



TUALATIN CITY COUNCIL MEETING

MONDAY, MARCH 08, 2021

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Nancy Grimes
Councilor Valerie Pratt Councilor Bridget Brooks
Councilor Maria Reyes Councilor Cyndy Hillier
Councilor Christen Sacco

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, March 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: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 5:30 p.m. (30 min) - Stormwater Master Plan – Basalt Creek.** Staff will present information and options for moving forward with stormwater master planning for the Basalt Creek area.
 - 2. 6:00 p.m. (30 min) – 2021 City Council Advance Debrief.** The City Council and Executive Management Team met on January 29 and 30 to review accomplishments from 2020, discuss priorities for 2021, revisit the 2030 vision, and discuss how to work together effectively. Tonight, the Council will review the work that was done at the January Advance.
 - 3. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the March 8th City Council meeting and brief the Council on issues of mutual interest.
-

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Moment of silence for those who have lost their lives to COVID-19

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 City Council Work Session and Regular Meeting Minutes of February 22, 2021
- [2.](#) Consideration of Approval of Late Liquor License Renewals for 2021
- [3.](#) Consideration of Approval of a New Liquor License Application for Tiny Wolf Brewing, LLC

Special Reports

- [1.](#) Quarterly Financial Report- 2nd Quarter of FY 2020-21

Public Hearings - Quasi-Judicial

- [1.](#) Consideration of a Plan Map Amendment and Plan Text Amendment modifying Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code, amending the designated boundaries of Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones for parcels located at Tax Map 2S135D, Lots 400, 401, 500, and 501 (File No. PMA 20-0002 and PTA 20-0005).

General Business

- [1.](#) Consideration of **Ordinance No. 1455-21** An Ordinance Repealing Ordinance No. 1453-21

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.

Council Communications

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.

INTEROFFICE MEMORANDUM

TO: SHERILYN LOMBOS, CITY MANAGER

FROM: KIM MCMILLAN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: BASALT CREEK STORMWATER ANALYSIS

DATE: FEBRUARY 18, 2021

CC: STEVE KOPER, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR
SEAN BRADY, CITY ATTORNEY

The City's current Stormwater Master Plan is from 1972. In 2016, the City embarked on updating the Stormwater Master Plan with the goal of replacing the outdated 1972 Stormwater Master Plan. The 2016 process culminated in the 2019 Stormwater Master Plan update. The 2019 Stormwater Master Plan update did not address the Basalt Creek area because the Stormwater Master Plan process began before the Basalt Creek expansion area and Concept Plan was approved. Given the outdated nature of the existing 1972 Stormwater Master Plan, Staff proposed adopting the 2019 Stormwater Master Plan update, despite it not including Basalt Creek. This was opposed by some existing residents in the Basalt Creek area.

The Council then directed staff to propose an approach to add the Basalt Creek area to the City's Stormwater Master Plan. The following describes an approach to include the City's urban planning areas:

1. Partner with Clean Water Services, Washington County, and the City of Wilsonville to study and coordinate stormwater needs.
2. Hire a consultant to assist the City with stream assessments, to establish baseline assessment of existing physical stream conditions, and identify existing problem areas such as locations of channel instability or excessive erosion. Brown & Caldwell is the consultant the city engaged for the 2019 Master Plan. Brown & Caldwell is also working with Wilsonville to initiate their city-wide stormwater master planning effort, which will also include Wilsonville's portion of the Basalt Creek basin.
3. Work with Clean Water Services in its current effort in sub-basin planning throughout the County to help identify whether the Basalt Creek basin warrants specialized stormwater management approaches.
4. Mapping or planning-related deliverables for Basalt Creek basin may include:
 - a. A drainage map of the area, which could identify steep slopes, soils, and a subbasin delineation. Steep slopes and tight soils (hydrologic soil groups C and D) may limit onsite stormwater management strategies (i.e., use of LIDA) that would be employed by new development. Identification of these areas would inform regulations and required setbacks/ protections.
 - b. An existing stormwater infrastructure map. The map could also identify potential downstream system constraints and help inform an area of influence specific for a downstream analysis. The current (2020) CWS Design and Construction

Standards require assessment ¼ mile downstream of development. If the development is within ¼ mile of existing infrastructure (pipes, basins, culverts, etc.) the developer would be informed early of identified infrastructure for the required downstream analysis.

5. Coordinate with Clean Water Services, which may include a public stormwater infrastructure plan and facility map that conceptually shows where stream enhancement, conveyance, detention, and treatment facilities may be located. This map may also identify vegetated corridors that have requirements pertaining to their condition as well as hydromodification risk areas. Implementation of this planning effort would be subject to development trends and activities.

This approach would require scoping, data compilation, coordination, and analysis, with refinement of the scope of assessments and mapping based on available information and to best address current stormwater concerns in Basalt Creek. To ensure engagement with CWS and the City of Wilsonville, the timeframe for implementation may be subject to change.

Depending upon the options/ activities selected, the cost of this planning work would vary. Preliminary schedules and cost estimates are being obtained.



2021 City Council Advance Debrief

MARCH 8, 2021

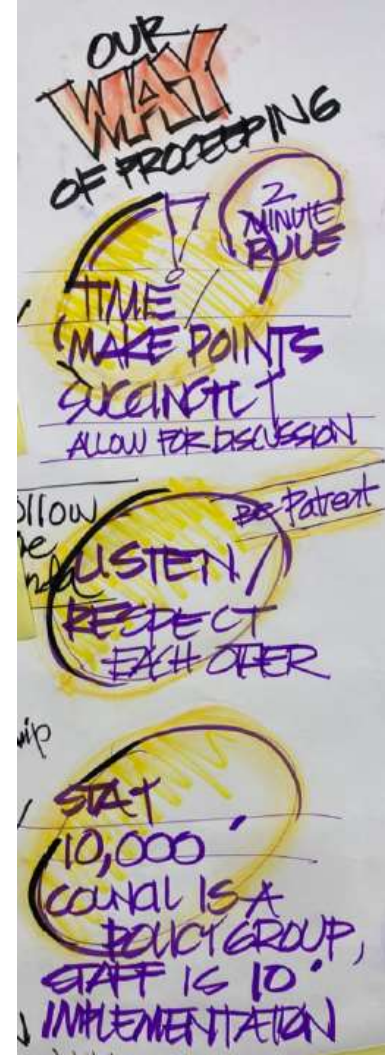
WORK SESSION



TUALATIN

COUNCIL-STAFF

ISSUES & VISION SESSION

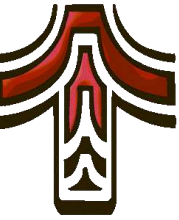


JANUARY 29-30, 2021

Celebrating 2020 Accomplishments



2021 Issues Mapping



HOUSING DESIGN SMARTER

- Affordable Housing
- Housing COVD support
- Urban areas *detached* Renewal
- Housing as part of Basalt Creek
- SMART HOUSING!
- Housing Infrastructure
- Green
- Over 50% are RENT BURDENED
- Design better

COVID RESPONSE

- Address Mental Health & our CITY WORKERS, CITY
- What kind of activities - **OUTLET** for releasing
- Help our Community on Economy **HEAL**
- NOPE FROM REACT. *react* to proactive
- IDENTIFY PIVOT learnings from COVID - Access what we do learn from
- Innovation / Spiritual Recovery Understand with participants

SOCIAL JUSTICE

- CULTURE Competencies
- Honoring Work Wives Done + looking to what remains
- Collect feedback input from under-served communities to better understand their needs
- Developing SmartThings to Unify Svcd community
- Communications being ACCESSIBLE
- LEPTA + Health Disparities

- LEPTA + Health Disparities + Accessibility **DON'T MISS THIS!!**
- Trauma - Informed!! Include this!!
- Adopt a GREENERS FOCUS lens! to understand
- Zoning Inequities
- Continue our DEI Work. Acknowledge our good work!!
- Environmental Justice

COMPREHENSIVE PLAN

- Update w/ State
- Clear Vision!

PARKS

- address deferred Maintenance..
- funding
- Ties into Community Well Being

CITY FACILITIES

- New Bldg
- City Offices
- Maker Space
- + what ELSE to respond to COVID
- City Parks Office

WATER

2026 what will we do re: H2O supply

TRANS-PORTATION

- IMPACTS WILL RETURN
- Address CONGESTION 1-205 Tolling
- Community Outreach for Moving Forward...
- Shuttle Program
- Bayland Road
- Tuplatin - Sherwood opening...
- Southwest CORRIDOR
- Partner w/ other AGENCIES
- Design Better

CLIMATE ACTION PLAN

- Get ready for the Rules - DLCD / Gov's Orders
- BE READY FOR FUNDING
- Fires / Algae Bloom
- Development plans for Staffords
- Green Bldg /
- SE IT DONE!!
- This will have a huge impact!!

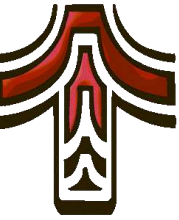
ECONOMIC INEQUITIES

- Fed/State Level Goal Alignment, work w/ regional

- Be transparent w/ How Funds are distributed, connect w/ people in need

Connecting with Creativity

key principles of improve with Dan Klein



KEY PRINCIPLES IMPROVERS MINDSET:

- PRACTICE ACCEPTING OFFERS (Assumed Value)
- MAKING PARTNERS **LOOK GOOD** // "their idea is always better"
- CONNECTION - Form bonds w/ our colleagues. **It's about the BONDS**, co-creating, shared **VISION!!**

NEUTRAL/POSITIVE

1st GAME

GOOD

INTERESTING laughter - laughter is **ESSENTIAL**

It's the **SHARED** EXPERIENCE LAUGH!!

SPONTANEOUS brings Familiarity....

***PLAYFUL + FLEXIBLE!!**

to allow ideas to form! BUT

Round 3/YES, AND we build upon it.

Remember the spirit of YES, AND. Need to calm down w a new SEED.

YES AND creates an ENERGY, FROM WHICH WE CAN BUILD OUT

2ND GAME

OLD FRIENDS

SHARED FAKE MEMORY

DISCRETE W/ DETAILS

TOOK MORE CREATIVITY TO CONTINUE THE LIES - Body language shift....

3rd GAME

5 ALPHABET "LISTENING GAME"

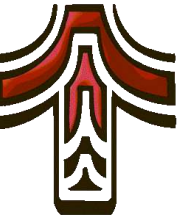
RECITATION

(START OVER IF YOU SAY @ SAME TIME)

"SPEND YOUR TIME LISTENING."

LESSONS

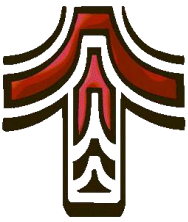
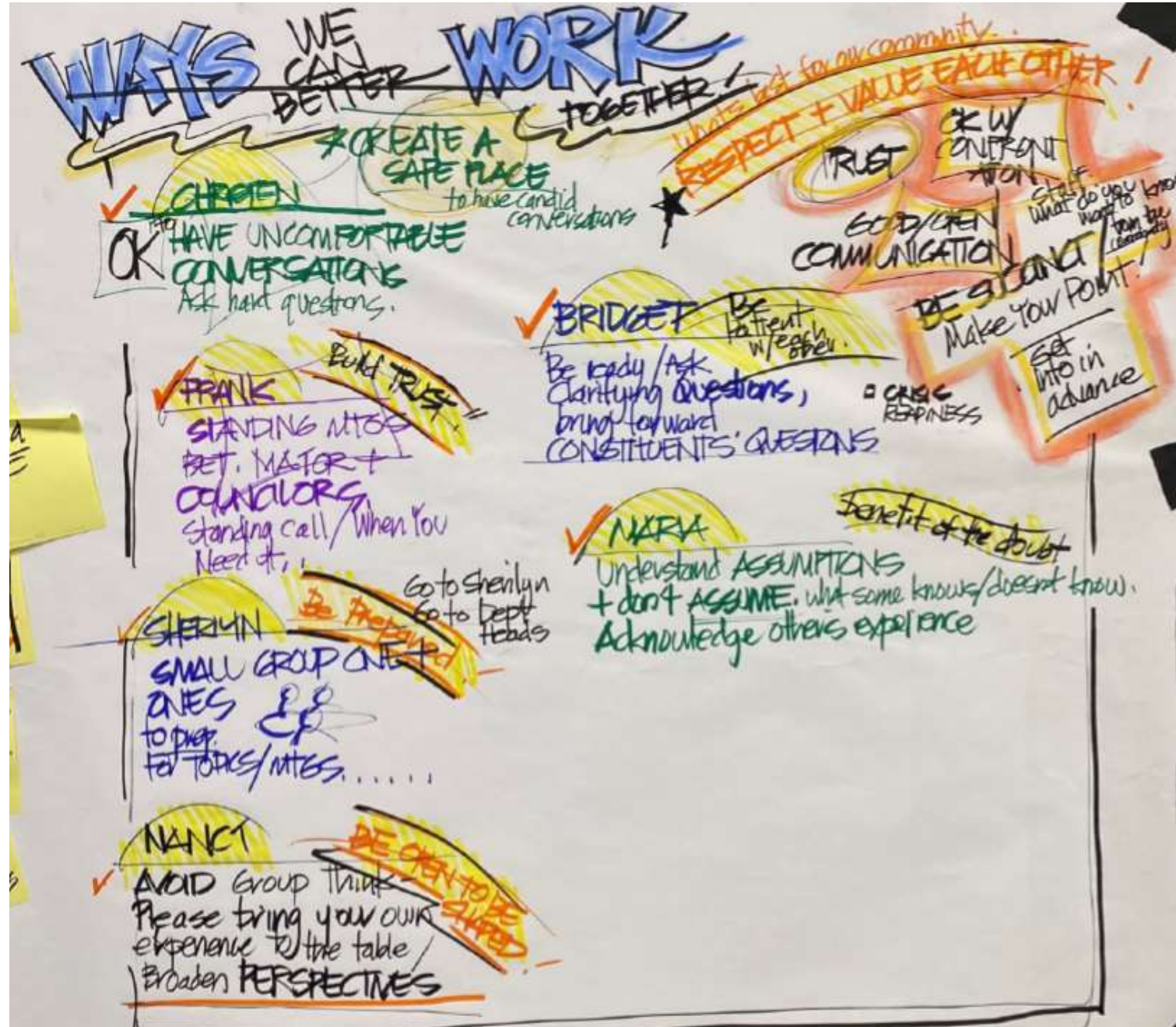
1. Failure is OKAY...
2. Feel in the room; Quality is different. LISTENING.



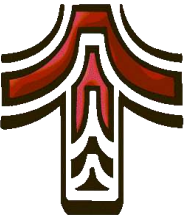
Revisiting the 2030 Vision



Working Together

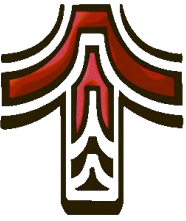


Updated Placemat – 2030 Vision Statements

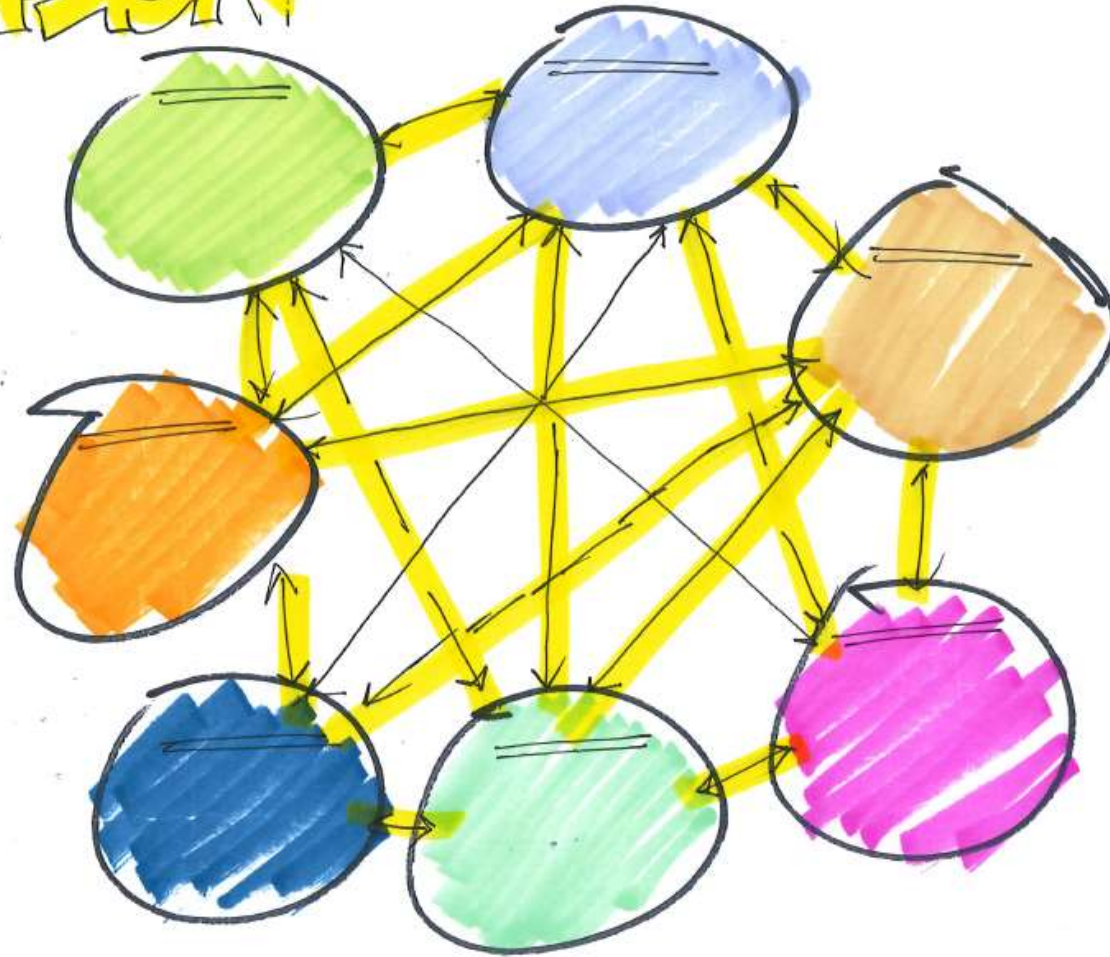


- An **INCLUSIVE COMMUNITY** that promotes equity, diversity, & access in creating a meaningful quality of life for everyone
- A **CONNECTED, INFORMED,** & civically **ENGAGED** community that embraces our City's diversity
- A thriving & diversified **ECONOMY** that includes living wage jobs, increased tourism, & sustained financial stability for the whole City
- Safe, vibrant, & accessible **GATHERING PLACES** throughout the City that build and celebrate our whole community
- An efficient, accessible, innovative, sustainable, & connected **TRANSPORTATION SYSTEM** that effectively & safely meets the needs of our entire community
- Safe, desirable, welcoming & sustainable **NEIGHBORHOODS** with housing that is available for all
- An **ENVIRONMENTALLY** active, sustainable, responsible, & forward-thinking community that values and protects our natural resources, inhabitants, & habitat

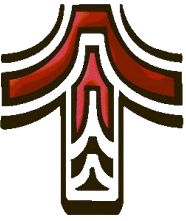
Updated Placemat – 2030 Vision Statements



VISION



Updated Placemat – 2021 Priorities



HOUSING

- *Affordable*
- *Supportive Services*
- *Diversity*
- *Smart Design & Green Construction*

TRANSPORTATION

- *Tualatin Moving Forward*
- *Shuttle Program*
- *I-205 Tolling*
- *Regional Initiatives*

DIVERSITY, EQUITY, INCLUSION & SOCIAL JUSTICE

- *Community Engagement*
- *Zoning Inequities*
- *Cultural Competency Training*
- *Assessable Communications*
- *Environmental Justice*

