted Equipment.** Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

TDC 73A.4500. - Industrial Design Standards.

TDC 73A.5600. - Institutional Design Standards.

The following standards are minimum requirements for institutional development in all zones, **with the exception of the Mixed-Use Commercial (MUC) zone:**

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones— Permitted Uses	None	None
(2) RL, RML, RMH, RH and RH/HR zones— Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
(4) CO, CR, CC, CG, MUC , ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed	22.5 percent of the total area to be developed
(6) Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable
* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.		

TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial uses **with the exception of those located in the Mixed-Use Commercial (MUC) zone,** must comply with the following:

[...]

TDC 73B.50 – Additional Minimum Landscaping Requirements for all uses in the Mixed Use Commercial Zone.

(1) General. In addition to requirements in TDC 73B.020, all uses within the Mixed-Use Commercial (MUC) zone, must comply with the following:

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped;

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

(b) A landscape area may be occupied by utilities, screening, sidewalks, bikeways; and

(c) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.

(2) Standards. The matrices in Tables 73B-1 and 73B-2 must be used in calculating widths of landscape buffer areas, as well as screening improvements to be installed between proposed uses and abutting uses. Landscape buffers are not required between abutting uses that are of a different type when the uses are separated by a street.

(a) Buffer. The minimum improvements within a buffer area must include landscaping and screening specified in Tables 73B-1 and 73B-2. Landscape improvements must meet the following specifications:

(i) At least one row of trees must be planted. Deciduous trees must be a minimum of two inches caliper at four feet in height and evergreen trees must be a minimum height of five feet high at the time of planting. Spacing for trees must be as follows:

(A) Small or narrow-stature trees, under 25 feet tall or less than 16 feet wide at maturity must be spaced not more than 15 feet apart;

(B) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity must be spaced not more than 30 feet apart;

(C) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, must be spaced not more than 30 feet apart.

(ii) At least ten, five-gallon shrubs or 20, one-gallon shrubs must be planted for each 1,000 square feet of required buffer area;

(iii) The remaining area must be planted in lawn or other living ground cover.

(b) Screening. Where screening is specified in Tables 73B-1 and 73B-2, the following standards apply, in addition to those required for buffering:

(i) The prescribed heights of required screening must be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements.

When the use to be screened is located downhill from the adjoining use, the prescribed heights of required fences, walls, or landscape screening must be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the City Manager, as a condition of approval. When steep grades make the installation of walls, fences, or landscaping to the required height impractical, a detailed landscape/screening plan must be submitted for approval.

(ii) A hedge of narrow or broad leaf evergreen shrubs must be planted which will form a four-foot high continuous screen within two years of planting; or

(iii) An earthen berm planted with narrow or broad leaf evergreen shrubs must be provided which will form a continuous screen of the height specified in Table 73B-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or

(iv) A fence or wall of the height specified in Table 73B-2 must be constructed of materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process and provide a continuous sight obscuring screen.

(A) Walls must be a minimum of six inches thick.

(B) Fence or wall height may not exceed three feet in height in a required front yard or six feet in height in required front yards adjacent to designated arterial or collector streets.

(C) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight-obscuring fence where required.

(D) An earthen berm and fence or wall combination must not exceed six-feet in height.

**Table 73B-1
Required Landscape Buffer Between Uses**

		<u>Proposed Improvement</u>				
		<u>Residential</u>	<u>Commercial</u>	<u>Institutional</u>	<u>Parking Lots 4-50 spaces</u>	<u>Parking Lots 50+ spaces</u>
<u>Abutting</u>	<u>Residential</u>	-	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>
	<u>Commercial</u>	<u>C</u>	-	<u>D</u>	-	-
	<u>Industrial</u>	<u>D</u>	<u>A</u>	<u>D</u>	-	-
	<u>Parking Lots</u>	<u>C</u>	-	-	-	-
	<u>Arterial Streets</u>	<u>A</u>	-	<u>A</u>	-	-

**Table 73B-2
Required Landscaping and Screening**

	<u>Options</u>	<u>Width (feet)</u>	<u>Trees (per linear feet of buffer)</u>	<u>Shrubs or Groundcover</u>	<u>Screening</u>
<u>A</u>	-	<u>10</u>	-	<u>Lawn/living groundcover</u>	-
<u>B</u>	-	<u>10</u>	<u>20' min/30' max spacing</u>	<u>Lawn/living groundcover</u>	-
<u>C</u>	<u>1</u>	<u>10</u>	15' min/30' max spacing	<u>Shrubs</u>	<u>4' hedges</u>
	<u>2</u>	<u>8</u>		<u>Shrubs</u>	<u>5' fence</u>
	<u>3</u>	<u>6</u>		<u>Shrubs</u>	<u>6' wall</u>
<u>D</u>	<u>1</u>	<u>20</u>	10' min/20' max spacing	<u>Shrubs</u>	<u>6' hedge</u>
	<u>2</u>	<u>15</u>		<u>Shrubs</u>	<u>6' fence</u>
	<u>3</u>	<u>10</u>		<u>Shrubs</u>	<u>6' wall</u>

TDC 73B.0560. - Additional Minimum Landscaping Requirements for Industrial Uses.

[...]

TDC 73B.0670. - Additional Minimum Landscaping Requirements for Institutional Uses.

[...]

TDC 73B.0780. - Minimum Landscaping Standards for All Zones.

[...]

TDC 73B.0890. - Minimum Standards Trees and Plants.

[...]

DRAFT

TDC 73C.230. – Mixed Use Commercial Parking Lot Landscaping Requirements.