ENVIRONMENT

- *Climate Action Plan*

COMMUNITY ASSETS

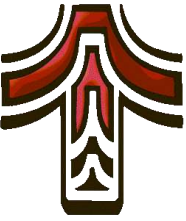
- *Parks*
- *Water Supply*
- *City Facilities*

ECONOMIC DEVELOPMENT

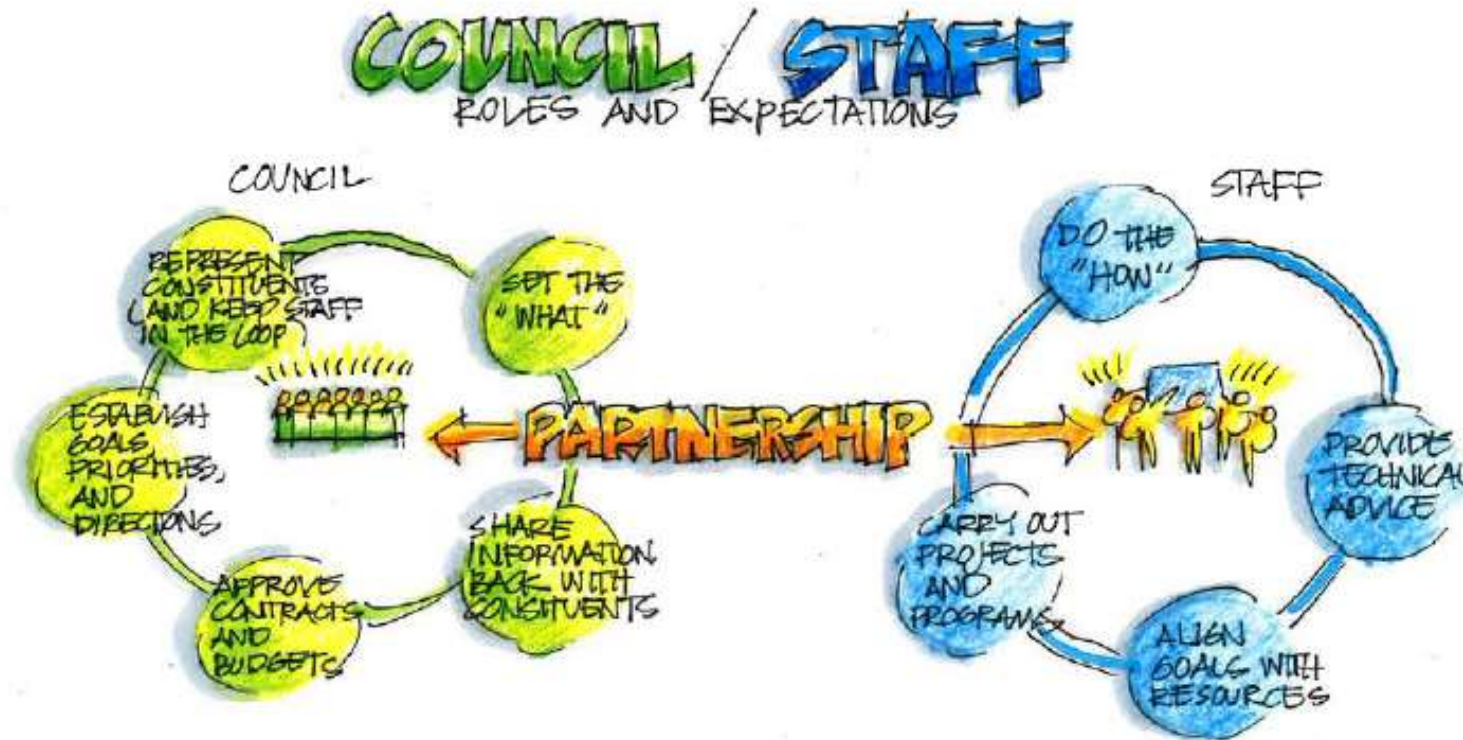
- *Urban Renewal*
- *Comprehensive Plan / Development Code*
- *Business Support*

CRISIS PREPAREDNESS

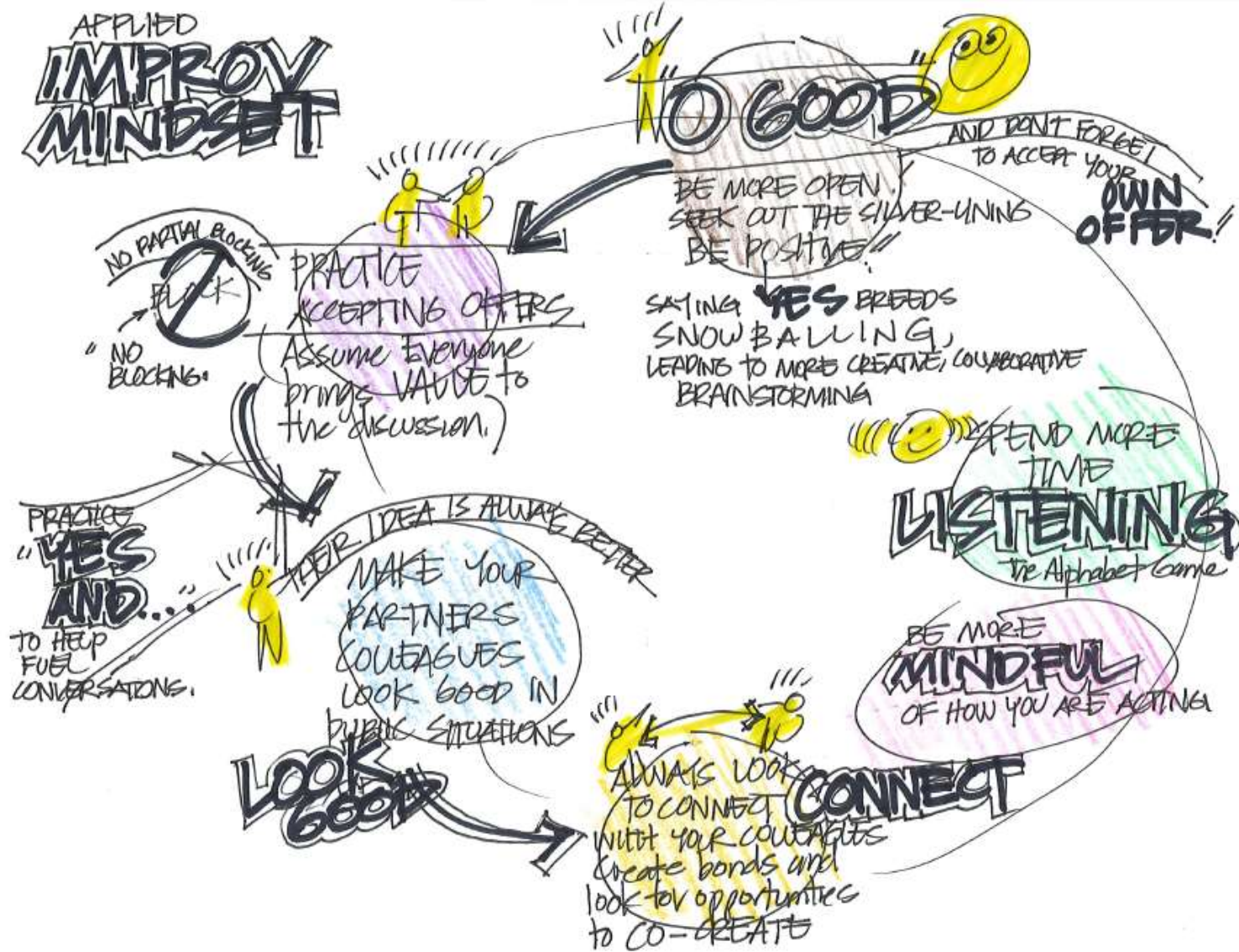
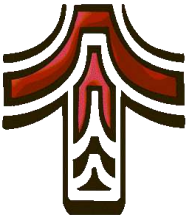
- *Crisis Management / Resiliency Plan*



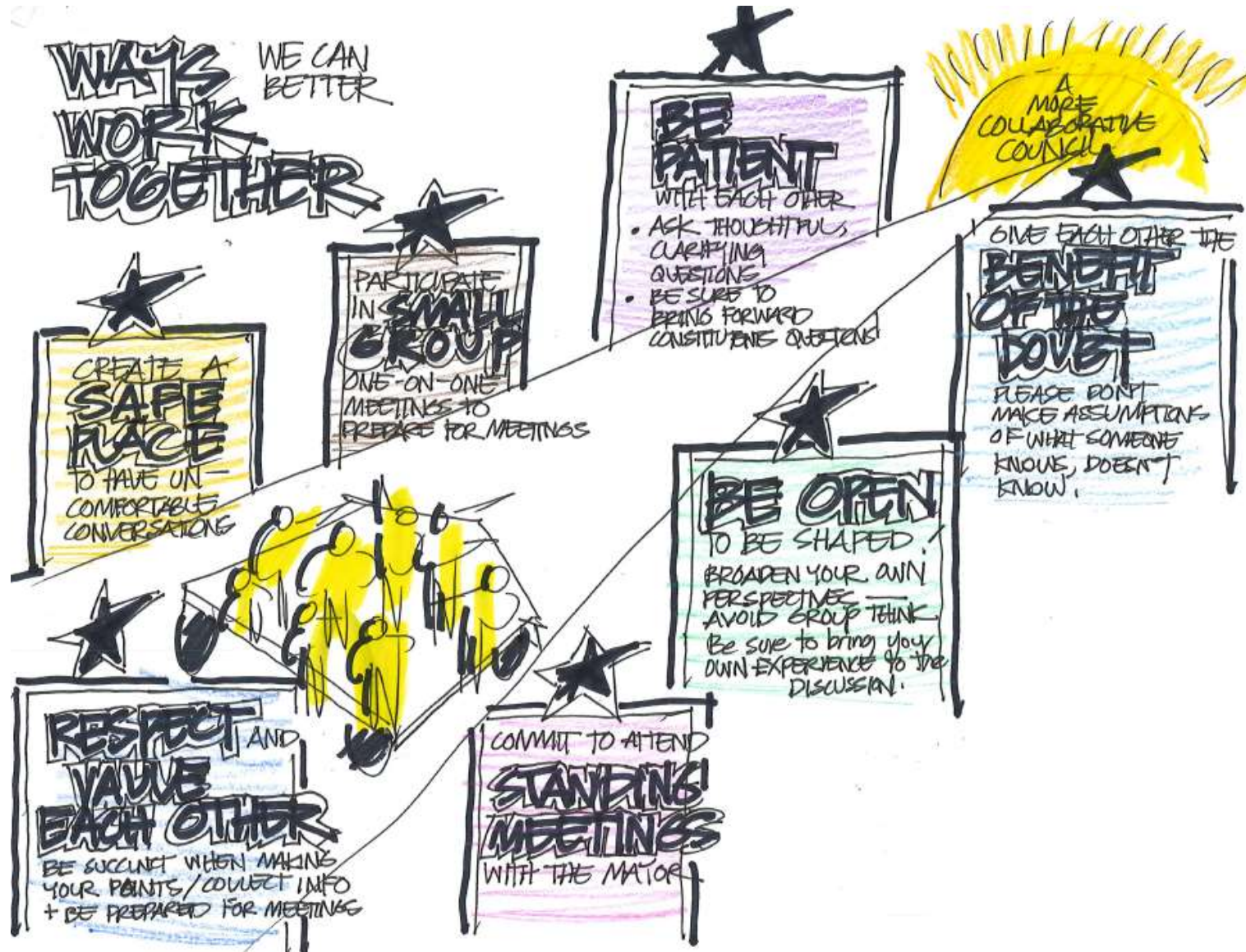
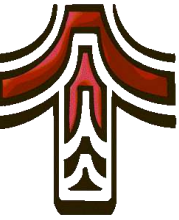
Updated Placemat – Side Two



Updated Placemat – Side Two



Updated Placemat – Side Two





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: March 8, 2021

SUBJECT:

Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of February 22, 2021

RECOMMENDATION:

Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of February 22, 2021
- City Council Regular Meeting Minutes of February 22, 2021



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR FEBRUARY 22, 2021

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Valerie Pratt, Councilor Cyndy Hillier, Councilor Christen Sacco

Mayor Bubenik called the meeting to order at 5:00 p.m.

1. Tualatin's Housing Production Strategy.

Assistant Community Development Director Steve Koper, Senior Planner Karen Fox, and Associate Planner Erin Engman presented an update on Tualatin's Housing Production Strategy. Director Koper stated this project is an extension of the Tualatin 2040 project which identified the need for the Housing Production Strategy. He stated a Housing Production Strategy contains policies and strategies that encourage a diverse housing type stock that is affordable to all. Director Koper recapped House Bill 2003 stating it was passed to help communities meet the diverse housing needs of Oregonians. The bill requires cities over 10,000 people to develop strategies to address those needs. Director Koper stated Tualatin adopted its Housing Needs Analysis into the Comprehensive Plan in late 2019. He noted the Housing Production Strategy identifies Tualatin's future commitment to implement policies or strategic actions to address those needs.

Beth Goodman, ECONorthwest, presented data on cost burdened and severely cost burdened citizens of Tualatin, median household incomes, households by income, renter cost burden by income, cost burden on renters by race and ethnicity, median household income by age, and share of people with disabilities.

Councilor Sacco asked what the average rent is in Tualatin. Consultant Goodman stated \$1,450.

Councilor Pratt asked what percentage of citizens are renters vs. homeowners. Consultant Goodman stated they don't typically compare them, but noted she expects them to be the same moving forward.

Council President Grimes stated the research numbers are from the years 2013-2017, she asked if there are current numbers available. Consultant Goodman stated the average rent numbers in the plan are data from late 2020.

Councilor Brooks noted there is great disparity between blacks and indigenous Native Americans when looking at those numbers county wide.

Council President Grimes asked if data can be pulled by female head of household. Consultant Goodman stated data that specific by cities as small of Tualatin are not available to her.

Councilor Brooks stated there have been difficulty in counting the homeless population so she would think the numbers are higher than presented. She wants to make sure the Council is sensitive to the fact there are lots of different populations that are undercounted. Consultant

Goodman stated it is not necessarily about the numbers it is about the funding the Council can come up with and the policies that are put in place to address the needs.

Consultant Goodman presented policy strategies. She stated cities can directly influence public policy, land, and infrastructure. She noted cities have limited influence in market feasibility. Consultant Goodman presented the following policy strategies:

- Affordable Housing
- Affordable Homeownership
- Preservation of Affordable Housing
- Preservation of Naturally Occurring Affordable Housing (NOAH)
- Racial and Social Equity for Housing
- Workforce Housing
- Housing Stabilization
- Housing Rehabilitation
- Accessible and Specialized Design
- Mixed Use Housing and Redevelopment
- Regulatory and Zoning Changes
- Transportation and Public Infrastructure

Councilor Brooks wants to make sure other disabilities outside of physical disabilities are addressed in the plan.

Councilor Pratt stated she is not a fan of off street parking as a tool. She would like to see ownership for people making 60% or less of MFI. Consultant Goodman stated affordable housing at that level is typically a manufactured home making homeownership difficult.

Mayor Bubenik stated land constraints are a problem for Tualatin and asked how the city can mitigate that to meet housing needs. Consultant Goodman stated looking at UGB expansion may include urban reserves that are brought into Tualatin. Planner Fox stated many strategies have been looked at that are not land based as well.

Councilor Brooks asked how environmental justice issues can be addressed through this process. She asked about the affordable housing ladder at the County and how that can be applied in Tualatin. Consultant Goodman stated these policies are what the city can do outside of the County. Councilor Brooks wants to make sure equity is considered in the ladder up. Consultant Goodman stated they are looking at land banking as a strategy.

Council President Grimes asked if there is a jobs study that can be overlaid with this study so the city can look at having the right jobs for the right housing opportunities available in Tualatin. Director Koper stated the strategy looks at workforce housing and the economic strategies that play into that.

Director Koper stated staff will be back on May 24 to provide more information.

2. Basalt Creek Parkway Update.

Washington County Director of Land Use and Transportation Stephen Roberts, Washington County Capital Projects Manager Russell Knoebel, Washington County Senior Project Manager Renus Kelfkens, and Washington County Principal Transportation Planner Erin Wardell presented an update on the Basalt Creek Parkway project. Manager Knoebel stated this project

stems from the I-5/99W Connector Study that recommended three east-west arterials, one being the Basalt Creek Parkway. He stated the city adopted this alignment in the Basalt Creek Transportation Refinement plan in December 2012. Manager Kelfkens presented an overview of the Basalt Creek Parkway extension. He stated the alignments were discussed at an open house in June 2019. The preferred alternative was selected because it had the shortest bridge and didn't have any business relocation impacts. Manager Kelfkens stated the bridge will be 700 feet long and have a 4% grade. He spoke to the environmental and technical reports being conducted and permits that will be needed. Manager Kelfkens recapped public outreach for the refinement plan from 2011-13 including: four public meetings, six public open houses, one neighborhood meeting, six community group meetings, and six briefings to Tualatin and Wilsonville City Councils. He stated the extension project outreach has included: project open houses, city council meetings, property owner meetings, newsletter and website updates, and open houses. Planner Wardell stated the parkway has been adopted into Washington County's Transportation System Plan. Manager Kelfkens stated next steps include the final design amendment process with ODOT, application for construction funding, and a public open house.

Councilor Sacco asked why the Day Road expansion wouldn't be sufficient enough. Manager Knoebel stated widening Day Road wouldn't provide enough capacity for future development. Councilor Sacco asked for specific numbers around the capacity difference between Day Road and the Parkway. Manager Knoebel stated the additional roadway will handle up to 2/3 more traffic than just widening Day Road. Planner Waddell stated this is an urbanizing area that was brought into the TSP so an east/west route is needed in the area to build the network system and redundancy.

Councilor Brooks asked for confirmation around the vote of the Council regarding the passing of the refinement plan. She noted there has been concerns around the bridge from citizens and is happy the environmental concerns are being addressed fully. She wants to make sure there is enough notice of these meetings so the citizens have time to give meaningful feedback. Councilor Brooks expressed concerns with runoff from truck traffic into the canyon and would like to see those environmental concerns addressed. She asked about runoff near the parks trail system on the eastside. Councilor Brooks stated she would like to see the specifics of the sound study. Manager Kelfkens clarified the vote was not unanimous of the council but that it was unanimous amongst all cities involved. Manager Knoebel spoke to the runoff from the parkway, noting ponds have been established to collect runoff and naturally filter the water before being released back into the environment.

Councilor Pratt stated she attended the two previous open houses where most of the participants were not in favor of the parkway and wanted to know how their comments are incorporated into the planning process. She stated it makes more environmental and economic sense to make improvements to Day Road. Manager Kelfkens stated the comments from the meetings are taken into account and posted to the project site.

Councilor Sacco asked what Council's access is to the environmental reports once they are done. Manager Kelfkens stated once they are available they are posted to the website as the project is federally funded and requires them to do so.

Council President Grimes asked about the distance from the end of the bridge to the Boones Ferry Road intersection and what the grade is. Manager Kelfkens stated it is 300 feet and goes from a 4% to a 2.5% slope. Council President Grimes asked if there is a recommended grade for intersection crossings. Manager Knoebel stated there isn't specifics to the grade but the flatter the intersection the better.

Councilor Brooks expressed concerns with the routing of truck traffic through the residential areas. Manager Knoebel noted this particular road is about the same distance from Victoria Woods as it is from I-5. Planner Waddell stated the Basalt Creek Comprehensive Plan needs to be taken into consideration and how it outlines future plans that rely on how the network will be built out.

Councilor Pratt asked if a traffic impact study will be done before the extension is built. Manager Knoebel spoke to the access points for the new development in the area.

Councilor Reyes asked if there is another project around the state the city can use for reference. Planner Waddell stated the Cooper Mountain River Terrace Area or the North Bethany Area are new facilities that are being built and can be used as examples.

Councilor Sacco stated it has been a decade since the plan was approved and she wants to make sure this is still the right option for the community today as there are different environmental concerns now.

Adjournment

Mayor Bubenik adjourned the meeting at 6:53 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 22, 2021

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks
Councilor Maria Reyes, Councilor Valerie Pratt, Councilor Cyndy Hillier, Councilor Christen Sacco

Call to Order

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

Moment of silence for those who have lost their lives to COVID-19

Announcements

1. COVID-19 Memorial Day Proclamation

Mayor Bubenik read the proclamation declaring March 1, 2021 as COVID-19 Memorial Day

2. Equity Resolution

Councilor Brooks read the City of Tualatin's Equity Resolution.

3. Housing Webinar Announcement

Assistant Community Development Director Steve Koper invited everyone to attend the City's Housing Webinar on February 25.

Public Comment

Republic Services General Manager Jason Jordan addressed how they have been handling clean-up from the recent ice storm.

Bob Hass spoke to the Boones Ferry Road closure during the ice storm and the signage associated with it.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Brooks, Seconded by Councilor Pratt.
Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Reyes,
Councilor Pratt, Councilor Hillier, Councilor Sacco
MOTION PASSED

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of February 8, 2021
2. Consideration of Approval of Liquor License Renewals for 2021

3. Consideration of **Resolution No. 5342-21** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for Construction of the Martinazzi Sanitary Sewer Trunk Line Upsizing Project

General Business

1. Consideration of **Resolution No. 5532-21** Declaring a State of Emergency Related to Winter Storm Events

Maintenance Service Manager Clay Reynolds provided a briefing on the city's response to the recent ice storm. Manager Reynolds stated the city opened the Emergency Operation Center to coordinate response and recovery. He stated the city has been operating four crews during the event. He noted the city operated four debris drop-off's to date and are planning to hold future events for additional clean-up.

Mayor Bubenik thanked city staff and the CERT team members for their work and efforts during the event.

Councilor Brooks acknowledged Mr. Hass's concerns with traffic in the Garden Corner Curves Area and the issues that came along with the outages from the storm. She thanked staff and the CERT team for their work during the storm.

Councilor Reyes thanked everyone who responded and helped during the storm.

Councilor Pratt thanked staff and the CERT team for their great response during the event.

Councilor Hillier thanked staff for all their great work during the event.

Motion to adopt Resolution No. 5532-21 declaring a State of Emergency related to winter storm events made by Councilor Brooks, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

Council Communications

Councilor Hillier stated the Tualatin Science and Technology scholarship won't be happening this year due to low interest earnings on the principal balance. She stated she attended the Metro 101 meeting. She spoke about the Packed with Pride program and how the community can get involved.

Councilor Sacco stated she attended the Willamette River Water Coalition meeting. She thanked the city for their resilient response during the ice storm.

Councilor Brooks acknowledged Black History Month. She stated she attended the Midwest CIO meeting, the Policy Advisory Board meeting, the LIP meeting, and the Tualatin Arts Advisory Committee meeting.

Councilor Reyes stated she attended the Midwest CIO meeting and the Washington County Consolidated Communications Advisory meeting.

Council President Grimes thanked staff for their outstanding response to the storm. She asked if the Council is interested in finding a way to fund the Tualatin Science and Technology

scholarships. City Manager Lombos stated there has been times in years past where the scholarship has not been funded for the same reason. City Attorney Brady spoke to public purpose of funds and how that comes into play and would affect the city's ability to give scholarships. City Manager Lombos stated staff can meet with the committee to talk about potential next steps including potential fundraising.

Mayor Bubenik stated he lobbied for the Metro Mayors Consortium on COVID-19 economic relief, municipal broad band, and funding for drinking water and sewer rates. He stated he attended Washington County Chair Harrington's meeting and Clackamas County Chair Smith's meeting. Mayor Bubenik stated the Family Promise's around the area will not be merging and will continue to remain separate.

Councilor Brooks stated she met with the Chamber Business Advisory Committee and noted they are looking for more diversity on the committee. She stated more information on joining is available on the Chambers website.

Adjournment

Mayor Bubenik adjourned the meeting at 8:16 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: March 8, 2021

SUBJECT:

Consideration of Approval of Late Liquor License Renewals for 2021

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license renewals for 2021 as listed in Attachment A.

EXECUTIVE SUMMARY:

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing 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 the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal 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 renewal fee of \$35 has been paid by each applicant.

ATTACHMENTS:

-Attachment A- Liquor License Renewals 2021

2021 Liquor License Renewals- March 8, 2021

60s CAFÉ & DINER
7 ELEVEN STORE
ANCESTRY BREWING
BOONES FERRY CHEVRON
BUFFALO WILD WINGS #3574
CASA COLIMA RESTAURANT
CRAZY KITCHEN
DOTTY'S #13
EL SOL DE MEXICO
ELK'S LODGE #2780 - TUALATIN VALLEY
FAMOUS DAVE'S BBQ
FRED MEYER #393
G-MAN BREWERY
G-MAN SPORTS BAR
G-MAN TAPROOM
GRAMPY'S
LA ISLA BONITA MEXICAN RESTAURANT
LUGANO
MARQUIS COMMUNITY CENTER
MILLERS HOMESTEAD
NATIVE FOODS CAFÉ
NEW SEASON'S MARKET
NON LA
PF CHANG'S CHINA BISTRO
PIEOLOGY PIZZERIA
RED ROBIN GOURMET BURGERS AND BREWS
ROSIE'S KITCHEN
STARS CABARET BRIDGEPORT
STICKMEN BREWING COMPANY
TUALATIN FOOD STORE
WALGREENS
WHOLE FOODS MARKET



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: 7/13/2020

SUBJECT:

Consideration of Approval of a New Liquor License Application for Tiny Wolf Brewing, LLC

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Tiny Wolf Brewing, LLC.

EXECUTIVE SUMMARY:

Tiny Wolf Brewing, LLC has submitted a new application under the liquor license category of Brewery- Public House. This would permit them to make malt beverages and import and export malt beverages into and out of Oregon. The business is located at 18435 SW Pacific Hwy, STE B& C. 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 1-26-21

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 # 20-06194
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): TINY WOLF BREWING LLC

Business address 18435 SW PACIFIC Hwy City TUALATIN State OR Zip Code 97062
STE B & C

Mailing address 14140 SW PADDOCK CT City BEAVERTON State OR Zip Code 97008

Telephone # 503 708 9217 Fax # N/A

Email TINYWOLFBREWING@GMAIL.COM

Name(s) of business manager(s) First DAVID Middle WILLIAM Last BOGLE

Date of birth [REDACTED]

Home address [REDACTED]
(attach additional pages if necessary)

Type of business BREWERY

Type of food served FOOD CART - PIZZA

Type of entertainment (dancing, live music, exotic dancers, etc.) NONE

Days and hours of operation 1pm - 7pm FRI - SUN

Food service hours: Breakfast N/A Lunch 1pm - 7pm Dinner _____

Restaurant seating capacity 25 Outside or patio seating capacity 8

How late will you have outside seating? 9 pm How late will you sell alcohol? 9 pm

How many full-time employees do you have? 1 Part-time employees? 0

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Type of liquor license (refer to OLCC form) _____

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: _____

Residence: _____

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.

 _____ 1-26-21
Date

For City Use Only

Sources Checked:

- DMV by [Signature]
- LEDS 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: _____

 _____ 2-8-21
Signature Date

Bill Steele
Chief of Police
Tualatin Police Department



Tiny Wolf Brewing, LLC



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: Don Hudson, Assistant City Manager/Finance Director
DATE: March 8, 2021

SUBJECT:
Quarterly Financial Report, 2nd Quarter of FY 2020/2021

EXECUTIVE SUMMARY:

In this installment of the quarterly financial report, staff will provide Council with an update on the CARES Act funding that was passed through to the City from Washington County, revenues and expenditures to date, the quarterly investment report and talk about the FY 2021/2022 budget process.

ATTACHMENTS:



Tualatin City Council Investment Report

10/01/2020 - 12/31/2020

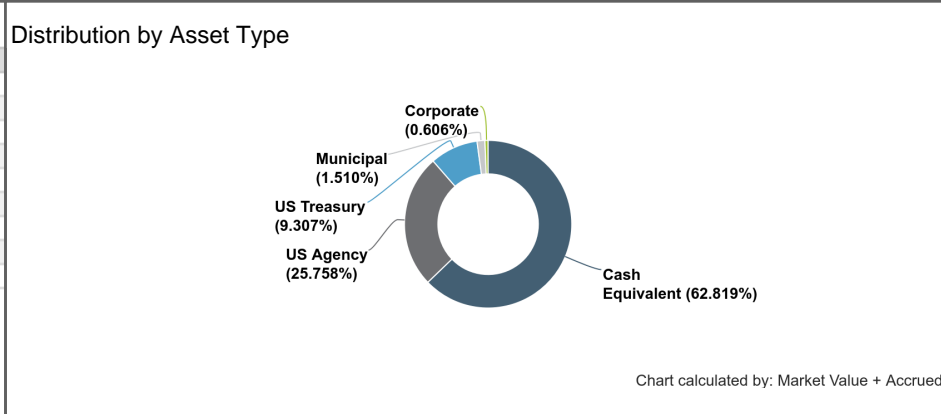
[Return to Table of Contents](#)

TUAL_Total Portfolio (176858)

Dated: 03/03/2021

Portfolio Characteristics	
	<i>Portfolio</i>
Par Amount	84,216,849.07
Book Value	84,367,479.35
Market Value	84,938,041.92
Accrued Balance	102,679.29
Market Value + Accrued	85,040,721.21
Net Unrealized Gain/Loss	570,562.57
Yield at Cost	1.031
Effective Duration	0.675
Maturity in Years	0.687

Footnote: 1



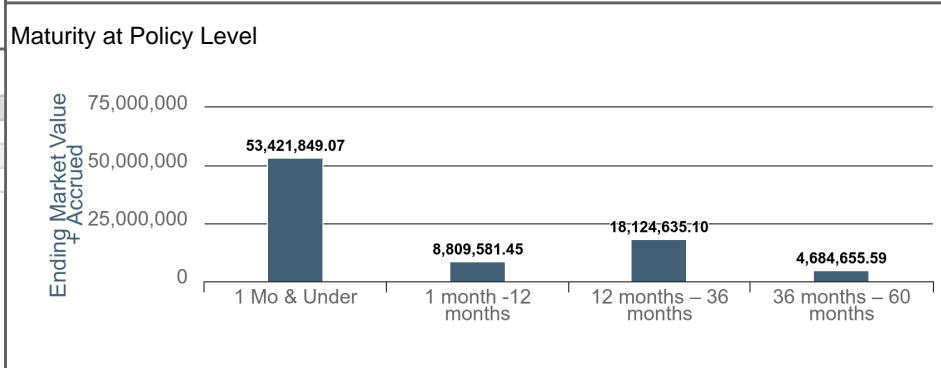
Asset Allocation at Policy Level

GPA Asset Class	Ending Market Value + Accrued	% of Ending Market Value + Accrued
Corporate	515,230.14	0.606%
FAMC	1,251,566.48	1.472%
FFCB	6,508,176.14	7.653%
FHLB	10,137,590.13	11.921%
FHLMC	2,754,264.08	3.239%
FNMA	1,253,553.93	1.474%
Municipal	1,283,879.61	1.510%
Other	408,030.28	0.480%
Pooled Funds	53,013,818.79	62.339%
Total	85,040,721.21	100.000%

Footnotes: 2,3,4
Continued on page 2

Compliance Overview

Status	Non-Compliant
As of	12/31/2020
Violations	1



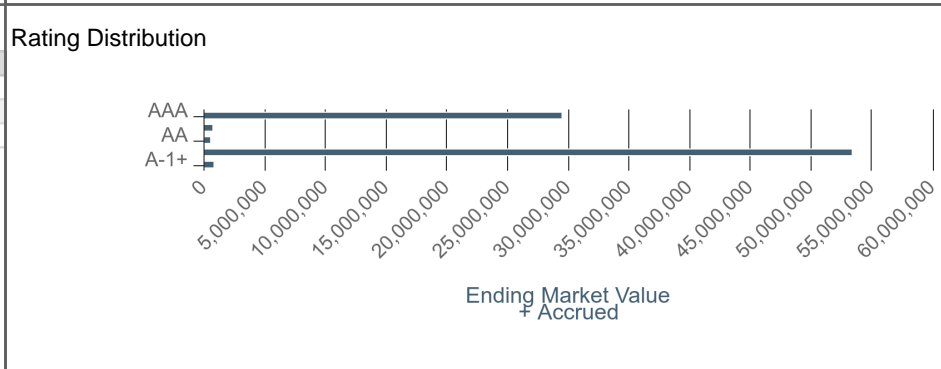
Activity Summary

	<i>Portfolio</i>
Beginning Book Value	78,334,396.76
Purchases	15,382,070.72
Sales	-7,210,292.10
Net Amortization/Accretion Income	-18,696.03
Change In Cash	0.00
Net Realized Gain/Loss	0.00
Ending Book Value	84,367,479.35

Footnote: 4

Reconciliation Status

Custody Reconciliation Status	Reconciled
Custody Last Reconciled For	03/02/2021
Trading System Last Reconciled For	03/03/2021



Earnings Summary

	<i>Portfolio</i>
Net Amortization/Accretion Income	-18,696.03
Interest Earned	244,080.08
Net Realized Gain/Loss	0.00
Earned Income	225,384.04
Book Yield	1.031

Footnotes: 4,5



Tualatin City Council Investment Report

10/01/2020 - 12/31/2020

[Return to Table of Contents](#)

TUAL_Total Portfolio (176858)

Dated: 03/03/2021

Asset Allocation at Policy Level continued

<i>GPA Asset Class</i>	<i>Ending Market Value + Accrued</i>	<i>% of Ending Market Value + Accrued</i>
US Treasury	7,114,768.43	8.366%
US Treasury Bill	799,843.20	0.941%

Footnotes: 2,3,4



Tualatin City Council Investment Report

10/01/2020 - 12/31/2020

TUAL_Total Portfolio (176858)

Dated: 03/03/2021

[Return to Table of Contents](#)

1: * Weighted by: Market Value + Accrued. 2: * Grouped by: GPA Asset Class. 3: * Groups Sorted by: GPA Asset Class. 4: * Weighted by: Ending Market Value + Accrued. 5: * Formula Column: Earned Income = [Interest Earned]+[Net Amortization/Accretion Income]+[Net Realized Gain/Loss].

Fiscal Year 2020 – 2021

Quarterly Financial Report – 2nd Quarter

March 8, 2021

**END OF
QUARTER**

2



Tonight's Agenda

- Fiscal Year 2020-21 Budget to Actual
- Investment Report
- CARES Act Programs
- Budget Process



Fiscal Year 2020-21 Budget to Actual

Fund	Fiscal Year 2019-2020			Fiscal Year 2020-2021		
	Budget	Actual	% of Budget	Budget	Actual	% of Budget
General Fund						
Revenues	\$ 24,164,830	\$ 15,961,794	66.05%	\$ 23,871,125	\$ 16,238,659	68.03%
Expenditures	\$ 27,462,890	\$ 14,277,937	51.99%	\$ 24,342,535	\$ 12,115,151	49.77%
Building Fund						
Revenues	\$ 1,049,790	\$ 1,050,434	100.06%	\$ 1,087,645	\$ 298,724	27.47%
Expenditures	\$ 2,118,525	\$ 1,269,887	59.94%	\$ 1,642,210	\$ 717,421	43.69%
Road Utility Fee Fund						
Revenues	\$ 1,989,730	\$ 786,720	39.54%	\$ 2,100,355	\$ 821,629	39.12%
Expenditures	\$ 1,880,190	\$ 1,337,396	71.13%	\$ 2,060,085	\$ 1,148,161	55.73%
Road Operating Fund						
Revenues	\$ 4,064,750	\$ 1,916,523	47.15%	\$ 3,550,205	\$ 1,295,661	36.50%
Expenditures	\$ 4,182,310	\$ 1,237,799	29.60%	\$ 4,193,490	\$ 1,017,199	24.26%



Fiscal Year 2020-21 Budget to Actual

Fund	Fiscal Year 2019-2020			Fiscal Year 2020-2021		
	Budget	Actual	% of Budget	Budget	Actual	% of Budget
Core Area Parking Fund						
Revenues	\$ 66,000	\$ 62,889	95.29%	\$ 62,000	\$ 54,651	88.15%
Expenditures	\$ 59,460	\$ 25,849	43.47%	\$ 60,560	\$ 24,543	40.53%
Water Operating Fund						
Revenues	\$ 7,572,705	\$ 3,937,211	51.99%	\$ 6,544,960	\$ 4,308,445	65.83%
Expenditures	\$ 8,765,375	\$ 4,068,231	46.41%	\$ 8,867,820	\$ 2,607,852	29.41%
Sewer Operating Fund						
Revenues	\$ 8,729,580	\$ 4,451,449	50.99%	\$ 9,499,460	\$ 4,413,313	46.46%
Expenditures	\$ 9,775,225	\$ 4,314,776	44.14%	\$ 9,615,535	\$ 3,843,796	39.97%
Storm Drain Operating Fund						
Revenues	\$ 3,423,530	\$ 1,767,355	51.62%	\$ 3,494,180	\$ 1,748,385	50.04%
Expenditures	\$ 3,687,655	\$ 1,630,168	44.21%	\$ 3,172,515	\$ 999,729	31.51%



Quarter End Investment Report



Tualatin City Council Investment Report

10/01/2020 - 12/31/2020

[Return to Table of Contents](#)