Uses located within the Mixed Use Commercial zone must comply with the following landscaping requirements for parking lots in addition to those listed in TDC 73C.220.

(1)—Screening. Additional specifications for parking and loading area screening are as follows:

(a) Landscaped parking areas must include special design features which effectively screen the parking lot areas from public right-of-way view. These design features may include the use of landscaped berms, decorative walls and raised planters; and

(b)—Trees must be planted in landscaped islands in all parking areas, and must be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect.

TDC 73C.2340. - Industrial Parking Lot Landscaping Requirements.





[...]

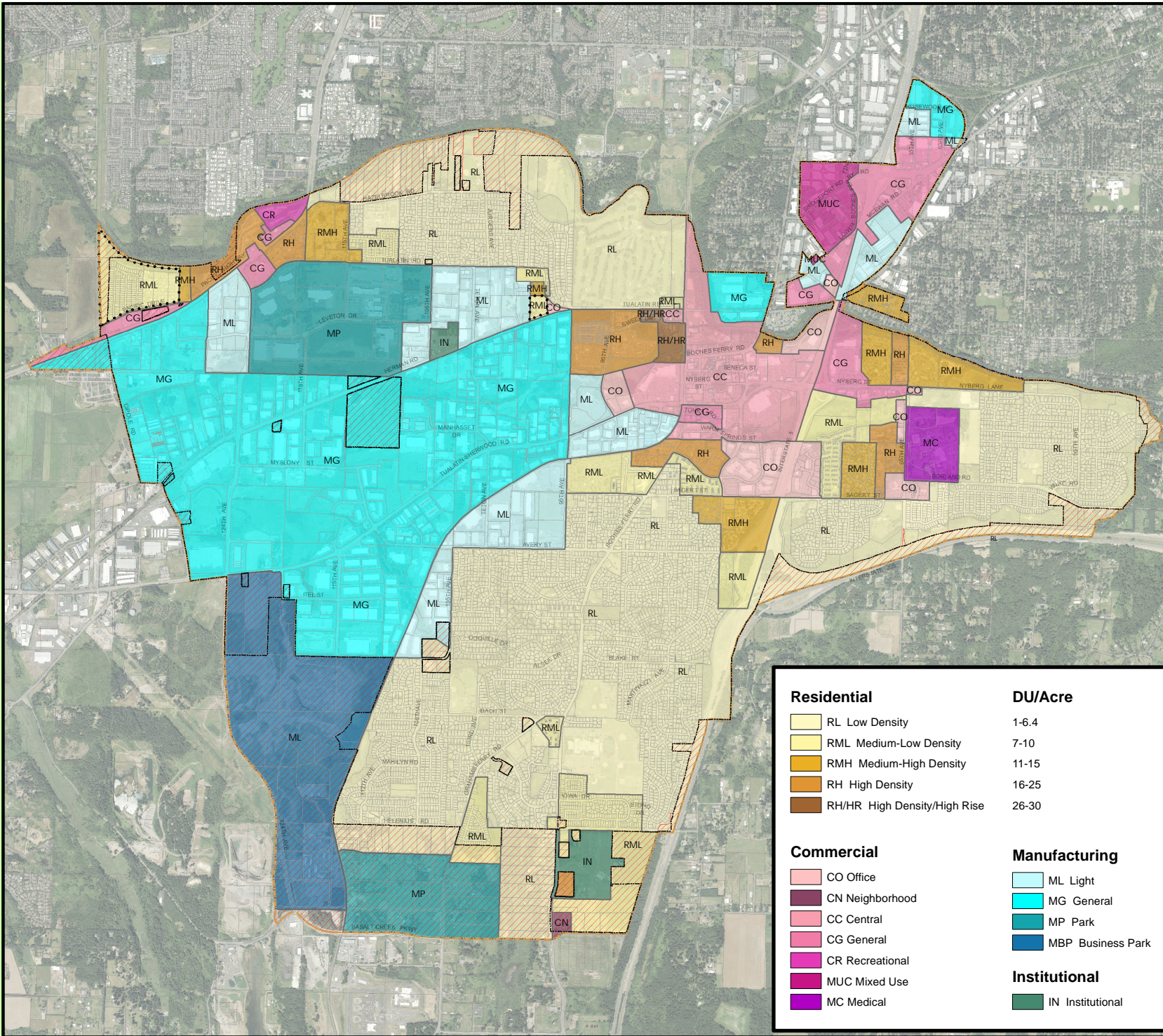
TDC 73C.2450. - Institutional Parking Lot Landscaping Requirements.


















[...]

NOTES:

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.

-  Planning Area Boundary
-  City Boundary
-  In Planning Area/
Outside of City
-  Manufactured Dwelling
Park Permitted



Residential		DU/Acre	
	RL Low Density	1-6.4	
	RML Medium-Low Density	7-10	
	RMH Medium-High Density	11-15	
	RH High Density	16-25	
	RH/HR High Density/High Rise	26-30	
Commercial		Manufacturing	
	CO Office		ML Light
	CN Neighborhood		MG General
	CC Central		MP Park
	CG General		MBP Business Park
	CR Recreational		IN Institutional
	MUC Mixed Use		
	MC Medical		



RF 1:38,000

Effective: TBD



June 8, 2020

**Analysis and Findings for
PTA 20 -0001 PMA 20-0001**

Project:	Mixed Use Commercial District Updates
Applicant:	City of Tualatin

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 9 and 12 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

The City requests consideration of a Plan Text and Map Amendment (PTA 20-0001/PMA 20-0001) that would establish a Mixed Use Commercial District, which would be applied in the Durham Quarry Area, also known as the Bridgeport Village Area, which is currently subject to the provisions of the Mixed Use Commercial Overlay Zone (Chapter 57 of the Development Code). The updates also include a maximum building height increase from 70 to 100 feet in a limited geographic area, further limited to mixed use commercial/commercial lodging uses. The District would be applied to all lots eligible for the existing MUCOD designation. This area is located to the south and east of the boundary shared with Tigard, west of Interstate 5, and north of SW Lower Boones Ferry Road. The proposed amendments would facilitate development of vacant land and foster economic growth in the Bridgeport area.