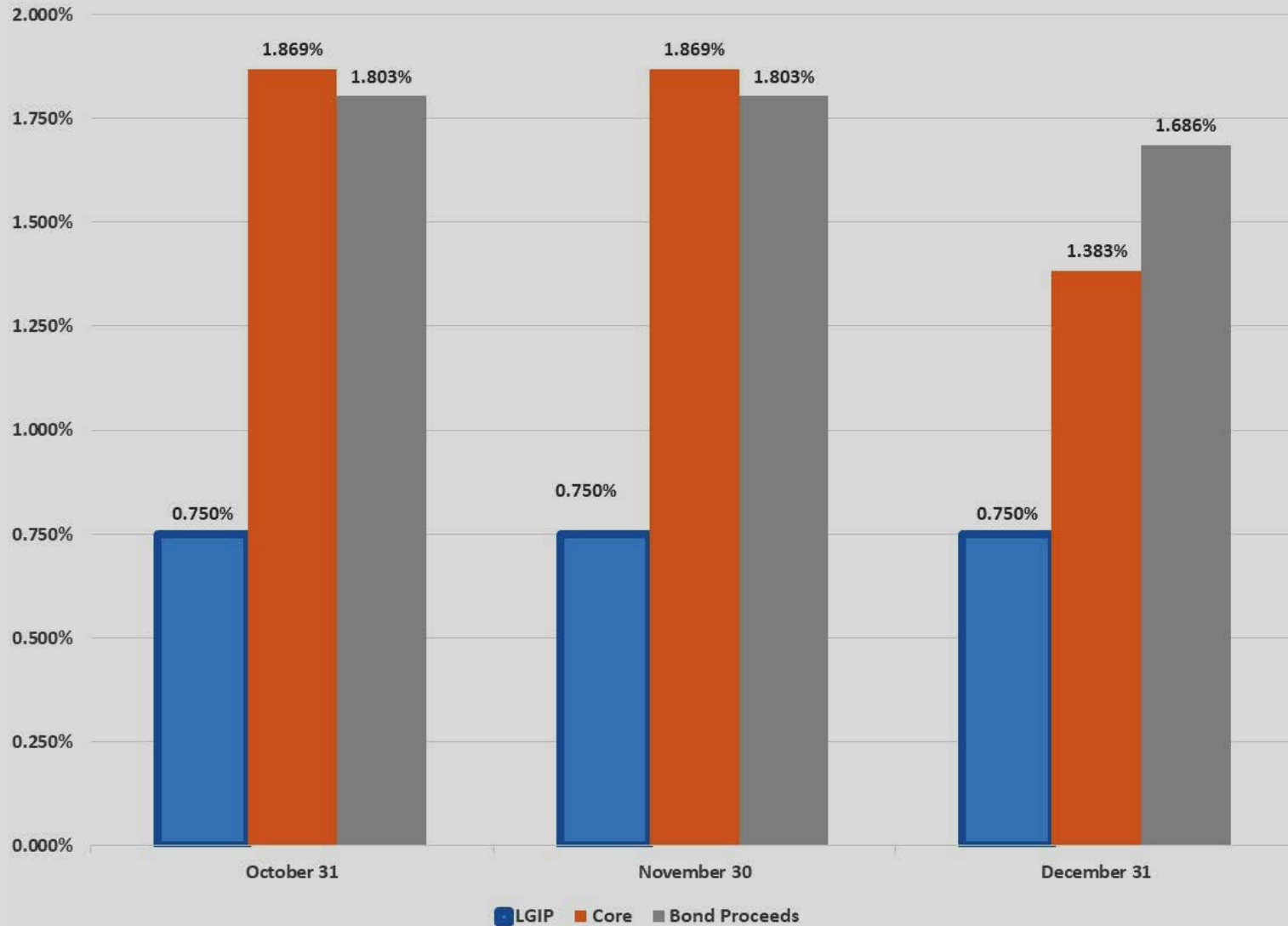
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Dated: 03/03/2021

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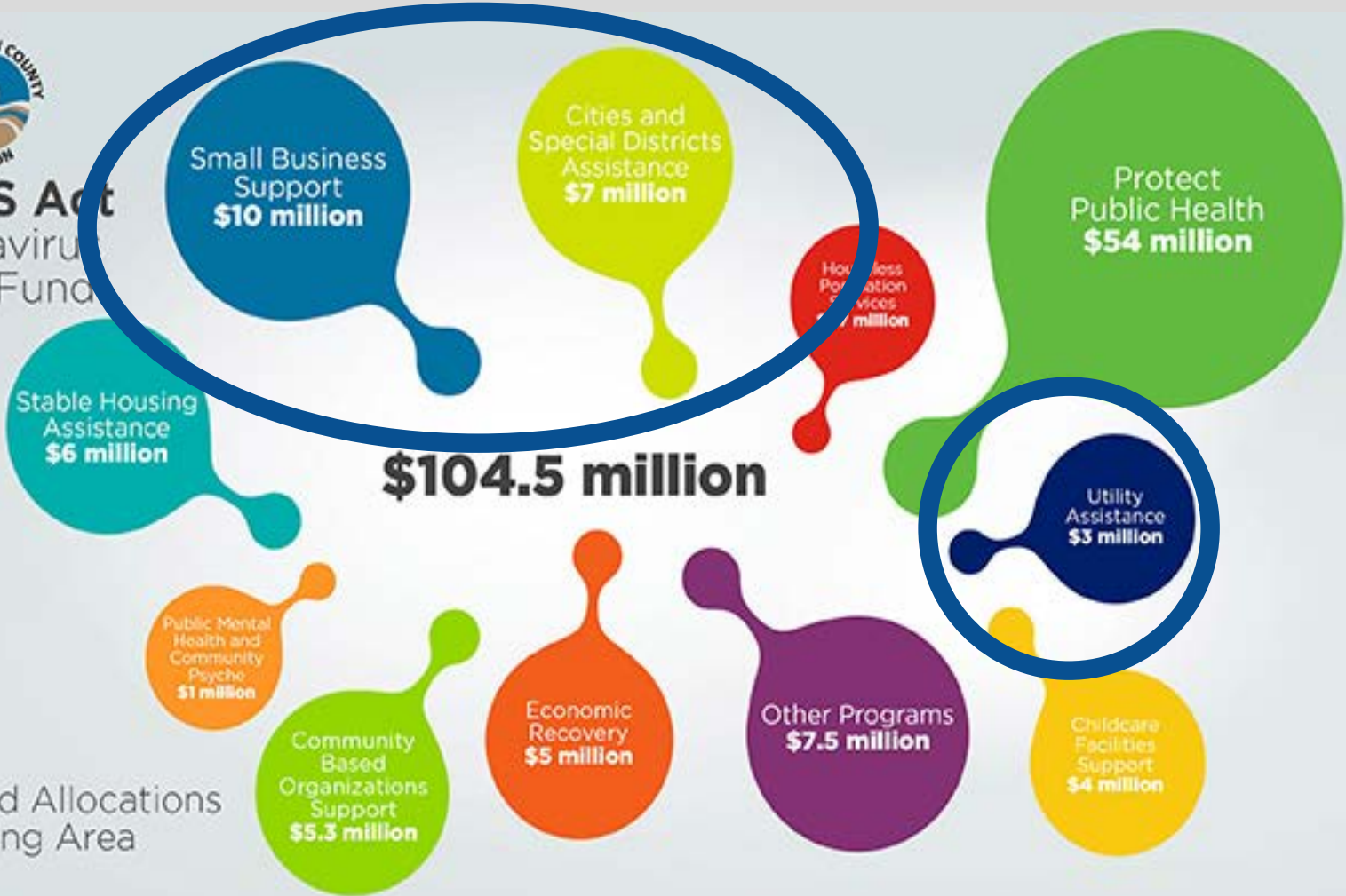
Investment Portfolio Performance



CARES Act Funding



CARES Act
Coronavirus
Relief Fund



Approved Allocations
by Funding Area



CARES Act Funding

Grant Program	Amount
Cities and Special Districts Assistance (Washington County)	\$579,922
Small Business Assistance (Washington County)	\$680,000
Business Assistance Grant (State of Oregon)	\$441,690
Coronavirus Emergency Supplemental Funding (Criminal Justice Commission)	\$ 32,695
Utility Assistance (Washington County , Administered by Community Action Network)	\$ 5,178



FY 2021/2022 Budget Process

<u>Activity</u>	<u>Date</u>	<u>Responsibility</u>
Budget Kick-off Meeting	January 19	All Budget Staff
Input into Questica (Budget Software) completed	March 8	All Departments
Departmental meetings with City Manager and Finance Director to discuss budget requests	March 29 – April 1	Departmental Budget Staff
Council Work Session to discuss FY 21/22 Budget	April 19 (Tentative)	Department Managers
Budget Message and Budget distribution First Budget Committee Meeting	May 10 (5-7 pm)	All Managers
Second Budget Committee Meeting	May 25 (6-8 pm)	All Managers
Third Budget Committee Meeting (if necessary)	May 26 (6-8 pm)	All Managers
Resolution/Public Hearing to accept State Revenue Sharing	June 14	Finance Director
Budget Hearing to consider Budget Resolution Adopt Budget	June 28	Finance/Council





CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager
Steve Koper, AICP, Assistant Community Development Director

FROM: Tabitha Boschetti, AICP, Assistant Planner

DATE: March 8, 2021

SUBJECT:

Consideration of a Plan Map Amendment and Plan Text Amendment modifying Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code, amending the designated boundaries of Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones for parcels located at Tax Map 2S135D, Lots 400, 401, 500, and 501 (File No. PMA 20-0002 and PTA 20-0005).

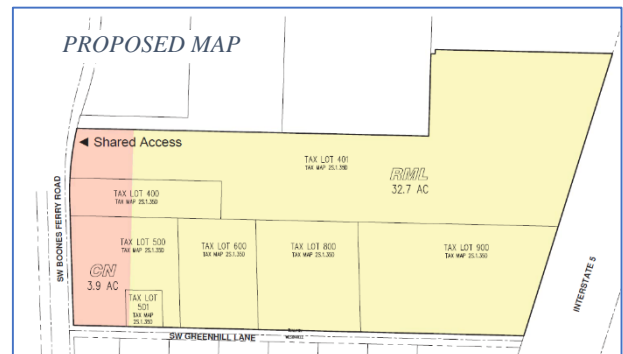
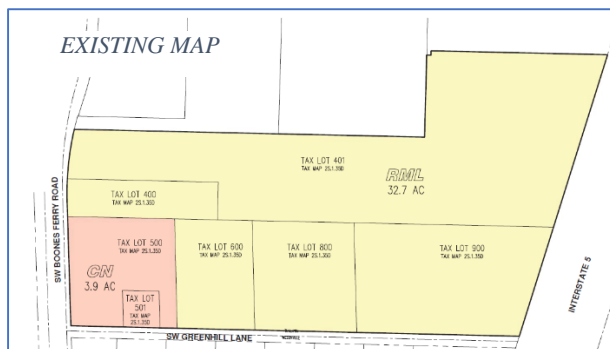
RECOMMENDATION:

The Tualatin Planning Commission unanimously voted at their February 18, 2021 meeting to forward a recommendation of approval to City Council.

EXECUTIVE SUMMARY:

The subject proposal includes a change to the combined Comprehensive Plan and zoning map for the City of Tualatin, adjusting the existing boundaries between the Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones at a location east of SW Boones Ferry Road approximately at SW Greenhill Lane. The net area of each zone would stay consistent, but rather than forming a rough square at the intersection of Greenhill and Boones Ferry with additional residential zoning to the north, the commercial zone would occupy a more elongated rectangle fronting on SW Boones Ferry, with residential areas more removed from the arterial.

The effected parcels include Tax Map 2S135D, Lots 400, 401, 500, and 501. The maps below compare the existing and proposed zoning, with the RML zone in yellow, and CN zone in pink:



A Plan Text Amendment is proposed as part of this application to remove wording that prevents the mapping of this zone within 300 feet of a “school property.”

OUTCOMES OF DECISION:

Approval of PMA 20-0002/PTA 20-0005 would amend Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code. City Council would then be able to consider adoption of a related Ordinance at their next meeting.

ALTERNATIVES TO RECOMMENDATION:

Alternatively, Council may:

- Approve the Plan Text Amendment and deny/modify the Plan Map Amendment (note that the Plan Map Amendment is not approvable in its current form without the Plan Text Amendment);
- Deny both the proposed Plan Map Amendment and Plan Text Amendment;
- Propose modifications to the proposed Plan Map Amendment and/or Plan Text Amendment. In this case, the Plan Text Amendment would still need to enable the Plan Map Amendment;
- Continue the discussion to a future hearing.

FINANCIAL IMPLICATIONS:

No financial implications are identified with this Plan Map Amendment and Plan Text Amendment.

ATTACHMENTS:

- Findings and Analysis:
 - Exhibit 1 – Legal Description and Map
 - Exhibit 2 – Map of Proposed CN/RML Configuration
 - Exhibit 3 – Amended Comp Plan Map 10-1
 - Exhibit 4 Conceptual Development Plan
 - Exhibit 5 Full Application
 - Exhibit 6 Public Comment
- Attachment 1—City Council Presentation
- Attachment 2—Memo and Supplementary Application Materials *March 4, 2021*

Basalt Creek
Plan Map/Text Amendment
(CN/RML)
PMA 20-0002/PTA 20-0005

March 8, 2021



PROPOSAL

The applicant is requesting:

- Change in zoning map boundaries between Medium Low Density Residential (RML) and Neighborhood Commercial (CN) zones
- Eliminating restriction on locating CN zone within 300 feet of a school property