C. Site Description and Surrounding Uses

Surrounding uses include a variety of commercial and residential uses:

North: City of Tigard

- Movie theater

South: General Commercial (CG)

- SW Lower Boones Ferry Road
- Providence Medical Group- Center for Medical Imaging

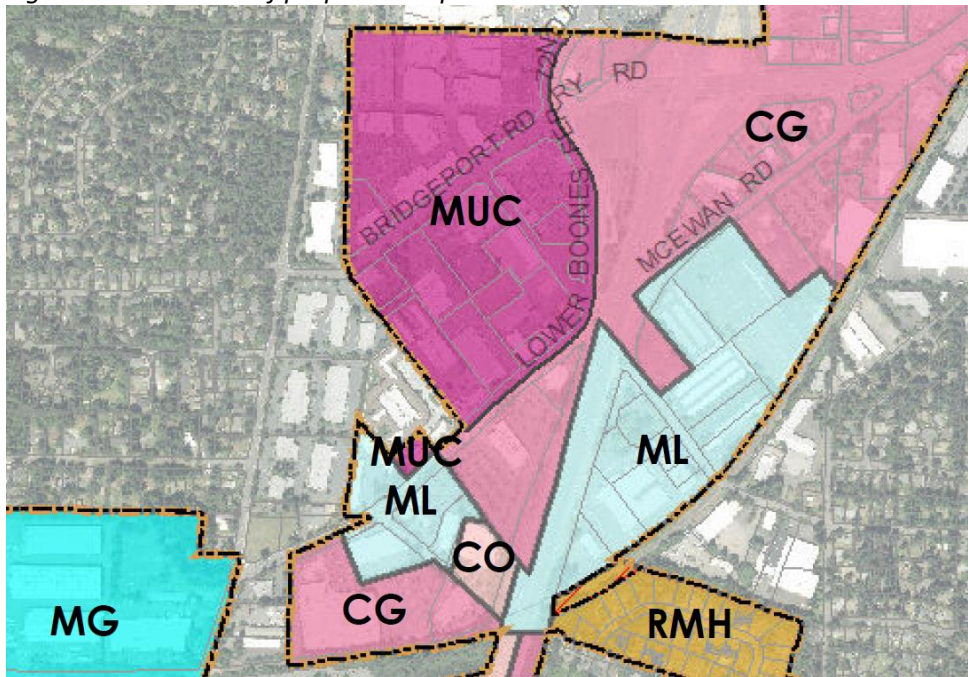
West: City of Tigard

- Business Parks

East: General Commercial (CG)

- Trimet Park and Ride
- Interstate 5

Figure 1: Aerial view of proposed map amendment area



D. Exhibit List

1. Transportation Planning Rule (TPR) Memorandum

II. FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The Tualatin Planning Commission held a public meeting on May 21, 2020, at which, an opportunity for public input was provided. The Planning Commission considered the proposed amendments, and forwarded a recommendation of approval of said amendments. The Planning Commission is an advisory body to the City Council, which was created to satisfy Goal 1 Public Involvement requirements. The Tualatin City Council will hold a hearing on the proposed amendments on June 8, 2020, at which an additional opportunity for public input will be provided. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

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.

[...]

Finding:

The proposed amendments has been reviewed pursuant to the City's established land use planning process and procedures, including its acknowledged Comprehensive Plan, and adopted Development Code. The proposed amendments conform to Goal 2.

Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource

Finding:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660- 023-0250. The proposed amendments do not modify the acknowledged Goal 5 resource list, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

The proposed Plan Amendments will establish a new Mixed Use Commercial District that will bring compatible land uses closer together to make more efficient use of land and urban services. Permitted uses in the Mixed Use Commercial zone include housing, commercial, and offices uses. Development of needed housing close to jobs and services allows for reduced vehicle trips and greenhouse gas emissions. These changes will continue to preserve environmentally sensitive lands. The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and

CWA Section 404 water of the state and the country respectively. Clean Water Services (CWS) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources. The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

The proposed amendments do not affect policies associated with Goal 7 established by the Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the requirements of the Chapters 70 and 72 of the Tualatin Development Code, which address development in hazard areas, such as the FEMA floodplain. The proposed amendments conform to Goal 7.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

[...]

Finding:

The proposed amendments would facilitate compact development with multiple compatible uses commonly found within main streets, downtowns, and neighborhood commercial centers which will facilitate an increase in economic opportunities. The proposed amendments conform to Goal 9.

Goal 10 – Housing

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. This density is comparable to the High Density/High Rise (26-30 units an acre) district and will permit the greatest density in Tualatin. Additionally the amendments support the key findings and goals of the Housing Needs Analysis that was adopted on December 9, 2019 which calls for an additional 456 multi-family units (or 45% of supply) by 2040. Tualatin currently has a small deficit of land for higher density single-family and multifamily housing; therefore the proposed amendments will support and conform to Goal 10.