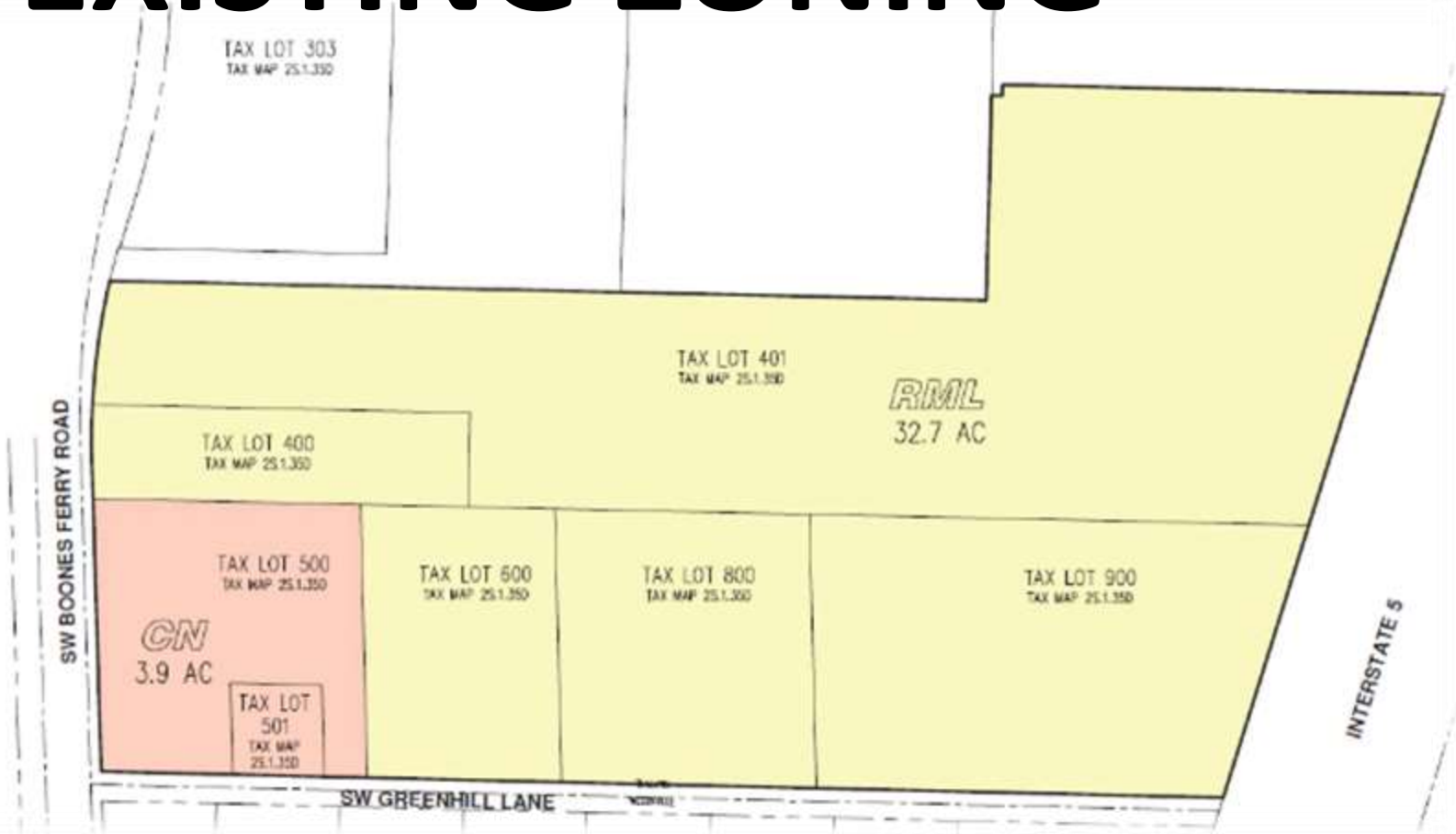
SUBJECT AREA



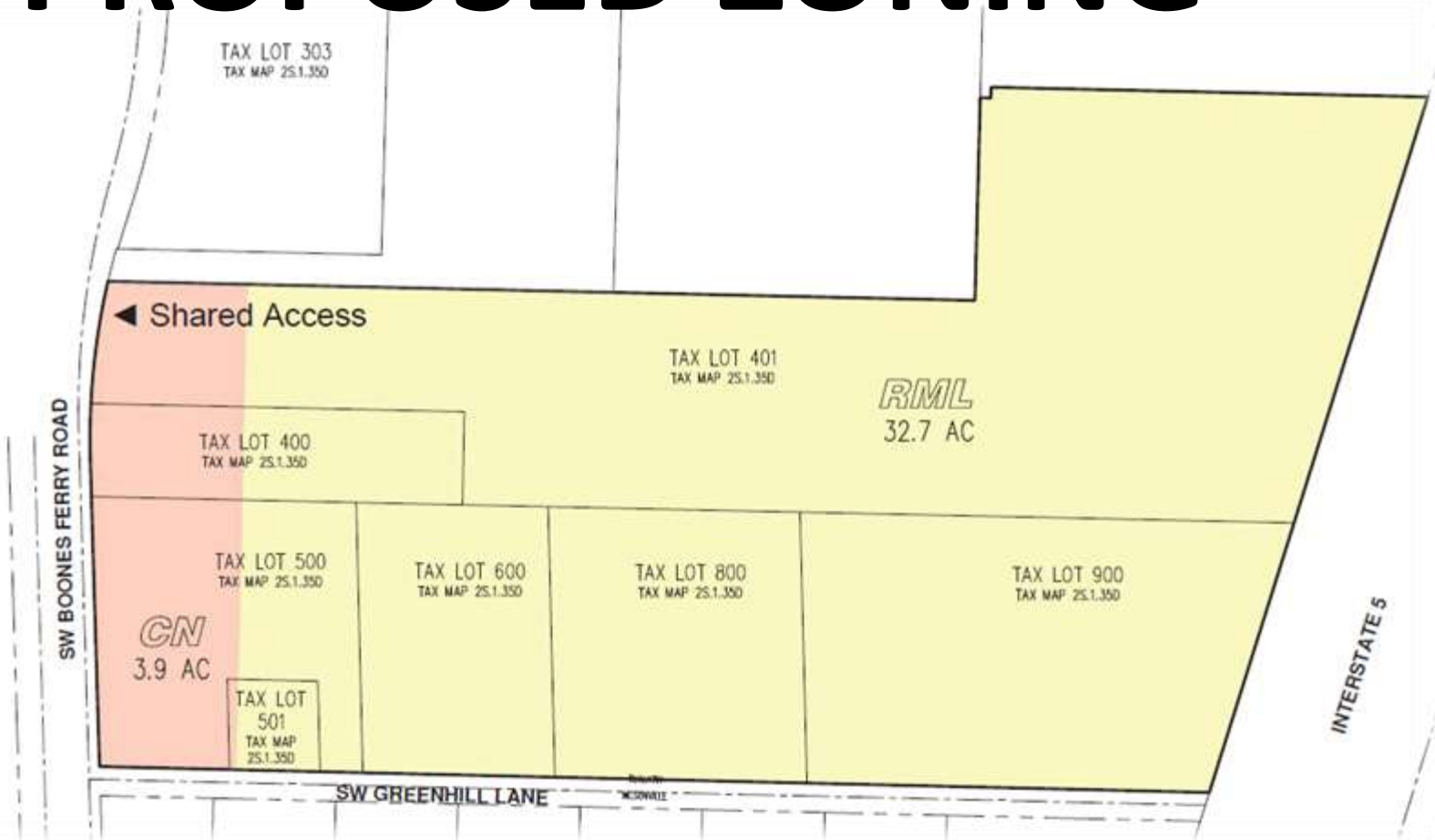
SUBJECT AREA



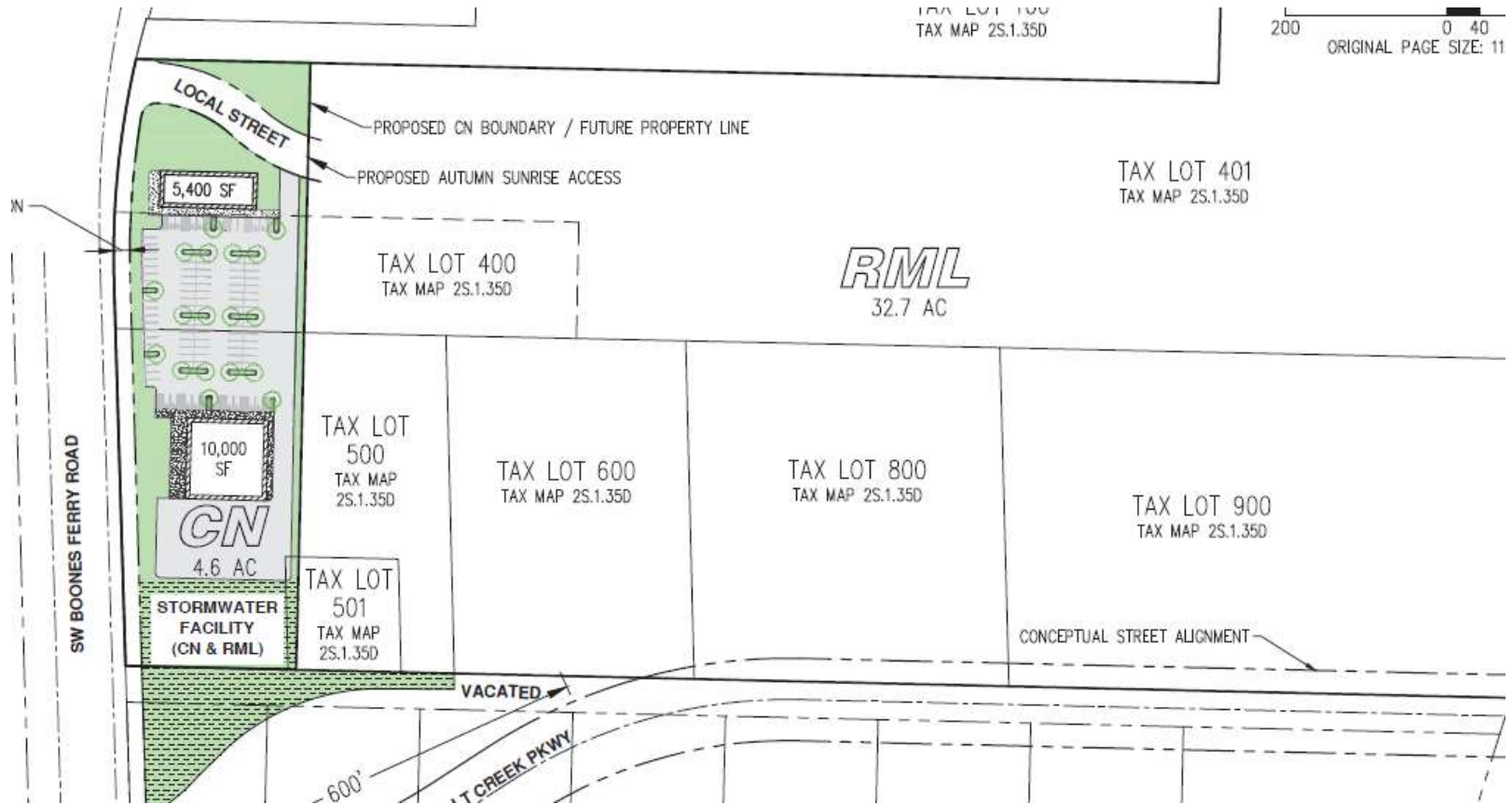
EXISTING ZONING



PROPOSED ZONING



CONCEPTUAL DEVELOPMENT DIAGRAM



TEXT AMENDMENT

TDC 51.110. - District Location Standards.

(1) *District Location.* ~~The boundaries of a CN district must be separated from school property by not less than 300 feet.~~ The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

(2) *Street Frontage.* At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.



TEXT AMENDMENT



CN ZONE USES

USE CATEGORY	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES	
Household Living	Permitted uses limited to one (1) dwelling unit for each business located on the lot.
COMMERCIAL USE CATEGORIES	
Retail Sales and Services	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • General merchandise or variety stores; • Food stores, subject to TDC 51.210(1); • Drug store and pharmacy; • Laundry and dry cleaning, subject to TDC 51.210(2); • Beauty and barber shops; Shoe repair; and • Child day care center, subject to TDC 34.100. <p>All commercial uses subject to floor area limitation, see TDC 51.210(3).</p>
INSTITUTIONAL USE CATEGORIES	
Community Services	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES	
Greenways and Natural Areas	—
Transportation Facilities	—



APPLICABLE CRITERIA

- TDC 33.070 Highlights
 - Granting the Amendment is in the public interest
 - The Amendment conforms with Tualatin Community Plan
 - The Recommendation considers the characteristics of city, land development trends, health and safety, natural resources
 - The Amendment is consistent with Oregon Statewide Planning Goals and Administrative Rules



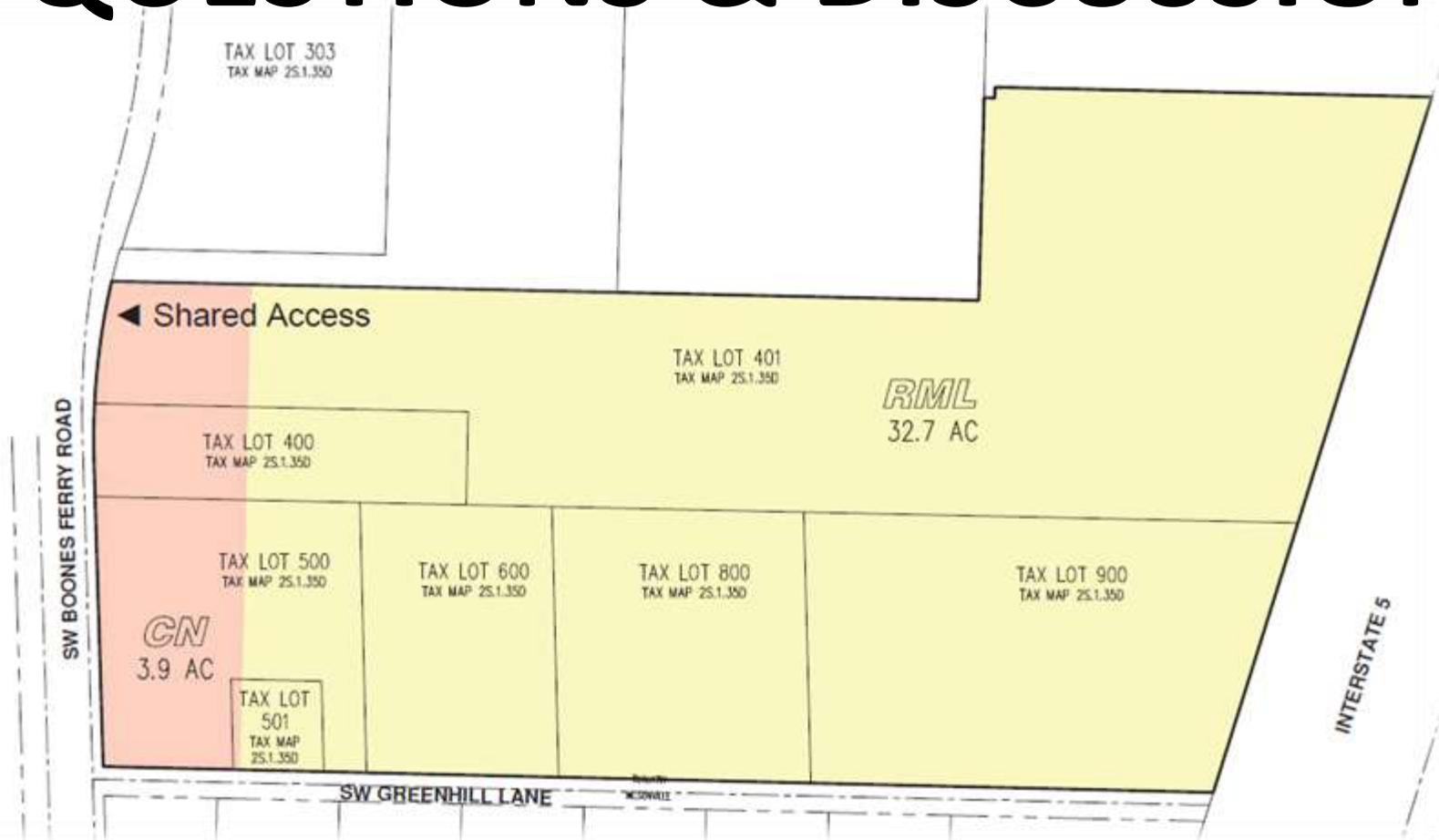
COUNCIL ACTION

Based on the Planning Commission's recommendation, the City Council is respectfully asked to:

- **Approve** the proposal (File No. PMA 20-0002/PTA 20-0005)
- *The Council may alternatively: make further modifications; deny the proposed amendments; or, continue the public hearing to a later date.*



QUESTIONS & DISCUSSION





March 8, 2021

Analysis and Findings

Case #:	PMA 20-0002 and PTA 20-0005
Project:	Basalt Creek Map Amendment: Neighborhood Commercial and Medium Low Density Residential
Location:	Tax Map 2S135D, Lots 400, 401, 500, and 501 (SW Boones Ferry Road)
Applicant:	AKS Engineering on behalf of Lennar Northwest, Inc.
Property owners:	Autumn Sunrise, LLC

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 7 and 18 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 subject proposal includes a change to the combined Comprehensive Plan and zoning map for the City of Tualatin, adjusting the existing boundaries between the Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones at a location east of SW Boones Ferry Road approximately at SW Greenhill Lane. As shown in Exhibits 1 and 2, the net area of each zone would stay consistent. In the existing Comprehensive Plan Map, the CN zone comprises approximately 3.9 acres in a rough square at the intersection of Greenhill and Boones Ferry following existing taxlot lines, with additional residential zoning to the north. In the proposed map configuration, the CN zone would occupy approximately 3.9 acres in a more elongated rectangle fronting on SW Boones Ferry, with residential areas at a more distant remove from the arterial.

This area is generally bounded by SW Boones Ferry Road to the immediate west, the edge of the Tualatin Urban Planning Area to the South, and Horizon Community Church and Christian School Campus (23370 SW Boones Ferry Road) to the north. East of the subject area is land that is primarily undeveloped and under discussion for future residential subdivision, in turn running up to Interstate-5 to the east.

If approved, the Plan Text Amendment would amend Map 10-1 (Comprehensive Plan Map) and Chapter 51 (Neighborhood Commercial Zone) of the Tualatin Development Code.

C. Site Description and Surrounding Uses

The subject territory includes the partial area of four taxlots in the Basalt Creek Planning Area, east of SW Boones Ferry Road and west of I-5. The land has been used for low-density residential and agricultural use, but is largely undeveloped and with few mature trees.

Surrounding uses:

North: Institutional (IN)

- Horizon Community Church/Christian School campus
- City of Tualatin water towers

Washington County FD-20/Tualatin Urban Planning Area RH

- Single dwelling. Planned for future multi-family development. Current Annexation case under review (ANN 20-0005).

Washington County FD-20/Tualatin Urban Planning Area RML

- Individual dwellings on large lots

South: Washington County FD-20

- Agriculture and low-density residential
- Wilsonville Planning Area—Planned as High Tech Employment District

- East: Medium Low Density Residential (RML)
- Under discussion for potential residential subdivision
 - Interstate 5 Right-of-Way

- West: Washington County FD-20/Tualatin Urban Planning Area RL
- Large-lot residential homes

D. Public Comments

The application for PMA 20-0002/PTA 20-0005 was submitted on August 5, 2020 and public notice for the City Council hearing of this application was mailed on February 10, 2021, with additional notice delivered by email. At the time of writing, staff have received comments from one neighbor during the active notice period for this set of land use applications (Exhibit 6). Key concerns include stormwater infrastructure and planning, the lack of a Natural Resource Inventory and associated environmental planning standards in the Basalt Creek Concept Plan area, transportation infrastructure issues, and aspects of future development. Compliance with State Goals and Oregon Administrative Rules is discussed in Sections II(A) and II(B) respectively.

Another area of concern include transportation impacts, and the location of conceptual right-of-way and transportation facilities. No right-of-way dedication or specific infrastructure development is included in this proposal. Applicants for future Subdivision and Architectural Review will be responsible for working with City, County, and State agencies as applicable in developing effective transportation infrastructure as part of those anticipated future applications.

The comments also raise additional questions about the process for engaging and submitting testimony regarding land use applications, and the adequacy of the City's processes. While staff acknowledge that it is always possible to improve the accessibility and breadth of our processes in engaging a broader range of our community members, the scope of this review is an applicant-initiated quasi-judicial application. As such, these findings are appropriately limited to the evaluating conformity with the codified processes of the Tualatin Development Code. Findings related to this evaluation are discussed in Section II(C) of this document.

Comments about the broader anticipated development at this location and thoughts regarding the applicant's Neighborhood Developer meeting have been received prior to the notice period for this land use case, and in relationship to other land use cases in this location. While not included in the record for the subject applications, staff acknowledge that we have heard a range of public comments related to future development impacts, including concerns about tree removal, stormwater management, environmental resource protection, school capacity, exposure to health impacts, and transportation impacts. These development concerns will be more specifically addressed to the extent specified in existing city and partner agency development standards during future land use review phases for Subdivision or other development.

Additional comments received following this staff report and through the scheduled City Council hearing will be added to the record.

E. Exhibits

Exhibit 1: Legal Description and Map

Exhibit 2: Map of Proposed CN/RML Configuration

Exhibit 3: Amendment Comprehensive Plan Map 10-1

Exhibit 4: Conceptual Development Plan

Exhibit 5: Applicant Submittal

Exhibit 6: Public Comment

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:

Public notice for the City Council hearing of the proposed changes have been mailed to surrounding property owners, emailed to additional agencies and parties previously expressing an interest in this application, advertised in the newspaper of record, and posted on the City's website. The applicant held a Neighborhood-Developer meeting on July 28, 2020. The proposal has also been discussed at the February 18, 2021 meeting of the Tualatin Planning Commission.

Additional public notice will be shared during future Architectural Review and/or Subdivision application phases. The applicable notification and review processes would not be themselves be modified by the proposed amendments. 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 have been reviewed pursuant to the City's established land use planning process and procedures as described in Tualatin Development Code Chapter 32 and 33. 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 requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations. 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 impact of a specific proposed development would be reviewed by Clean Water Services for potential natural resource impacts as part of that future land use application.

The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

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 (SWC) 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. The proposed amendments conform to Goal 7.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

Finding:

While the proposed Plan Map Amendment modifies the boundary between abutting Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones, the net area of each respective land use designation/zone would remain approximately equal, preserving the residential development potential of the existing RML zone. As such, this change does not jeopardize the provision of future housing and meeting the City's housing needs as identified in the adopted Housing Needs Analysis. To the extent that the proposed configuration supports a more efficient development path, allowing the

more complete use of the area within each respective zone, as supported by the applicant's conceptual development diagrams (Attachment 2), the change may better support future housing development.

Goal 11 – Public Facilities and Services

Finding:

The proposed amendments would not change the available residential density or commercial floor area planned for this area; therefore, no significant additional impacts to public facilities and services are anticipated over what the existing zoning map would allow. Future development would be subject to a land use application that would evaluate the development's impact to public facilities and the transportation system; therefore no amendments to the public facilities plans are necessary in order to accommodate the proposed text and map amendment. To the extent that the applicant has shown that the proposed configuration better meets their needs in providing efficient stormwater management, public facilities needs may be better met than under existing conditions. The proposed amendments conform to Goal 11.

Goal 12 – Transportation

Finding:

The proposed amendments would not change the available residential density and commercial floor area planned for this area. The proposed zoning map configuration would not be anticipated to permit additional impacts to transportation facilities and services are anticipated over the existing map configuration as previously approved by the Basalt Creek Concept Plan. The proposed amendments conform to Goal 12.

Goal 14 – Urbanization

Finding:

The subject territory is within the Urban Growth Boundary. The proposal does not contain any proposed modification to the Urban Growth Boundary or development outside of the Urban Growth Boundary. The proposal is consistent with Goal 14.

B. Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)

[...]

660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 (Exemptions to Notice Requirements Under OAR 660-018-0020) apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

(2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The notice or a draft of the notice required under ORS 197.763 (Conduct of local quasi-judicial land use hearings) regarding a quasi-judicial land use hearing, if applicable; and

(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

(4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:

(a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and

(b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.

(5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035 (Department Participation)(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.

Finding:

Notice of a proposed Post-Acknowledgement Plan Amendment was submitted to the Department of Land Conservation and Development (DLCD) via the PAPA Online portal on January 29, 2021, 38 days before the scheduled hearing.

C. Tualatin Comprehensive Plan

Note that applications PMA 20-0002 and PTA 20-0005 were submitted on August 5, 2020, and the findings below reflect the Tualatin Community Plan as written at that time.

Chapter 5 Residential Planning Growth

TDC 5.030- General Objectives

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

- (1) Provide for the housing needs of existing and future City residents.**
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.**
- (3) Cooperate with the Housing Authority of Washington County and the Housing Division of Clackamas County to identify sites, projects and developers to provide the City's fair share of assisted housing units for low and moderate income households, and participate in the region's Housing Opportunity Plan.**
- (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 District.**
- (5) Provide areas that are suitable for manufactured dwelling parks and areas that are suitable for subdivisions that will accommodate manufactured homes.**
- (6) Provide areas that will accommodate small lot subdivisions.**
- (7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small lot subdivisions.**
- (8) Encourage owner occupancy of multi-family developments and other housing units within the City.**
- (9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.**
- (10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.**
- (11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.**
- (12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.**
- (13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.**
- (14) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.**
- (15) Protect adjacent land uses from noise impacts by adopting industrial noise standards.**
- (16) Protect the Tonquin Scablands from adverse impacts of adjacent development. This includes the main Scabland area in the vicinity of the Burlington Northern Railroad tracks which is preserved through the use of the Wetlands Protection District and the Greenway and Riverbank Protection District. This also includes other elements of the Scabland formations found farther to the east. These latter areas will be preserved on a case-by-case basis as development occurs through preservation in**

their natural state, allowing residential density transfer through the small lot subdivision, common wall housing, and condominium conditional use processes.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state, by integrating the major trees into the design of the parking lots, buildings, or landscaping areas of multi-family complexes and non-residential uses, or in low density areas through the small lot, common wall, or condominium conditional use. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process, except for conventional single family subdivisions.

Finding:

The proposed map change would preserve the quantity of land area available for residential development, including the availability of land for the specific range of housing types allowed within the RML zone. The proposed changes do not present any conflicts with the residential planning objectives of TDC 5.030. These criteria are met.

[...]

TDC 6.040. - Planning District Objectives.

[....]

(2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Finding:

The proposed map change preserves the same area of RML zoning as the existing configuration and does not change the development potential or permitted development in a manner that conflicts with the objectives for this zone. These criteria are met.

[...]

TDC 6.030. - Objectives.

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

- (1) Encourage commercial development.**
- (2) Provide increased employment opportunities.**
- (3) Provide shopping opportunities for surrounding communities.**
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.**

- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.
- (6) Encourage developers to consider solar access when designing commercial development projects.
- (7) Provide for limited and carefully designed neighborhood commercial centers.
- (8) Provide for the continued development of major medical services facilities in the City of Tualatin, especially at the Meridian Park Hospital site. The Medical Center Planning District shall be applied only to a property, or a group of contiguous properties, of no less than 25 acres and shall have frontage on an arterial as designated in TDC Chapter 11, Tualatin Community Plan.

Finding:

The proposed map changes are indicated to support potential development configurations that provide ease of access to and through the commercial area, supporting Objective (4) to maximize access and minimize congestion. The applicant asserts that the new configuration better supports their design goals for the neighborhood commercial center, consistent with Objective (7), granting visibility for community members travelling on Boones Ferry Road, and preserving opportunity for access for nearby residential development. The proposal does not conflict with the additional objectives of this section. These criteria are met.

TDC 6.040. - Planning District Objectives.

[....]

(2) *Neighborhood Commercial Planning District (CN).* To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area. [...]

Finding:

The scope of proposed changes includes modifying the boundaries of the Neighborhood Commercial (CN) zone and modifying a section of Tualatin Development Code Chapter 51—Neighborhood Commercial Zone (CN). The existing CN node is located in close proximity to residential areas, being directly adjacent to Medium Low Density Residential (RML) zoning to the east, as well as unincorporated residential areas immediately across SW Boones Ferry Road, and approximately 380 feet to the nearest High Density Residential (RH) area, with yet additional residential areas comprising the majority of designated land uses within 1000 feet. Future commercial development would be positioned to potentially serve residents of new residential development, as well as nearby residential areas that are at a greater remove from commercial nodes in Tualatin and Wilsonville.

The objective further states that the mapping of the CN zone is not intended to diminish the draw of central commercial zones such as “large grocery or department stores.” As shown in the applicant’s conceptual development diagram (Attachment 2), the elongated version, while supporting parking and

circulation, would remain a substantially smaller commercial node as compared to many central sites. The CN node comprises under 4 acres, as compared to the Fred Meyer and parking lot at approximately 15 acres, or the Nyberg Woods shopping complex which is sited over about 25 acres, with about 20 developed acres.

The proposed change to remove language requiring that the zone be located 300 feet away from any school site does not conflict with the purpose statement of this section. The proposed changes are consistent with the purpose statement of this section.

D. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

[...]

(a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.

[...]

Finding:

The proposed text amendments are proposed for a limited number of properties and quasi-judicial in nature and will be processed consistent with the Type IV-A procedures in Chapter 32. A Post-Adoption Plan Amendment notice was filed with DLCD on January 28, 2021, 38 days before the scheduled hearing. Public notice has been mailed on February 10, 2020, 26 days before the scheduled hearing. This criterion is met.

(5) Approval Criteria.

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

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

Finding:

The proposed map changes are timely, falling between approval of the Basalt Creek Concept Plan and an anticipated proposed subdivision applicable to this area which would set the tone for development in this area of the community and be the first incarnation of the planned uses for the subject land area. Efficient development that allows for an effective layout of commercial and residential areas is in the broader public interest since it has the potential to provide for greater access between residential homes and commercial services with reduced reliance on automotive travel. The applicant shows that the proposed map configuration would support greater opportunity for shared access to the respective developments, consistent with the limitation of driveways and intersections on SW Boones Ferry Road, supporting safety for road users.

The proposed text amendment would also eliminate a codified buffer between the CN zone and school property. The applicant makes the case that it remains in the public interest to eliminate this buffer because it encourages more effective commercial development in a manner that can serve adjacent residential areas. The immediate greater impact of this change is limited to this location as it the only area in the whole of Tualatin where the CN zone is mapped. Any future application of the CN zone would still be subject to review through Plan Map Amendment, so this provision is not needed even if it is desired that the

To the extent that community members may find it desirable to create distance between school uses and commercial uses, it is noted that the proposed commercial zoning would still be over 300 feet from existing school buildings, but adjacent to a flag access of a multi-use campus, which includes school uses. Also of note, the definition of permitted use categories has been clarified since the applicable code standards including the buffer standard, were drafted. Permitted uses include a prescribed subset of retail sale and services, community services such as recreation opportunities, limited residential use, and infrastructure and utility uses (e.g, natural areas and transportation facilities). Additional state regulations prevent the location of certain commercial uses, such as cannabis businesses, from locating within defined buffers from schools. It remains within the public interest to remove the buffer.

These criteria are met.

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

Finding:

Section C considers the consistency of the proposal with applicable objectives of the Tualatin Community Plan and shows that the proposal conforms to these objectives. This criterion is met.

(d) The following factors were consciously considered:

- (i) The various characteristics of the areas in the City;**
- (ii) The suitability of the areas for particular land uses and improvements in the areas;**
- (iii) Trends in land improvement and development;**
- (iv) Property values;**
- (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;**
- (vi) Natural resources of the City and the protection and conservation of said resources;**
- (vii) Prospective requirements for the development of natural resources in the City;**
- (viii) The public need for healthful, safe, esthetic surroundings and conditions; and**

Finding:

The area immediately south of SW Norwood Road and extending toward SW Greenhill Road is a suburban edge area poised for change following the adoption of the Basalt Creek Concept Plan in 2018. The subject area is recently annexed territory of the City of Tualatin that has yet to develop under City zoning standards.

To the immediate north of the subject area is the site is a church and school campus, and north of SW Norwood Road is a developed residential neighborhood characterized by a mix of detached and attached housing, much of it developed in the 1990's. To the east is residential land that has recently been annexed into the City of Tualatin and I-5. To the south, and west of Boones Ferry, is additional large-lot residential development outside of city limits. There is additional zoning potential along SW Boones Ferry for multifamily housing, although the property within that zone is currently developed with a detached single-family residence. The capacity for near-term increased residential living, as well as trends in households seeking nearby neighborhood services, mean that the changes are well timed to consider how the blend of commercial and residential development can best be accommodated by the location of zoning boundaries. The proposal is made expressly to address the needs of economic enterprises and future development, allowing more arterial frontage for a commercial node, and creating a buffer away from an arterial for residential homes. The applicant's conceptual development diagram (Attachment 2) also shows that the configuration would align with plans for necessary infrastructure in support of community health and safety, including a stormwater management area and road infrastructure. These criteria are 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 proposed change does not affect the amount of land available for residential development or permitted density and as such, would not pose a predictable difference in projected school attendance from future families in this area as compared with the existing code language. The properties are within the Sherwood School District, which has been notified of the proposed Plan Text Amendment. 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:

The proposed change does not affect the maximum residential density and as such, would not be predicted to impact the number of trips necessarily associated with future development as compared with existing code allowances. More specific transportation impacts of future development will be evaluated with a future land use application. 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 would not change the amount of land available for residential development or permitted density, and as such, would not impact the City’s 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

This Title is not applicable.

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

This Title is not applicable.

Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments

This Title pertains to Tualatin’s obligation to meet the affordable housing needs of households with incomes between 0 and 50 percent of the regional median income. The proposed amendments would not impact the City’s housing capacity or provision for affordable housing specifically.

Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards

Tualatin continues to partner with state and regional authorities to comply with the Functional Plan.

Title 9 – Performance Measures: repealed

Title 10 – Definitions

Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB

The proposed amendments would apply to land that is within the UGB and within the City of Tualatin, therefore the amendments do not pose a direct change to 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

The mapping of an effective Neighborhood Commercial zone is consistent with the charge under Title 12 to reduce air pollution and traffic congestion by designating commercial nodes in close proximity to residential neighborhoods as a convenient location of commercial services. No changes to the types of permitted businesses or scale of commercial development are included as part of the proposed amendments.

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 and supported by the City’s partnership with Clean Water Services. 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 proposed changes do not include a change to net land area available for commercial and residential development respectively, and as such, no transportation impact over and above what is allowed under the existing code is anticipated. 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:

Future structural development on the site will require approval of a land use application, at which time these issues will be addressed in greater detail. The applicant’s conceptual development diagram (Exhibit 4) illustrates that the configuration will support stormwater facilities. This criterion is met.

(j) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Finding:

The subject area is currently within the City of Tualatin. Criterion j is not applicable.

**Chapter 51: Neighborhood Commercial Zone (CN)
Section 51.110 District Location Standards**

(1) District Location. The boundaries of a CN district must be separated from school property by not less than 300 feet. The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

(2)Street Frontage. At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

Finding:

The applicant proposes PTA 20-0005 to strike the language of TDC 51.110 that limits the location of the CN zone within 300 feet of school property; all other applicable criteria would remain. The Plan Map Amendment cannot be approved without the removal of the language requiring a separation of 300 feet from school properties. With the concurrent removal of this requirement, the Plan Map Amendment would be able to conform with the criteria of this section.

The boundaries of the proposed CN map configuration are in excess of 1,320 feet from CC and CG zones, and this area is the sole instance where the CN zone has been applied citywide. The majority of the proposed street frontage of the designated CN area would front to SW Boones Ferry Road, which is classified as a major arterial. These standards are met.



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and being more particularly described as follows:

Beginning at the South One-Quarter corner of said Section 35; thence along the west line of the Southeast One-Quarter of said Section 35, North $01^{\circ}34'15''$ East 239.22 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline) and the True Point of Beginning; thence along said northerly right-of-way line, North $88^{\circ}40'01''$ West 30.99 feet to the easterly right-of-way line of SW Boones Ferry Road (16.50 feet from centerline); thence along said easterly right-of-way line, North $01^{\circ}43'34''$ West 474.16 feet; thence continuing along said easterly right-of-way line (variable width right-of-way) along a curve to the right with a Radius of 1084.50 feet, Delta of $14^{\circ}43'05''$, Length of 278.58, and a Chord of North $05^{\circ}37'58''$ East 277.82 feet to the north line of Parcel I of Document Number 2007-105096; thence along said north line, South $88^{\circ}44'18''$ East 215.69 feet; thence leaving said north line, South $01^{\circ}19'59''$ West 750.79 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline); thence along said northerly right-of-way line, North $88^{\circ}40'01''$ West 180.23 feet to the True Point of Beginning.

The above described tract of land contains 3.91 acres, more or less.

01/13/2021

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Michael S. Kalina

OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS

RENEWS: 6/30/21

EXHIBIT B

A TRACT OF LAND LOCATED
 IN THE SW 1/4 AND THE SE
 1/4 OF SEC. 35, T2S, R1W,
 W.M., CITY OF TUALATIN,
 WASHINGTON COUNTY,
 OREGON

S88°44'18"E 215.69' DOC. NO. 2015-081254

PARCEL I OF
 DOC. NO.
 2007-105096

01/13/2021

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael S. Kalina

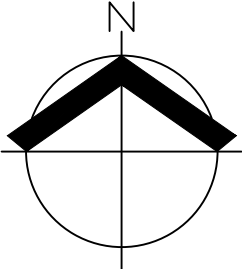
**OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS**

RENEWS: 6/30/21

PARCEL III OF
 DOC. NO.
 2007-105096

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1084.50'	14°43'05"	278.58'	N5°37'58"E 277.82'

PARCEL IV OF
 DOC. NO.
 2007-105096



SCALE: 1" = 100 FEET



CENTERLINE ALIGNMENT
 PER SN 32,841
SW BOONES FERRY ROAD

VAR
 C1 L=278.58'

N01°43'34"W 474.16'

S01°19'59"W 750.79'

AREA:
 3.91 ACRES±

N88°40'01"W 180.23'

SW GREENHILL LANE

TRUE POINT OF BEGINNING

LOT 1 OF
 GREENHILL ACRES

WEST LINE OF
 THE SE 1/4

POINT OF BEGINNING
 SOUTH 1/4 CORNER
 OF SECTION 35

N88°40'01"W
 30.99'

N01°34'15"E 239.22'

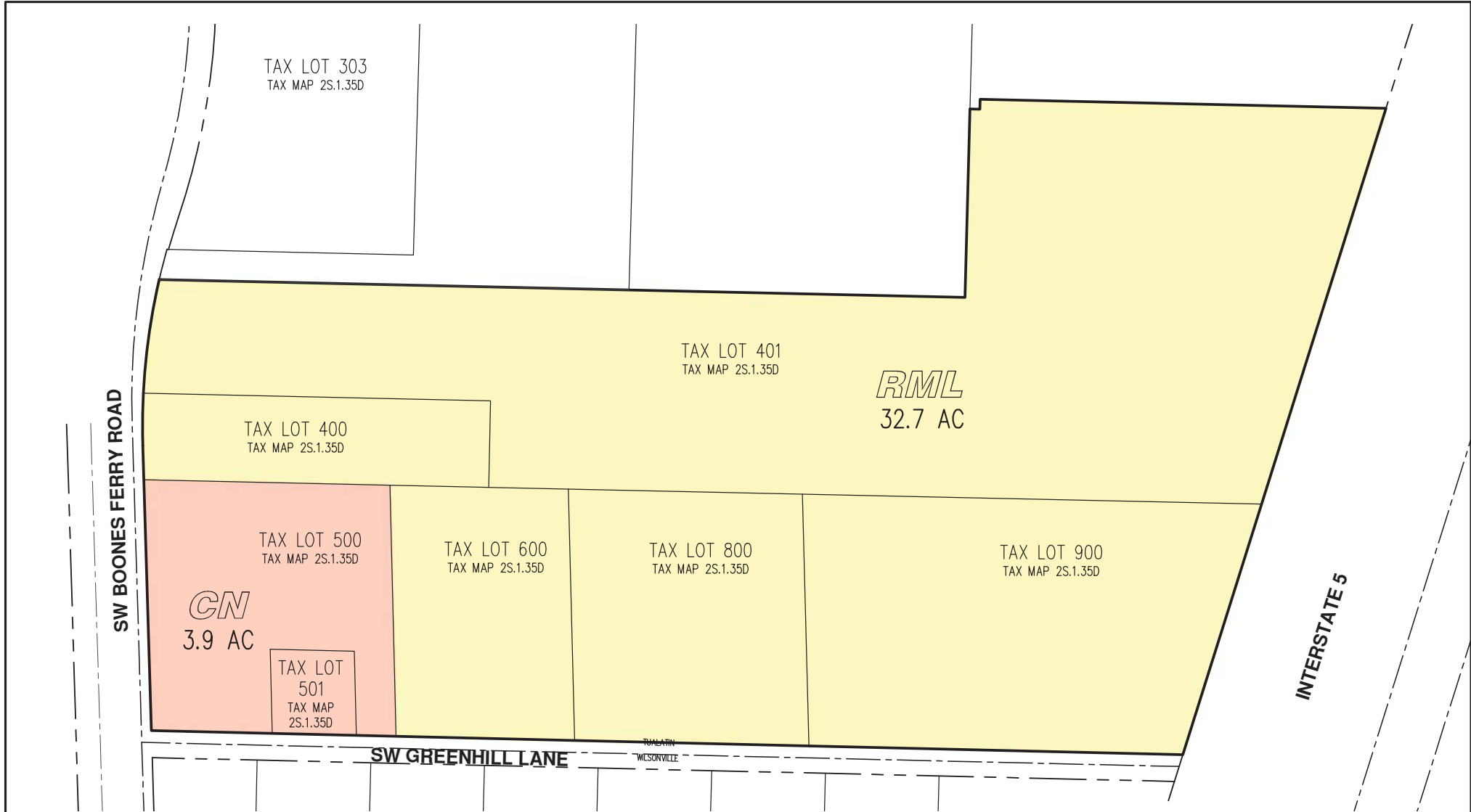
PROPOSED ZONE CHANGE

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM

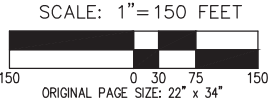


EXHIBIT
B

DRWN: MHJ
 CHKD: MSK
 AKS JOB:
 7454



DATE: 7/15/2020



ZONE CHANGE EXISTING ZONING		EXHIBIT
AUTUMN SUNRISE		A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



TAX LOT 303
TAX MAP 2S.1.35D

◀ Shared Access

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

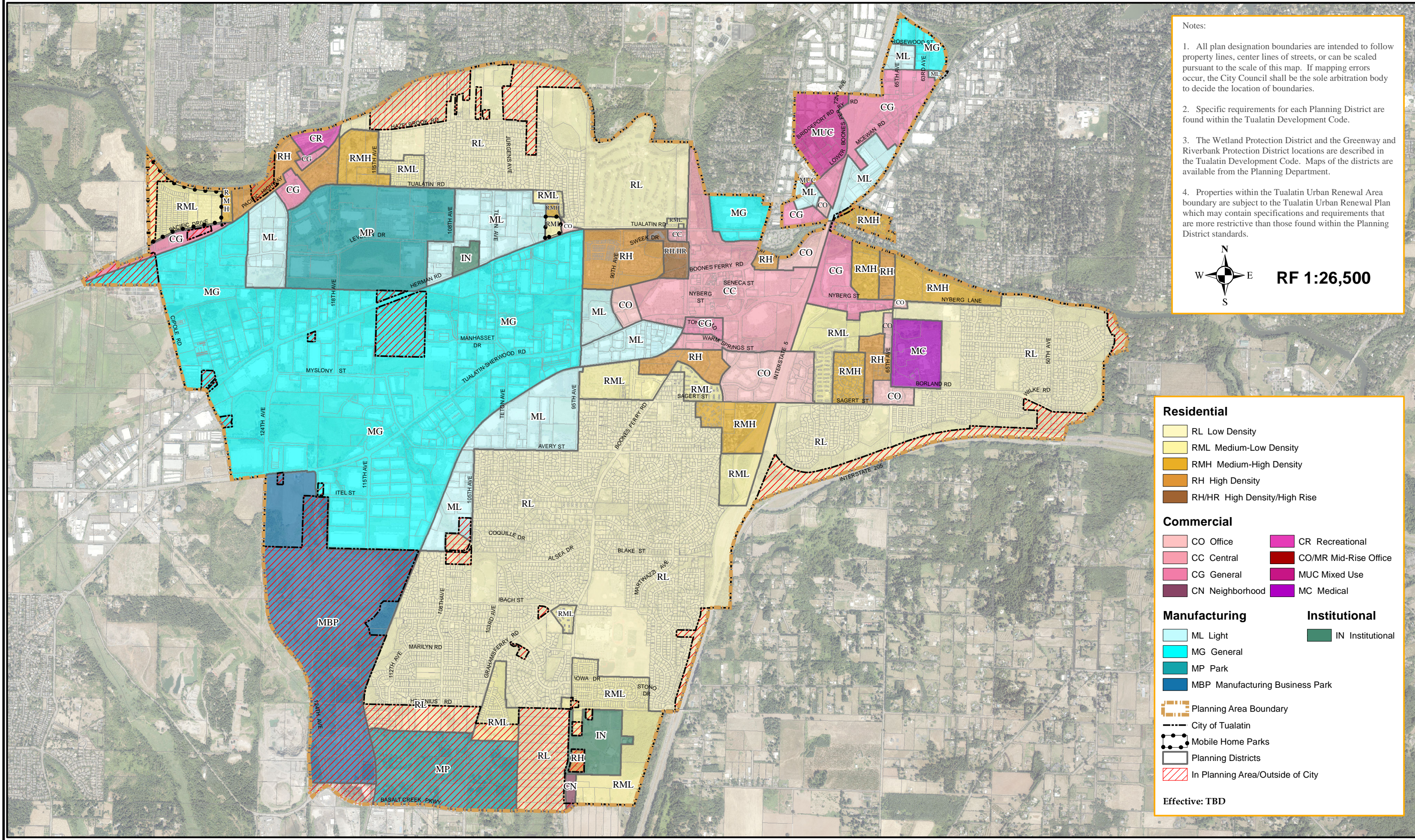
SCALE: 1" = 150 FEET



ZONE CHANGE PROPOSED ZONING		EXHIBIT
AUTUMN SUNRISE		B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



Map 10-1 Comprehensive Plan Map (DRAFT)



- 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.