Goal 11 – Public Facilities and Services

Finding:

Land within the City of Tualatin is adequately served by public facilities and services. The amendments encourage compact development and efficient use of existing urban services and facilities, as an alternative to extending new facilities. The proposed amendments conform to Goal 11.

Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding:

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. The proposed amendments will foster compact, pedestrian oriented

development and are consistent with the City's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 the Transportation Planning Rule (TPR), the findings for which are found under Oregon Administrative Rules Chapter 660, Division 12. The proposed amendments conform to Goal 12.

B. Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)

[...]

660-007-0030

New Construction Mix

(1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances. Factors to be considered in justifying an alternate percentage shall include, but need not be limited to:

- (a) Metro forecasts of dwelling units by type;**
- (b) Changes in household structure, size, or composition by age;**
- (c) Changes in economic factors impacting demand for single family versus multiple family units; and**
- (d) Changes in price ranges and rent levels relative to income levels.**

(2) The considerations listed in section (1) of this rule refer to county-level data within the UGB and data on the specific jurisdiction.

[...]

660-007-0035

Minimum Residential Density Allocation for New Construction

The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing:

[...]

(2) Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density of eight or more dwelling units per net buildable acre.

[...]

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. Tualatin's 2019 HNA identified a deficit of capacity for about 101 dwelling units of high density residential zoning, which the proposed amendments would help to address. Detached single-family residential is a prohibited use in the existing MUCOD and proposed MUC District. These criteria are met.

OAR 660 Division 12 (Transportation Planning)

[...]

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule,

unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

- (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**
- (B) The providers of facilities being improved at other locations provide written statements of approval; and**
- (C) The local jurisdictions where facilities are being improved provide written statements of approval.**
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**
- (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**
- (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**
- (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**
- (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**
- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**
- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within

a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

- (A) An existing central business district or downtown;**
- (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;**
- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or**
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.**
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:**
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:**
 - (i) Medium to high density residential development (12 or more units per acre);**
 - (ii) Offices or office buildings;**
 - (iii) Retail stores and services;**
 - (iv) Restaurants; and**
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.**
 - (B) Generally include civic or cultural uses;**
 - (C) A core commercial area where multi-story buildings are permitted;**
 - (D) Buildings and building entrances oriented to streets;**
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;**
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;**
 - (G) One or more transit stops (in urban areas with fixed route transit service); and**
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.**
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks,**

bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect

transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

[...]

Finding:

As identified in the provided Transportation Planning Rule (TPR) memorandum (Exhibit 1), the trip generation potential for application of the Mixed Use Commercial zoning district to the Bridgeport area was calculated using site redevelopment assumptions for a reasonable worst-case use and ITE trip generation rates. Applying the reasonable worst case scenario to the proposed MUC zoning site, the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips. The location and accessibility of the proposed zoning district from various existing roads that connect to the broader transportation system (Bridgeport Road, Lower Boones Ferry Road, Upper Boones Ferry Road) and trip distribution to each, would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are not likely to create a significant effect on the transportation system and TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and transportation planning rule analysis to evaluate the impacts to the existing transportation system. These criteria are met.

D. Tualatin Comprehensive Plan

Chapter 11. Transportation

Section 11.610. Transportation Goals and Objectives

(2) Goal 1: Mobility and access

Maintain and enhance the transportation system to reduce travel times, provide travel-time reliability, provide a functional and smooth transportation system, and promote access for all users.

Finding:

As addressed in the finding above and in Exhibit 1, the reasonable worst case scenario of the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips and would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are deemed to not create a “significant” effect on the adjacent transportation system and, therefore, TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and corresponding transportation planning rule analysis to evaluate the impacts to the

existing transportation system. The proposed amendments have been determined to be in compliance with OAR Chapter 660 Division 12 and therefore, comply with the above goal. This criterion is met.

(3) Goal 2: Safety, improve safety for all users, all modes, all ages, and all abilities within the City of Tualatin.

Finding:

The proposed amendments include design standards that promote human scale building development for aesthetic appeal and comfort. The amendments also encourage the development of multifaceted environments by permitting a variety of uses including housing alongside office centers, shopping, parks and entertainment amenities that generate a community presence throughout the day and thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. This criterion is met.

(4) Goal 3: Vibrant Community. Allow for a variety of alternative transportation choices for citizens of and visitors to Tualatin to support a high quality of life and community livability.

Finding:

The proposed amendments include standards that support compatible uses, human scale development, buildings and entrances oriented to street sidewalks, weather protection, and provide maximum setbacks to create desirable pedestrian experience. The amendments also include standards for transit stop amenities in designated areas. The area is also adjacent to the planned terminus of the SW Corridor Light Rail Line. The development of compatible land uses close together will encourage shorten trips and facilitate alternative modes of transportation, such as walking, bicycling and public transportation. This criterion is met.

(5) Goal 4: Equity. Consider the distribution of benefits and impacts from potential transportation options, and work towards fair access to transportation facilities for all users, all ages, and all abilities.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. Further, the existing and future mix of pedestrian, bicycle, transit, ridesharing, and vehicular modes of transportation are also supportive of equity in that they provide the opportunity for equitable access to the area, which includes entertainment, recreation, employment, and housing opportunities. This criterion is met.

(6) Goal 5: Economy. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.

Finding:

The proposed amendments allow for a mix of complimentary land uses including housing, retail, offices, commercial services, and civic uses to create economic and social vitality. Co-locating residential uses on or adjacent to employment lands both provides built-in local business customers that will support the district's economic base, as well as nearby potential business owners, sole proprietors, and employees. This criterion is met.

(7) Goal 6: Health/Environment. Provide active transportation options to improve the health of citizens in Tualatin. Ensure that transportation does not adversely affect public health or the environment.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. As discussed above, the area is also served by both pedestrian and bicycle facilities, which provide for active transportation options. This criterion is met.

(8) Goal 7: Ability to Be Implemented. Promote potential options that are able to be implemented because they have community and political support and are likely to be funded.

Finding:

The proposed amendments have been duly noticed to the affected property owners, the public, and partner agencies and governments via the means proscribed in the Tualatin Development Code, as well as having been posted to the City's website. The Tualatin Planning Commission, the advisory body to the City Council, have reviewed the proposed amendments and have forwarded a recommendation of approval of said amendments. Lastly, the proposed amendments have been presented in draft form to the Tualatin City Council, which has provided its support. This criterion is met.

E. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC [Chapter 32](#).

Finding:

The proposed text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject amendments at the February 24, 2020 work session. A pre-adoption noticed was filed with DLCD on April 30, 2020, 39 days before the scheduled hearing. Measure 56 notices were mailed to affected property owners on May 4, 2020, 35 days before the scheduled hearing. Public notice was mailed on May 25, 2020, 14 days before the scheduled hearing and published in The Times 14 calendar days before the hearing. This criterion is met.

[...]

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

The Tualatin Comprehensive Plan and Development Code implement the Oregon Statewide Planning Goal 2. These documents help create predictable development outcomes. Creating a Mixed Use Commercial District (MUC) will provide development standards to foster vibrant, pedestrian-friendly areas within Tualatin that permit a variety of housing, commercial, and entertainment options. Approval of the proposed amendments would facilitate mixed-use development opportunities, which will increase economic opportunities and the property tax base. The proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial lodging uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. Therefore, these changes are in the public interest by both supporting vibrant, pedestrian-friendly areas while at the same time ensuring that the transportation system is adequate for multiple modes of transportation. In sum, the proposed Plan Text and Map Amendment to establish the MUC District is therefore consistent with the public interest. This criterion is met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

As stated in previous findings, the proposed amendments will benefit the Tualatin community and public interest. In summary, the proposed Mixed Use Commercial District and corresponding design standards encourage efficient use of land resources by permitting compatible uses at a human scale design that is pedestrian friendly. Presently, Tualatin does not have a zoning district that permits both multifamily residential and commercial uses outright, without the use of an overlay zone. Mixed use residential development as a present need is supported by the community, Planning Commission, and City Council, as well as by the Housing Needs Analysis done in 2019. Due to the fact that private development would be the final step in realization of these uses, which can take several years from concept to construction, granting the proposed amendments at this time is necessary to facilitate mixed use development as soon as possible, in the future. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

Below is a summary of how the proposed amendments to create a Mixed Use Commercial zoning district conform to applicable objectives of the Tualatin Community Plan:

Chapter 4 of the Tualatin Community Plan speaks to General Growth Objectives: encourage the highest quality physical design for future development, adopt measures protecting life and property from natural hazards, and arrange the various land uses in a manner that is energy efficient. All development in Tualatin is subject to an Architectural Review process to ensure community objectives and standards are fulfilled. The proposed amendments include standards to promote quality, efficient, and safe land development in support of Chapter 4.

Chapter 5 speaks to Residential Growth Objectives: provide for the housing needs of existing and future City residents, provide housing opportunities for residents with varied income levels, and develop specific and enforceable design standards for multi-family developments. The proposed amendments permit multi-family housing at a high density with corresponding design standards in support of Chapter 5.

Chapter 6 speaks to Commercial Planning Objectives: provide shopping opportunities for surrounding communities, locate and design commercial areas to minimize traffic congestion and maximize access, and continue to utilize specific and enforceable architectural and landscape design standards for commercial development. The proposed amendments permit both multi-family housing and commercial uses in the zoning district to provide shopping for local residents. Pedestrian friendly design standards are also included for the site, building, and landscaping.

Chapter 10 speaks to Community Design Objectives: encourage originality, flexibility and innovation in site planning and development, and achieve the beneficial influence of pleasant environments for living and working and thus decrease the cost of governmental service. The proposed amendments support efficient land development while providing flexible design standards. This criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing as a compliment to existing City characteristics, as found in the proposed area. The standards encourage the development of compatible uses, such the development of multi-family housing above or adjacent to retail, office, and entertainment uses. The standards also encourage an environment that is pedestrian friendly. Lastly, provisions are included, such that substantial improvements to existing development may be brought into conformance with the Mixed Use Commercial standards, when the zone is applied to future areas. This criterion is met.

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

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing. This zone will be applied to the Bridgeport area, where the Mixed Use Commercial Overlay District is currently applied or is eligible for application. The Bridgeport area is developed with strong commercial cores, such as the Bridgeport Village and the Point; is well served by transit and has been identified as the terminus for the future SW Corridor Light Rail project; and has existing multi-family housing such as the Eddyline Apartments. As discussed above, the proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial recreation uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase

in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. This criterion is met.

(iii) Trends in land improvement and development;

Finding:

The Portland metro area is one of the fastest growing regional economies over the past decade, with output and job creation rising faster than national benchmarks. However this growth has brought challenges along the way, including: housing prices outpacing average and median wages, lack of multimodal transportation infrastructure, rising travel times, and regional highway congestion¹. These challenges are directly related to the built environment policy.