Residential

- RL Low Density
- RML Medium-Low Density
- RMH Medium-High Density
- RH High Density
- RH/HR High Density/High Rise

Commercial

- CO Office
- CC Central
- CG General
- CN Neighborhood
- CR Recreational
- CO/MR Mid-Rise Office
- MUC Mixed Use
- MC Medical

Manufacturing

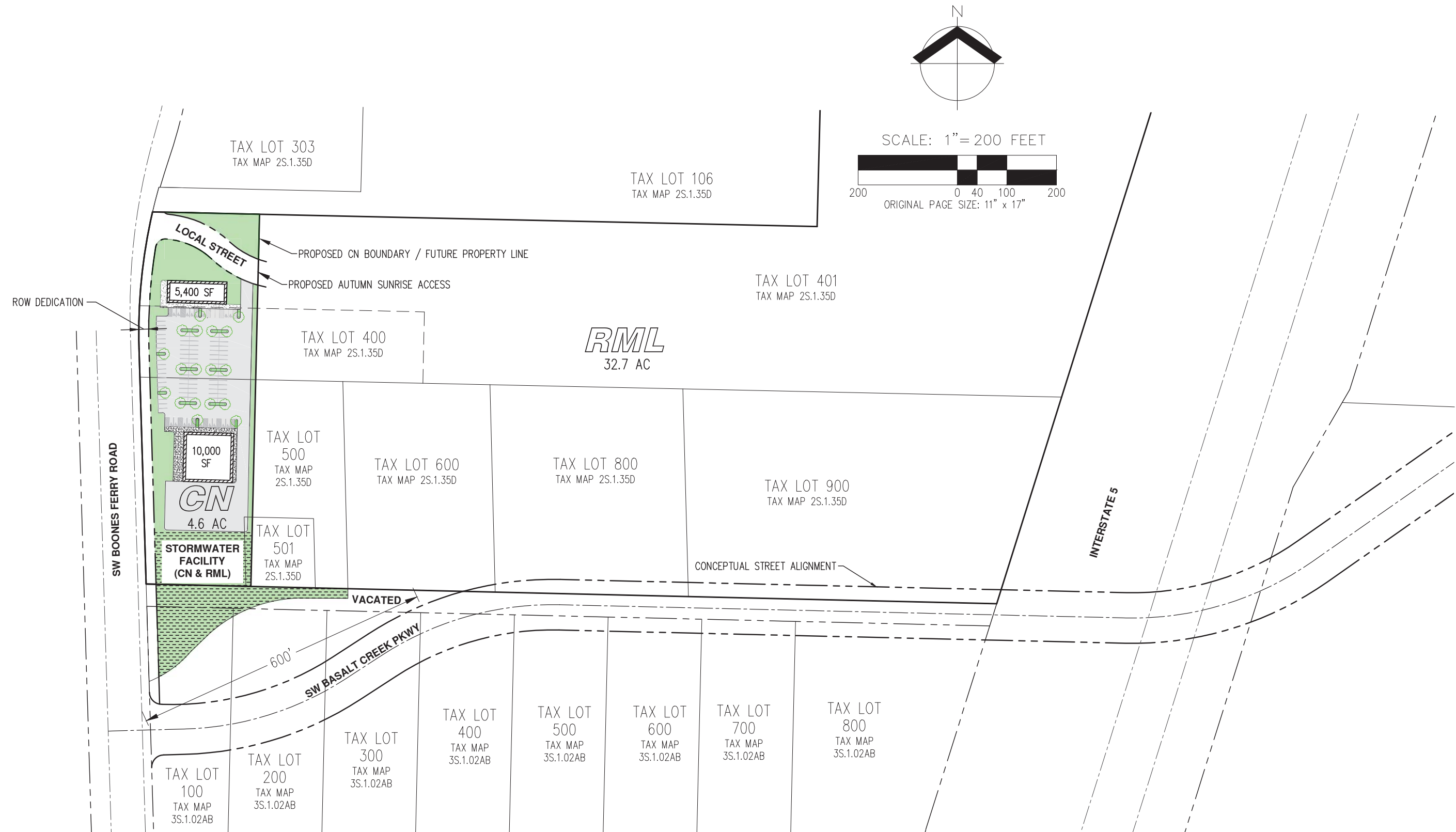
- ML Light
- MG General
- MP Park
- MBP Manufacturing Business Park

Institutional

- IN Institutional

Planning Area Boundary
 City of Tualatin
 Mobile Home Parks
 Planning Districts
 In Planning Area/Outside of City

Effective: TBD



DATE: 1/12/2021 AKS JOB: 7454

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ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE

Land Use Application for a Plan Map and Text Amendment

Date: August 2020
Revised January 2021

Submitted to: City of Tualatin
18800 SW Martinazzi Avenue
Tualatin, OR 97062

Applicants: Lennar Northwest, Inc.
11807 NE 99th Street, Suite 1170
Vancouver, WA 98682

AKS Job Number: 7454



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

- Exhibit A:** Proposed Zoning Configuration
 - Exhibit B:** Proposed Development Code
 - Exhibit C:** Land Use Application
 - Exhibit D:** Property Title Information
 - Exhibit E:** Neighborhood/Developer Meeting Noticing Information
 - Exhibit F:** Map Amendment Legal Description
 - Exhibit G:** Conceptual Development Sketches
-

Land Use Application for a Plan Map and Text Amendment

Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicant:	Lennar Northwest, Inc. 11807 NE 99 th Street, Suite 1170 Vancouver, WA 98682
Property Owner:	Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	23620 & 23740 SW Boones Ferry Road; 9415 SW Greenhill Lane South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
Washington County Assessor’s Map:	Map 2S 1 35D, Tax Lots 400, 401, 500, and 501
Site Size:	A plan map amendment affecting four lots totaling ±23.51 acres: ±3.90 acres (Tax Lots 500, 501) and ±19.34 acres (Tax Lots 400, 401).
Land Use District:	Medium-Low Density Residential (RML) (Tax Lots 400, 401) Neighborhood Commercial (CN) (Tax Lots 500, 501)

I. Executive Summary

Lennar Northwest, Inc. (Applicant) is submitting this application for a plan map and text amendment to the Tualatin Plan Map requesting a reconfiguration of Neighborhood Commercial (CN) zoning on the subject properties. This zoning reconfiguration will affect Tax Lots 400, 401, 500, and 501 of Washington County Assessor’s Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002.

The Applicant proposes to reconfigure the Neighborhood Commercial zone in the Basalt Creek Planning Area, as shown in Exhibit A, to allow for a single shared access point for the commercial district, the residential district, and the Horizon High School campus. The zone is currently in a square at the northeast corner of SW Lower Boones Ferry Road and SW Greenhill Lane. The proposed boundary will stretch the district north along SW Lower Boones Ferry Road to the shared access point, resulting in a rectangular shape. Changing the shape—but not the quantity—of the CN area will allow ±950 feet of separation between the planned local roadway shown on the Local Street Plan (Figure 11-3, below) and the future Basalt Creek Parkway, providing safe and efficient access, and minimizing traffic congestion and collisions.

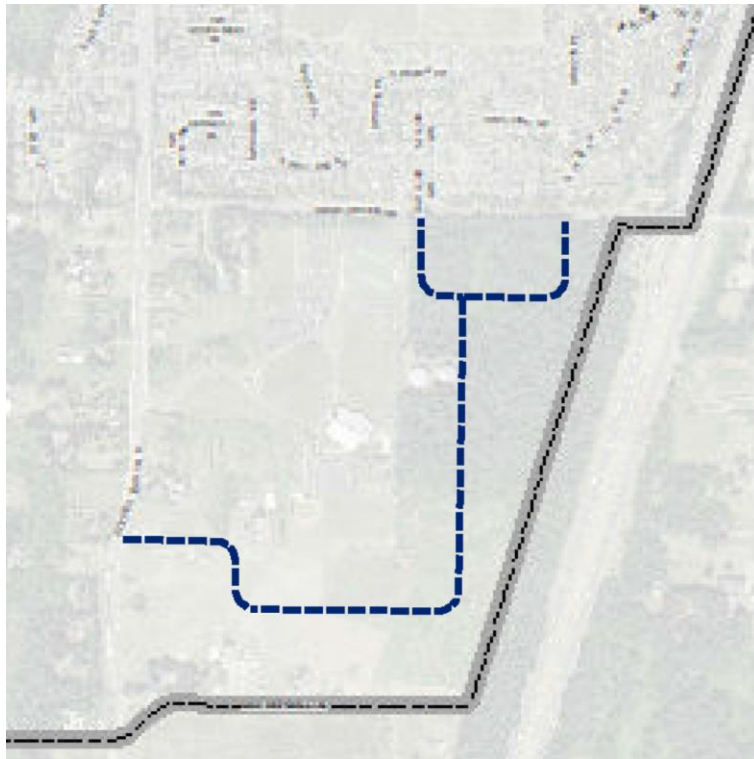


Figure 11-3 Local Street Plan, Tualatin Development Code Appendix B

The County spacing standards force connection to the existing Neighborhood Commercial district through the residential area and push commercial traffic onto residential streets. This situation is undesirable both in regard to livability and safety for the residences along these access streets, but also to the marketability of the commercial sites. SW Boones Ferry Road is classified as an arterial street by Washington County and a major arterial by Tualatin. Access spacing is regulated by Washington County; permanent access is limited to a minimum of 600 feet between access locations. As currently planned and illustrated in Figure 11-3 and within Exhibit A, the local street plan identified within the Basalt Creek Concept Plan, the planned location of the Basalt Creek Parkway intersection, as well as the current location and eventual vacation of

SW Greenhill Lane each preclude direct driveway connections to the Neighborhood Commercial site. Direct access to Basalt Creek Parkway also cannot be provided since the same spacing standards will apply to any connection to the future Major Arterial. Reconfiguration of the CN-zone will allow access to the commercial site through a single access shared with the new residential community, the existing school, and the future multifamily site to the north.

With the proposed reconfiguration, the CN zone will gain frontage, which is beneficial and attractive to commercial development; the Medium Low-Density Residential (RML) zone will retain safe access to SW Boones Ferry Road, and neighboring development, such as the existing Horizon High School; and High-Density Residential (RH) land to the north can share access to a high-volume arterial street. The proposed changes would not change the quantity or quality of lands zoned either Neighborhood Commercial or Medium Low-Density Residential.

The current text of the Tualatin Development Code (TDC) does not permit the location of CN zoning within 300 feet of school properties. The property immediately to the north of the proposed CN zoning includes Horizon High School. Because of the odd shape of the property, with multiple driveways extending to SW Boones Ferry Road and SW Norwood Road, the code as it exists results in CN zoning prohibited more than 700 feet from Horizon High School buildings. The proposed text amendment will permit the use of lands near large school properties with configurations that would prevent nearby development. In this case, the reconfiguration would benefit the school property as well as other surrounding properties. To provide needed housing, the applicant plans to submit a residential subdivision application in the future for the properties zoned RML.

The Plan Map Amendment proposed is consistent with relevant goals and policies of the City of Tualatin's Comprehensive Plan, Economic Opportunities Analysis, and Housing Needs Analysis. The proposal satisfies the applicable approval criteria for Plan Map Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The potential areas affected by this application for a plan map and text amendment are located at the southernmost extent of the City's Urban Growth Boundary (UGB). An area totaling ±32.64 acres, comprised of Tax Lots 400, 401, 600, 800, and 900, has been annexed into the City of Tualatin and is now zoned RML. An area totaling ±3.90 acres, comprised of Lots 500 and 501 are zoned CN. The potential project sites lie east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

Tax Lot 400 is currently vacant and undeveloped. Tax Lots 401, 500, and 501 are partially developed with single-family residences.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE (TUALATIN COMMUNITY PLAN)

CHAPTER 5 – RESIDENTIAL PLANNING GROWTH

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:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

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:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, 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.

Response: The areas of RML-zoned properties affected by the proposed plan map amendment are not conveniently located near the City's commercial core; they are two miles from Tualatin-Sherwood Road and one mile from Argyle Square, an auto-oriented retail center. The project area is located near convenient arterial streets and schools but is not an ideal location for multi-family housing. The proposal will allow the reconfiguration of the Autumn Sunrise RML and CN-zoned areas to provide a more convenient development layout and easier, safer shared access from SW Boones Ferry Road. As the quantity of lands designated CN is not changing from its present state, the surrounding neighborhoods will be able to enjoy nearby and accessible commercial development. No changes to these or other residential provisions are proposed. The amount of RML-zoned land will remain the same and will remain in the same general location. These provisions are satisfied.

TDC 5.040. - Planning District Objectives.

This section describes the purpose of each residential planning district.

- (2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential

use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Response: The plan map amendment is in line with the purpose of the RML zone. This reconfiguration of the commercial district will allow for safer access and more efficient use of urban area. No residential or commercial lands will be lost with this reconfiguration. No changes to these or other residential provisions are proposed as part of this application. These criteria are met.

CHAPTER 6 – COMMERCIAL PLANNING DISTRICTS

TDC 6.010. - Background.

- (8) As Tualatin grows in terms of residents and employees, and as these individuals disperse more throughout the City rather than concentrating near the downtown area, there is an ever-increasing demand for commercial services in close proximity to the people. This demand is primarily for day-to-day shopping and service needs such as small grocery purchases, hair cutting and styling, etc. The creation of neighborhood commercial centers, through the use of the new Neighborhood Commercial (CN) Planning District, will not only provide these services to the residents and employees, it will work to reduce traffic by eliminating trips to the downtown commercial areas. This concept is not seen as having any negative impact on the downtown area, as the types of goods and services to be provided are small and limited in nature. It is critical, however, that the design of neighborhood commercial uses be such that they are of a residential character and enhance rather than detract from neighborhoods.

Response: The area of Neighborhood Commercial zoning adjacent to SW Boones Ferry Road is important to the commercial activity of the area. Tualatin’s commercial core is more than two miles to the north. The applicant has not proposed a reduction or increase in area for this important Neighborhood Commercial area, but rather a reconfiguration in order to accommodate site factors, limited access availability, and future development needs. The current configuration would require driveway access for this property close to the planned intersection of SW Boones Ferry Road and the future extension of Basalt Creek Parkway, only ±150 feet to the south.

The zone remains, after reshaping, a commercial district that will enhance surrounding neighborhoods. The types of goods and services that will eventually be provided within this area are small and limited in nature and will not detract from the quality of the downtown commercial areas or neighborhoods nearby. Shared access will allow safe and convenient access from the adjacent RML residential areas and those traveling along SW Boones Ferry Road. These requirements are met.

TDC 6.020. - Assumptions.

The following are general assumptions used to formulate this Plan:

- (7) The creation of residential and employment concentrations away from the downtown core will create the need for neighborhood commercial centers. These centers are intended to provide for day-to-day shopping and service needs and are not intended to be serious competition with businesses in the downtown area.

Response: This area was brought into the Tualatin Urban Growth Boundary in 2004. Zoning and plan designations were determined at that time to serve the needs of residential neighborhoods and industrial areas adjacent to the district. With the proposed

reconfiguration, these designated commercial areas will continue to be available to serve adjacent development. As Tualatin Development Code restricts floor area of commercial development in the CN zone, this area will not provide the same types of businesses prevalent within the downtown area. This area will serve smaller establishments such as general retail, personal care businesses such as salons, and other types of community services. After reconfiguration, the Neighborhood Commercial area will continue to meet these assumptions. These provisions are satisfied.

TDC 6.030. - Objectives.

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

- (1) Encourage commercial development.
- (2) Provide increased employment opportunities.
- (3) Provide shopping opportunities for surrounding communities.
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.
- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.
- (6) Encourage developers to consider solar access when designing commercial development projects.
- (7) Provide for limited and carefully designed neighborhood commercial centers.

Response:

The proposed reconfiguration of this CN district will provide greater development opportunities than the current configuration. Development on the CN-zoned properties affected by this application will gain greater and safer access to surrounding arterials, the area will benefit from minimized traffic congestion by spacing access away from intersections, businesses will receive greater frontage for commercial building orientation towards the street, and Tualatin will have increased development area for residential housing on neighboring lots. These factors increase the attractiveness of commercial development of the property, leading to increased employment and shopping opportunities for surrounding communities. Other factors to be considered will be addressed upon commercial development of the lots. These criteria are met.

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

- (2) **Neighborhood Commercial Planning District (CN).** To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

Response: The reconfiguration of the Neighborhood Commercial area as proposed will not prevent the area from being used to its full extent and capability. The area will provide commercial opportunities for nearby residential areas as well as the larger industrial districts of the Basalt Creek Planning Area. Review of the uses proposed will be accomplished at the time of development proposal. The location of the Neighborhood Commercial district will serve to reduce automobile trips and be pedestrian-oriented through its proximity to nearby neighborhoods. The reconfigured commercial district will be compatible with nearby neighborhoods. Additionally, the text amendment proposed will not alter the district's compatibility nor its purpose or function. These provisions are met.

CHAPTER 9 – PLAN MAP

TDC 9.010. - Background.

This Plan section includes the Plan Map, (Map 9-1) classification of planning district boundaries, and brief descriptions of the land uses in each Plan area. The Plan Map is a synthesis of the objectives contained in each Plan element that can be portrayed graphically in map form. The Map is based on an analysis of data contained in the Phase I—Technical Memoranda, Northwest Tualatin Concept Plan 2005 and an analysis of Plan objectives and the Statewide Planning Goals of the Land Conservation and Development Commission.

TDC 9.020. - Planning District Boundaries.

The boundaries between planning districts, as portrayed on the Plan Map, are intended to follow property lines (or extensions thereof), roadways, or natural features such as creeks. Where such definition was not possible, the Map is drawn to scale and district boundaries can be determined by using this scale. It should be noted that property lines shown on the Plan Map were derived from County Assessor's Maps and are therefore relatively accurate. Consequently, the planning districts shown on the Plan shall be considered zoning districts, as normally termed. This eliminates the need for two sets of maps and simplifies the understanding of what land uses may be allowed on an individual property.

Response: The boundaries of this district are proposed to change slightly by extending the district north and increasing lot frontage along SW Boones Ferry Road. The current configuration would not permit adequate access onto the planned location of the Basalt Creek Parkway, the final location of which has shifted to the south and no longer aligns with or provides frontage for CN-zoned neighboring properties to the south. By altering the configuration, safe and properly-spaced access opportunities onto SW Boones Ferry Road can be provided from a shared local street. The reconfiguration allows adequate access to comply with County access spacing standards, prevents commercial traffic travelling through residential areas, minimizes traffic collisions and congestion, and provides shared access between neighboring developments. The quantity and quality of lands is not proposed to change. The district boundaries will follow those property lines to be created as part of a future subdivision application. A legal description (Exhibit F) has been provided to illustrate this district boundary.

TDC 9.046. - Area 16 Basalt Creek Planning Area.

The Basalt Creek Planning Area is generally located north of Basalt Creek Parkway, south of Helenius Road and Norwood Road, east of 124th Avenue, and west of I-5. The Basalt Creek Planning Area includes a mix of residential zones at various densities, a small neighborhood commercial node, an employment lands, as further described below.

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- (2) An area with the RML (Medium Low Density Residential) Zone is planned south of Norwood Road, east of Boones Ferry Road, and west of I-5. An additional area of RML Zone is also planned east of Grahams Ferry Road between the two above described areas of RL Zone. These areas lends themselves to a slightly higher density than traditional single—family due to the excellent transportation access and the close relationship to the employment centers. The use of the RML Zone in this area provides for the needed higher densities with a Zone that will allow development that is similar in character and density to the RL lands.

Response: The affected portion of the RML district is east of SW Boones Ferry Road. The proposed text and map amendments will not affect the planned densities or quantities of these areas, just the configuration and apportioning of residential lands. These requirements are met.