The Mixed Use Commercial amendments create policy that support efficient development in response to the rapidly growing metro region. The standards permit compact, human-scale development of complimentary retail, office, high-density housing, and entertainment uses to create neighborhoods in Tualatin where one could work, shop, and recreate within walking distance of their home. This criterion is met.

(iv) Property values;

Finding:

The proposed amendments establish a Mixed Use Commercial zoning district. There are numerous economic benefits to adopting planning regulations that foster mixed-use development. Studies show a clear connection between walkable environments and the economic viability of a town. As a community becomes denser, municipalities gain more tax revenue per acre than before development. Smart Growth America² has concluded that, on an average per-acre basis, mixed-use development produces 10 times more tax revenue than conventional suburban development. This criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

Finding:

Savings can be expected when standards promote compact development and there is a decreased need to design, construct, and maintain infrastructure for transportation systems, water and waste water, electric, telecommunications, and other utilities. Smart Growth America² states that mixed-use development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure. Mixed-use development also often uses existing infrastructure, further lowering upfront capital costs. Chapters 74 and 75 of the Tualatin Development Code address site ingress/egress; no amendments to these Chapters are included under PTA & PMA 20-0001. This criterion is met.

(vi) Natural resources of the City and the protection and conservation of said resources;

¹ The Brookings Institute, Portland Economic Value Atlas, May 2019. https://www.brookings.edu/wp-content/uploads/2019/05/2019.05.21_Brookings-Metro_Portland_Market-Scan.pdf

² Smart Growth America, Building Better Budgets, May, 2013. <https://www.smartgrowthamerica.org/app/legacy/documents/building-better-budgets.pdf>

Finding:

Natural resources are identified and protected through applicable regulations of the TDC, and protection and conservation of said resources is implemented by the City, as well as Clean Water Services. No amendments are proposed that would affect the protection and conservation of natural resources. However amendments are proposed to positively impact the environment through the creation of a zoning district that reduces sprawling development patterns and provides an area where residents may live and walk to work to reduce car usage. This criterion is met.

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

No development of natural resources is proposed as part of the proposed amendments. This criterion is not applicable.

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and

Finding:

As mentioned previously, the proposed amendments promote buildings oriented close to the street, interesting storefronts, sidewalk arcades with seating, and architectural detailing that create lively and desirable surroundings in the newly proposed Mixed-Use Commercial zone. These standards provide pedestrian comfort that generate a community presence throughout the day, thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. Therefore, the public need for healthful, safe, aesthetic surroundings and conditions will best be served by granting the amendments at this time. This criterion is met.

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Finding:

The proposed amendments does not result from a mistake in the Tualatin Community Plan or Development Code; however staff has observed that the existing Mixed Use Commercial Overlay District functions more as a zoning district than overlay. The amendments to create a stand-alone district that may be applied to other areas of City, through future plan map amendments, as neighborhood areas change. This criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The amendment permits multi-family residential uses. The Tualatin School board was notified of the amendments and has not provided commentary. This criterion is met.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

Findings addressing the applicable Oregon Statewide Planning Goals and TPR have been addressed above. This criterion is met.

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

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

Title 1 – Housing Capacity: requires a city or county maintain or increase its housing capacity

The proposed amendments create a Mixed-Use Commercial zone that permits multi-family housing at 25-50 units an acre. The highest density presently mapped in Tualatin is High Density/ High Rise that permits 26-30 units an acre outright. The amendment encourages an increase in housing capacity.

Title 2 – Regional Parking Policy: repealed

Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters.

Title 4 – Industrial and Other Employment Areas: promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other

The Mixed-Use Commercial amendments permit the clustering of compatible commercial and residential uses. The MUC zone is being applied to an area that is not surrounded by land designated Industrial or Regionally Significant Industrial Area and will not diminish capacity on Regional Freight Network and will remain in compliance with this title.

Title 5 - Neighbor Cities and Rural Reserves: repealed

Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments

The proposed Mixed-Use Commercial amendments permit a compatible mix of uses and standards to encourage vibrant and walkable development patterns, in compliance with this title. The central Tualatin core has been designated a town center and station community within Title 6. The subject amendments do not include mapping the MUC zone in the town center area at this time.

Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments

The proposed amendments permit multi-family housing at 25-50 units an acre on mixed-use property, which has the potential to aid in affordable housing production goals.

Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on April 30, 2020- 39 days before the scheduled hearing.

Title 9 – Performance Measures: repealed

Title 10 – Definitions

Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB

The MUC zone is not being proposed on land eligible for annexation into the City of Tualatin; therefore amendments do not affect planning areas outside of the UGB.

Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services

As addressed previously, the proposed amendments include design standards that promote human scale building development that is walkable. A variety of compatible uses are permitted to generate lively areas that create opportunities for people to observe the space around them for their own safety and the protection of others. Additionally mixed-use development often uses existing infrastructure, further lowering upfront capital costs.

Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application.

Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB

No amendments are proposed to the UGB under this application.

- (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.**

Finding:

The subject site is outside of the Town Center 2040 Design Type area. As identified in the Transportation Impact Analysis (Exhibit 1), the proposed amendment would facilitate additional trip generation in a LOS of D or greater for the weekday PM peak hour, at the nearby study intersections. This criterion is met.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

Finding:

The subject site is presently served with utilities such as potable water, sanitary sewer, and stormwater management. Future structure development on the site will require approval of an Architectural Review land use application, at which time these issues will be addressed in greater detail. This criterion is met.



720 SW Washington St., Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

MEMORANDUM

DATE: October 9, 2019
TO: Steve Koper, City of Tualatin
FROM: Garth Appanaitis, PE
SUBJECT: Bridgeport Village Transportation Planning Rule Analysis

The purpose of this memorandum is to address Oregon Administrative Rule (OAR) 660-012-0060, Transportation Planning Rule (TPR), requirements for a planned text amendment that includes five parcels in Tualatin, Oregon. The planned text amendment would include the parcels (8.18 total acres) in the Mixed Use Commercial Overlay District (MUCOD) and would allow for an increased building height up to 100 feet for residential or commercial lodging uses.

TPR OVERVIEW

The TPR provides a means for ensuring that future land use and traffic growth is consistent with transportation system planning. The TPR requires that a change of allowable land uses do not create a significant impact on the transportation system beyond currently allowed (planned) uses. The TPR can be addressed through a variety of means, but typically compares the change in trip potential (simply trip generation or traffic impacts) between the allowed use (existing zoning) and proposed use (proposed zoning). In many cases the reasonable worst-case use (for either the existing or propose zoning) will not reflect the actual existing use for a site or the specific use that may ultimately be developed on a site. Rather, the reasonable worst case considers the allowed trip potential for either zoning condition and is rarely development specific (e.g., no site plan, nor intent to use the site for that purpose). In some cases, a “trip cap” or limit to the maximum trips generated by a site will be imposed with a change in zoning in order to limit the future trip potential while still allowing for the intended development.

SITE TRAFFIC POTENTIAL

The subject parcels¹ are in the southeast quadrant of SW Bridgeport Road/ SW Upper Boones Ferry Road in the Bridgeport Village area, shown in Figure 1. The area is the location of a former gravel quarry pit that was backfilled until around 2002². The site is currently zoned as General Commercial (CG) which allows for a maximum structure height of 45 feet (generally up to 4 stories)³.

For purposes of the TPR analysis, the existing uses on the site are ignored and redevelopment options reasonably allowed within zoning designations are considered. The amount of square footage evaluated is dependent on the uses assumed throughout trip generation calculations, the floor to area ratio (FAR) applicable to each use, and the number of stories assumed for the subject area in question.

¹ <https://www.tualatinoregon.gov/planning/zoning-map-interactive-viewer>

² <https://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=3791>

³ <https://www.tualatinoregon.gov/developmentcode/tdc-chapter-54-general-commercial-zone-cg>



Figure 1: MUCOD Designation and Parcel Locations

Existing Zoning (CG) Traffic Potential

The existing CG zoning allows several uses, including commercial, industrial, institutional, and infrastructure and utilities use³. The designation’s stated purpose in the Development Code is to “...provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access...” Within the Tualatin development code, there is a condition that all retail sales and services are subject to TDC 54.210(1) which states that if located on land designated employment area, corridor, or industrial on Map 9-4, uses in the following categories must not be greater 60,000 square feet of gross floor area per building⁴. As shown in Figure 2, the parcels are located within Employment Area design type and therefore subject to the 60 ksf maximum for retail uses for each use/building. Therefore, a gross floor area of 178 ksf is assumed, which would account for approximately three retail structures (up to 60 ksf each), or approximately a two-story coverage on a 25 percent building footprint⁵.

⁴ https://www.tualatinoregon.gov/sites/default/files/fileattachments/developmentcode/3513/map_9-4_design_type_boundaries.pdf

⁵ 8.18 acres * 43,560 ft/acre * 25% footprint coverage * 2 stories = 178 ksf

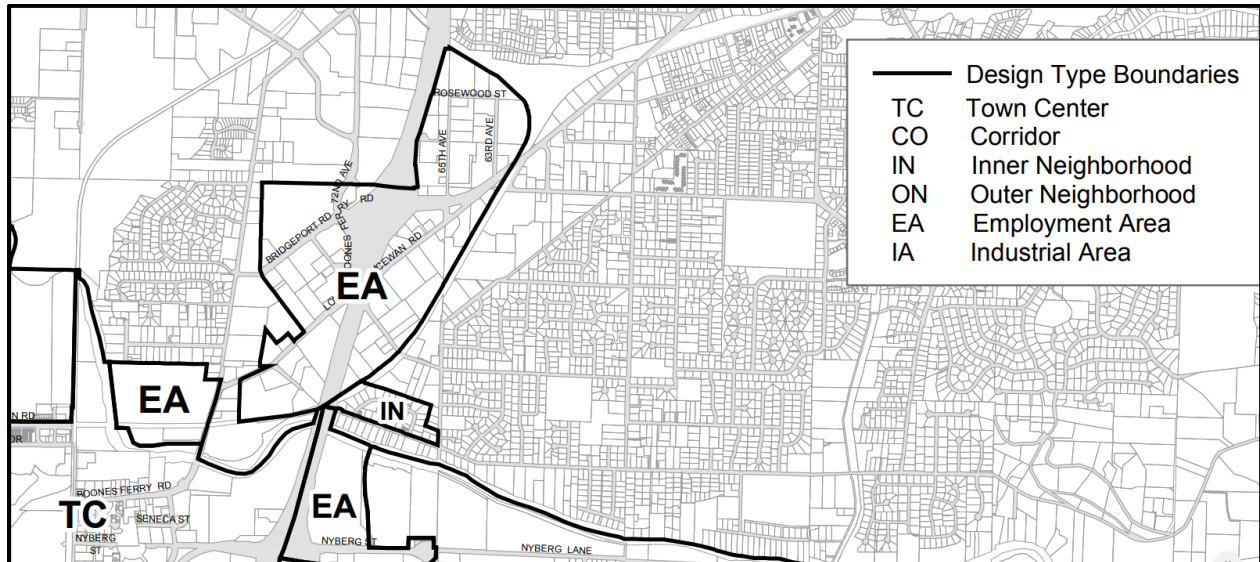


Figure 2: Tualatin Development Code Map 9-4 Designates the Subject Area Location as Employment Area

ITE Trip Generation, 10th Edition was used to estimate traffic potential for allowed uses. Under the existing CG zoning, a mix of retail uses would likely occur, and ITE Code 820 Shopping Center was used to approximate retail vehicle trips. The 178 ksf would generate approximately 3.81 trips/ksf during the weekday p.m. peak hour, or approximately 448 net new trips⁶.

Proposed Zoning (MUCOD) Traffic Potential

The subject area’s inclusion in the MUCOD via a Planned Text Amendment allows commercial and residential mixed uses. The purpose of the MUCOD is to allow flexibility in uses⁷. According to 57.050(2)(e)(iii) the maximum structure height allowed is 50 feet (assumed 4 stories) due to the subject area’s location within the MUCOD district.

According to 57.050(2)(h)(i) the minimum FAR to be used is 0.5 for non-residential development and mixed-use development that includes a residential component. The 60 ksf maximum for retail uses present under the CG zoning condition would no longer apply. However, the reasonable worst case of 178 ksf retail floor space (2-stories on 25% lot coverage) is not expected to increase.

100-Foot Maximum Building Height for Limited Uses

The MUCOD designation would allow similar uses as the CG designation, with varying limitations on height and floor area, as noted. However, the potential for additional height (up to 100 feet) for these uses, which include commercial lodging and multi-family residential uses was also explored. Residential uses are currently limited to a maximum density of 50 units per acre for residential-only projects.⁸ In order to allow the benefits of mixed-use development and limit overall density impacts, it is assumed that the

⁶ 8.18 acres * 0.25 footprint coverage * 2 stories * 3.81 trips/ksf = 679 trips with 34% passby reduction = 448 net new trips

⁷ <https://www.tualatinoregon.gov/developmentcode/tdc-chapter-57-mixed-use-commercial-overlay-district>

⁸ Tualatin Development Code, 57.050.2.h.iii

maximum density of 50 residential units per acre would also apply for structures that exceed 50 feet. Therefore, the allowed reasonable worst-case use for the MUCOD designation and a 100-foot building height would include:

- 178 ksf retail (ITE 820 Shopping Center)
- 409 apartment units⁹ (ITE 231 Mid-Rise Residential with 1st-Floor Commercial)¹⁰

The 409 apartments would generate approximately 147 total weekday p.m. peak hour vehicle trips. However, the overall additional vehicle trips generated by additional residential use would be limited by the internal trip capture between retail and residential uses. Using ITE data and methodology to account for internal trip reduction would reduce external trips ends to/from the residential and retail uses by approximately 92 trips during the weekday PM peak hour as listed in Table 1.

Table 1: Trip Generation for CG and MUCOD Zoning with Adjusted Height Limitations (Weekday PM Peak Hour)

Use	Units	Trips (Total)	Trips (In)	Trips (Out)
Existing CG Zoning				
Retail (ITE 820)	178 ksf	448	215	233
MUCOD w/ Adjusted Height Limitations				
Retail (ITE 820)	178 ksf	448	215	233
Internal Reduction (Retail)		-46	-14	-32
Residential (ITE 231)	409 units	147	103	44
Internal Reduction (Residential)		-46	-32	-14
MUCOD Subtotal (External Trips)		497	262	235
Net Change (MUCOD Subtotal minus CG)		+49	+47	+2

As listed in Table 1, the proposed text and map changes have the potential to add approximately 49 additional vehicle trips to the external street system during the weekday p.m. peak hour. If built to the full development potential, these trips would likely distribute to the connecting transportation system (Boones Ferry Rd, Upper Boones Ferry Road, and Lower Boones Ferry Road) and would not likely increase peak

⁹ 8.18 acres * 50 residential units/acre

¹⁰ Commercial lodging (ITE 310 Hotel) would not generate more vehicle trip potential than the allowed residential maximum density unless the total number of rooms exceeded 245. However, a nominal increase in room and trips beyond this total is not likely to trigger a significant effect. For proposed commercial lodging uses that would exceed 300 total rooms in the subject area, a traffic study may be required through the development review process to identify potential impacts to the transportation system.

hour vehicle trips for any individual movement by more than 20 vehicles. Therefore, the reasonable likely uses would not create a significant effect on the transportation system.

FINDINGS

A text amendment that includes the subject parcels in the MUCOD and a 100-foot building height¹¹ would increase the highest trip generation potential during the weekday p.m. peak hour by approximately 49 net new vehicle trips¹². Given the site location and accessibility from various existing roads that connect to the broader transportation system (Bridgeport Road, Lower Boones Ferry Road, Upper Boones Ferry Road) and trip distribution to each, as well as the balanced directional flows of retail uses, the change would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the text amendment is not likely to create a significant effect on the transportation system and TPR requirements are addressed.

¹¹ The 100-foot building height allowance is assumed to include the following restrictions: 1) One floor may be occupied by retail, office, or uses other uses allowed in the MUCOD. Additional floors (or floor area beyond the gross building footprint) are limited to residential and/or commercial lodging uses. 2) Residential uses are subject to the maximum density of 50 units/acre.

¹² 275 trips with MUCOD - 206 trips with CG = 69 trip increase