- (4) A small area with the CN (Neighborhood Commercial) Zone is planned north of Greenhill Road and east of Boones Ferry Road. This CN Zone is intended to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. This area lends itself to the CN Zone due to the excellent transportation access and the close proximity to abutting residential areas of medium to higher densities.

Response: The affected Neighborhood Commercial areas represent the majority of CN-zoned territories within the City of Tualatin. This application for plan map amendment does not affect the small CN portion south of SW Greenhill Lane at the furthest extent of the UGB along the planned route of the Basalt Creek Parkway. The reconfiguration of CN-zoned lands will not affect this CN-zoned portion’s ability to meet the purposes listed above. The proposed plan text amendment will not affect the intended purposes of the zone, only where the zone may be located. These provisions are satisfied.

TUALATIN DEVELOPMENT CODE

CHAPTER 32 – PROCEDURES

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
- (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood / Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070

Response: The applicant has submitted an application for a plan map and text amendment that affects four parcels owned by the applicant. The amendment does not propose to change the quantity or quality of CN or RML lands. The purposes of the districts will continue to be served following the reconfiguration and text change. The requested reconfiguration affects a limited number of properties and will require public notice and a public hearing before the City Council.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended pre-application conferences with the City of Tualatin to discuss the overall project and this specific reconfiguration of commercial lands. The required pre-application conference was held with City of Tualatin Staff on January 22, 2020, prior to the application submittal date.

- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and

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- (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
 - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
 - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on January 22, 2020.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*
 - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;

- (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
- (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
- (c) The City will provide the applicant with labels for mailing for a fee.
- (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: A Neighborhood/Developer Meeting is required for this type of application and one was held on July 28, 2020. The required information is provided in Exhibit E. A meeting was held following the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings and these criteria are satisfied.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
 - (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the property owner and contract purchaser of all properties affected by the proposed text amendment.

TDC 32.140. - Application Submittal.

- (1) *Submittal Requirements.* Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must

be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

- (a) A completed application form. The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
 - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

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- (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Response: Required information, city forms, and this narrative have been submitted to the City of Tualatin for approval. These requirements are satisfied.

TDC 32.150. - Sign Posting.

- (1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
 - (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and
 - (c) Sign text must be at least two inch font.
- (3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.
- (4) **Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:
- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
 - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Response: Signs will be posted in accordance with the above provisions of Tualatin Development Code. Signs for the Neighborhood/Developer Meeting were posted in accordance with Section 32.120(6). Signage providing notice of the pending land use application hearing will be posted when applicable. These criteria have been or will be met when applicable.

CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

TDC 33.070. – Plan Amendments.

- (1) **Purpose.** To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Community Plan.

Response: The applicant is applying for a plan map amendment in order to reconfigure an area, currently within the bounds of Tax Lots 500 and 501, to provide for greater development

flexibility and shared access. The reconfiguration will not change the quantity of lands provided, only their orientation and dimensions.

The applicant has also applied for a plan text amendment in order to allow for the designation of lands as Neighborhood Commercial within 300 feet of a property containing a school. The Neighborhood Commercial district is currently slightly more than 300 feet from a property containing a school. Reconfiguring the lands for efficiency and safety requires amending the Tualatin Development Code.

The required materials have been attached to this narrative as exhibits, providing justification for this plan map and text amendment request.

(2) *Applicability.* Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

Response: A pre-application conference with City of Tualatin staff has identified this application for plan map and text amendment, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. This application has been submitted by the property owner and their authorized representatives. This criterion is met.

(3) *Procedure Type.*

(a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.

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

Response: The applicant requests that this quasi-judicial application, which affects a limited number of properties, be subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

(4) *Specific Submittal Requirements.* An application for a plan map or text amendment must comply with the general submittal requirements in TDC 32.140 (Application Submittal).

Response: The applicant has submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

(5) *Approval Criteria.*

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

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

Response: The proposed plan map amendment would allow safe access to this and surrounding sites. Granting the plan map amendment would have no ill consequences, as the quantity of RML and CN lands would remain the same, but in a more useable configuration. The change would also reduce the development of driveways along SW Boones Ferry Road, adding to the safety of this arterial corridor.

The proposed plan text amendment would allow development of the Neighborhood Commercial district as outlined above without the constraints of a buffer between this district and the adjacent school. Because granting this amendment will permit the

development of the proposed CN district and allow shared access between adjacent developments, the amendment is in the public interest. The application satisfies these criteria.

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

Response: The Tualatin Community Plan is incorporated into the TDC as Chapters 1 through 30. The criteria and objectives of the Tualatin Community Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

- (d) The following factors were consciously considered:

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

Response: The CN zoning designation is not currently applied within any other areas of the city. The design requirements contained in Chapter 51 of the TDC prevent any retail space above 10,000 square feet. While this zone does not exist elsewhere within the city, other commercial zones allow the types of uses permitted in the CN zone without the restrictions of the school property distance requirement. With the proposed removal of the school separation, the CN area will be consistent with examples elsewhere within the city. This criterion is met.

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

Response: The general location of the CN district will not change. The Basalt Creek Concept Plan describes this zone as being “at or near” the intersection of SW Boones Ferry Road and the Basalt Creek Parkway. The reconfigured CN district will still meet this description as planned. The land use and development patterns will match those along other similar corridors. The rearrangement of the zoning districts at this intersection will not change the suitability of the area for the land uses and will improve the safety and usability of the properties. This requirement is satisfied.

- (iii) Trends in land improvement and development;

Response: Future development of this and surrounding sites was considered when creating this plan map and text amendment proposal. The proposed rearrangement of lands would meet the trends in development for both residential lands and small commercial retail sites. Reconfiguring the site will accommodate future growth on both the commercial and adjacent residential lands.

- (iv) Property values;

Response: The effects of the proposed changes on property values were considered. However, these cannot be effectively determined. The reconfiguration of the commercial site may result in an increase in property values due to the increased frontage provided.

- (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;

Response: Access and economic viability were the major considerations for seeking plan and map amendments. The map amendments are needed to facilitate safe and shared access to

SW Boones Ferry Road for this site and the residential site. Rearrangement of the properties will also improve the possibility of future development of both the commercial and residential sites. The amendments propose to retain the same quantities of commercial and residential lands in order to preserve the planned development potentials of the Neighborhood Commercial and Medium Low-Density Residential zones. This provision is satisfied.

- (vi) Natural resources of the City and the protection and conservation of said resources;
- (vii) Prospective requirements for the development of natural resources in the City;

Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

- (viii) The public need for healthful, safe, esthetic surroundings and conditions; and
- (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.

Response: While there was no mistake in the plan text or map for the property under consideration, these properties were not previously under the same ownership and the orientation of the tax lots did not allow the commercial arrangement proposed. Approving this request will serve the purposes of the plans outlined within this narrative as well as meet the public need for efficient and safe future development of the area, protection of property values and natural resources, and trends in development in the area. The application complies with these criteria.

- (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.

Response: The proposed plan map amendment will reconfigure an area of land designated CN and an area designated RML. This rearrangement and proposed plan text amendment will not have any effect on the density of any future housing on the RML lands, as the quantity of lands is not proposed to change. This section is not applicable.

- (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).

Response: The proposed amendments are consistent with Oregon Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning. Goal 1 is not encoded in Oregon Administrative Rules (OAR), but this proposal complies by satisfying the citizen involvement criteria of Tualatin Development Code. The plan and map amendments are compliant with Goal 2 because the amendments satisfy the City’s established land use planning processes and procedures.

The amendments are also compliant with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as they do not propose changes to the RML zone.

The text amendment, as proposed, is consistent with Oregon Administrative Rule 660-007 (the Metropolitan Housing Rule), as it does not propose to change any aspects of housing provided within the RML district.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. Oregon’s Transportation Planning Rule (OAR 660-012-0060) does not apply to this proposal, as this proposal does not functionally increase the effect of development on transportation facilities. No material change in possible traffic demand has been proposed. No transportation facilities will be degraded or have their functional classifications changed by this amendment. These criteria have been met.

- (g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

Response:

The Metropolitan Service District’s Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. Since the proposed amendment does not seek to adjust minimum or maximum densities or uses required by the CN and RML zones, this amendment is consistent. The proposed map changes also do not decrease housing supply or capacity, nor do they change the amount of provided commercial lands within the City of Tualatin. The proposed text amendment does not affect the uses proposed within commercial districts or increase or decrease housing supply or capacity. This criterion is met.

- (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.
- (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.
- (j) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Response:

The proposed plan map amendment and plan text amendment will not alter the transportation needs of the affected parcels in the City’s Transportation System Plan. The zoning configuration changes provide reasonable solutions to alleviating traffic issues caused by commercial traffic in residential areas and inadequate driveway and street spacing along Major Arterial streets. Density requirements for commercial types will remain as outlined within TDC 51.200 and density requirements for housing types will remain as outlined within TDC 41.220. Applications for future development will be required to provide Traffic Impact Analyses per the Tualatin Development Code. The proposal is consistent and these criteria are met.

CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

TDC 41.100 - Purpose

The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas.

Response: The proposed changes to the dimensions of the area zoned CN will not affect the quantity or quality of RML lands. These lands will continue to serve their intended purpose following the reconfiguration of neighboring CN lands. No changes to these lands other than their arrangement is proposed.

The proposed text changes do not affect the RML district. These criteria are met or are not applicable.

CHAPTER 51 – NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

Response: The change in district shape does not affect the quantity of lands zoned Neighborhood Commercial. The Neighborhood Commercial district will remain available to serve the professional office, services, and retail needs of the residents of the area.

The proposed text amendment does not affect the purpose or intent of the Neighborhood Commercial district. These criteria are met.

TDC 51.110. - District Size and Location Standards.

- (1) **District Location.** The boundaries of a CN district must be separated from school property by not less than 300 feet. The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

Response: The proposed text amendment will change the distance buffer between CN districts and neighboring school land uses. Because the school property is a flag lot, the 300-foot required buffer from school properties effectively doubles the physical separation from the school building.

The applicant has proposed the removal of the school separation portion of the code (Exhibit B). The CN designation is only applied to this location within the City of Tualatin's Urban Growth Boundary. Because of the zone's location, the text amendment will not affect other schools within the City and will remain an appropriate distance from Horizon High School. The district will remain separated from other commercial zones and uses and remain intended to serve surrounding neighborhoods and industrial areas.

Concerns about specific uses which may possibly be located within CN-zoned areas and within 300 feet of school properties hinder the efficient development of these areas by regulating the placement of commercial businesses near residential areas. Uses permitted in this area include personal services like salons, barber shops, and childcare centers; small retailers; food and drug stores; and pharmacies. Lack of these retail sales and services near residential areas increases the need to use an automobile for short errands, increasing vehicle trips and neglecting the possibilities for more sustainable development in the area.

The proposed map change, with approval of the proposed text amendment, will be consistent with the regulations contained within the Tualatin Development Code.

- (2) **Street Frontage.** At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

Response: The reconfigured lands will have an increased frontage SW Boones Ferry Road, a Major Arterial. This criterion is met.

BASALT CREEK CONCEPT PLAN

Concept Plan for Basalt Creek

Development Types

Tualatin

Housing. Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone's Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

Response: This plan map and text amendment does not propose to change the quantity or quality of lands provided for the Basalt Creek Planning Area. Housing can still be provided within this area as planned, following the CN zoning district text adjustment and reconfiguration.

Commercial. Neighborhood Commercial is planned north of the jurisdictional boundary and east of the Basalt Creek Canyon at, or near, the northeast corner of the intersection of Boones Ferry Road / Basalt Creek Parkway. It is intended to serve residents and workers.

Response: The reconfiguration of the commercial lands as proposed would still meet the intent of the designated area as stated within the Basalt Creek Concept Plan. This area of

Neighborhood Commercial would remain northeast of the intersection of Boones Ferry Road and Basalt Creek Parkway. The area would remain connected to the intersection by other lands zoned Neighborhood Commercial outside of the current city limits and south of the present location of Greenhill Lane – immediately north of the future location of the parkway.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application.

Exhibit A: Proposed Zoning Configuration

TAX LOT 303
TAX MAP 2S.1.35D

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE EXISTING ZONING		EXHIBIT
AUTUMN SUNRISE		A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



TAX LOT 303
TAX MAP 2S.1.35D

◀ Shared Access

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE PROPOSED ZONING		EXHIBIT
AUTUMN SUNRISE		B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



Exhibit B: Proposed Development Code

CHAPTER 51 - NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

TDC 51.110. - District Size and Location Standards.

- (1) *District Location.* ~~The boundaries of a CN district must be separated from school property by not less than 300 feet.~~ The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.
- (2) *Street Frontage.* At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

(Ord. No. 1418-19, § 4, 4-22-19)

TDC 51.200. - Use Categories.

- (1) *Use Categories.* Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. 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.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 51-1
Use Categories in the CN Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.
COMMERCIAL USE CATEGORIES		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; • Food stores, subject to TDC 51.210(1);

		<ul style="list-style-type: none"> • Drug store and pharmacy; • Laundry and dry cleaning, subject to TDC 51.210(2); • Beauty and barber shops; Shoe repair; and <ul style="list-style-type: none"> • Child day care center, subject to TDC 34.100. All commercial uses subject to floor area limitation, see TDC 51.210(3).
INSTITUTIONAL USE CATEGORIES		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

TDC 51.210. - Additional Limitations on Uses.

- (1) *Food Stores.* Food stores must not exceed 4,000 square feet of gross floor area.
- (2) *Laundry and Dry Cleaning.* Laundry and dry cleaning establishments must be exclusively for the cleaning of clothing and materials of the resident population and must not involve laundry or cleaning of commercial, industrial, or institutional clothing and materials.
- (3) *Commercial Floor Area Limit.* A nonresidential occupant must not occupy more than 10,000 square feet of any building or combination of buildings within a single CN District area.

TDC 51.300. - Development Standards.

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

**Table 51-2
Development Standards in the CN Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	20,000 square feet	—

MINIMUM LOT WIDTH

Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process

MINIMUM SETBACKS

Front	20 feet	
Side and Rear	0— 15 feet	As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.

MAXIMUM LOT COVERAGE

All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
----------	------------	--

MAXIMUM STRUCTURE HEIGHT

All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees.
----------	---------	--

TDC 51.310. - Additional Development Standards.

- (1) *Building and Driveway Orientation.* All commercial uses in CN District must be oriented and have primary driveway access to an Arterial or Major Collector street. No more than one driveway may access Minor Collector, Local Residential, or Cul-De-Sac street.
- (2) *Building Design.* All commercial buildings must be of a general residential character, including the following design elements:
 - (a) *Facade Design.* All building facades must be of wood or brick and, if painted, must be in muted, earth tone colors.
 - (b) *Roof Forms.* All roofs must be compatible with the surrounding residential area as determined through the Architectural Review process.
- (3) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
 - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
 - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.
 - (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
 - (d) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;

- (viii) Geologic stability of the lot; and
- (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. [1427-19](#), § 25, 11-25-19)

Exhibit C: Land Use Application



Land Use Application

Project Information		
Project Title: Autumn Sunrise Plan Text/Map Amendment		
Brief Description: An application for a Plan Text Amendment & Plan Map Amendment to the Tualatin Development Code to reconfigure designated Neighborhood Commercial (CN) lands on the applicant's property to accommodate future development and shared access and removal of a required buffer between the CN district and neighboring school uses.		
Property Information		
Address: 23680, 23740 SW Boones Ferry Rd.; 9415, 9470 SW Greenhill Ln.		
Assessor's Map Number and Tax Lots: 2S135D, Lots 400, 401, 500, and 501		
Applicant/Primary Contact		
Name: Mimi Doukas, AICP, RLA	Company Name: AKS Engineering & Forestry, LLC	
Address: 12965 SW Herman Road, Suite 100		
City: Tualatin	State: OR	ZIP: 97062
Phone: (503) 563-6151	Email: mimid@aks-eng.com	
Property Owner		
Name: Autumn Sunrise, LLC		
Address: 485 S. State Street		
City: Lake Oswego	State: OR	ZIP: 97034
Phone: Please contact applicant	Email: Please contact applicant	
Property Owner's Signature: 		Date: 07/30/2020
<i>(Note: Letter of authorization is required if not signed by owner)</i>		
AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.		
Applicant's Signature: 		Date: 7/14/2020

Land Use Application Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN)
<input type="checkbox"/> Architectural Review (AR)
<input type="checkbox"/> Architectural Review—Single Family (ARSF)
<input type="checkbox"/> Architectural Review—ADU (ARADU)
<input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Historic Landmark (HIST)
<input type="checkbox"/> Industrial Master Plan (IMP)
<input checked="" type="checkbox"/> Plan Map Amendment (PMA)
<input checked="" type="checkbox"/> Plan Text Amendment (PTA)
<input type="checkbox"/> Tree Removal/Review (TCP) | <input type="checkbox"/> Minor Architectural Review (MAR)
<input type="checkbox"/> Minor Variance (MVAR)
<input type="checkbox"/> Sign Variance (SVAR)
<input type="checkbox"/> Variance (VAR) |
|--|---|---|

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

Exhibit D: Property Title Information



FIRST AMERICAN TITLE Property Research Report

SUBJECT PROPERTY

R560253, R560262, R560299, R560306, R560315
2S135D00400, 2S135D00401, 2S135D00600, 2S135D00800, 2S135D00900
Washington

OWNER

Autumn Sunrise LLC

DATE PREPARED

03/31/2020

PREPARED BY

bkelner@firstam.com



First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC

CoOwner:

Site: 23620 SW Boones Ferry Rd Tualatin OR 97062

Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560262

Ref Parcel #: 2S135D000401

TRS: 02S / 01W / 35 / SE

County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1

Census Tract: 032110 Block: 1004

Neighborhood: Cpo 5 Sherwood-Tualatin S1

School Dist: 88J Sherwood

Impr Type:

Subdiv/Plat:

Land Use: 1910 - Urban Developable Tract Improved

Std Land Use: RSFR - Single Family Residence

Zoning: Tualatin-RML - Medium-Low Density Residential

Lat/Lon: 45.34924660 / -122.76892857

Watershed: Fanno Creek-Tualatin River

Legal: ACRES 17.55

ASSESSMENT AND TAXATION

Market Land: \$3,880,480.00

Market Impr: \$0.00

Market Special: \$0.00

Market Total: \$3,880,480.00 (2019)

% Improved: 0.00%

Assessed Total: \$644,220.00 (2019)

Levy Code: 88.13

Tax: \$9,971.63 (2019)

Millage Rate: 15.4786

Exemption:

Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3

Baths, Total: 2.00

Baths, Full:

Baths, Half:

Total Units:

Stories:

Fireplaces:

Cooling:

Heating: Forced Air

Building Style:

Total SqFt: 1,414 SqFt

First Floor: 1,414 SqFt

Second Floor:

Basement Fin:

Basement Unfin:

Basement Total:

Attic Fin:

Attic Unfin:

Attic Total:

Garage: Garage 420 SqFt

Year Built:

Eff Year Built: 1999

Lot Size Ac: 17.55 Acres

Lot Size SF: 764,478 SqFt

Lot Width:

Lot Depth:

Roof Material: Comp Shingle

Roof Shape:

Ext Walls: Wood

Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
GRACE COMMUNITY CHURCH	9/28/2007	0000105096		Grant		Conv/Unk
GRACE COMMUNITY CHURCH	6/17/2005	0000069065		Trust	\$4,500,000.00	Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC
CoOwner:
Site: 9335 SW Greenhill Ln Tualatin OR 97062
Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560299
Ref Parcel #: 2S135D000600
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: R1 - Residence Single Family
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.34763348 / -122.77267464
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 2.87

ASSESSMENT AND TAXATION

Market Land: \$638,010.00
Market Impr: \$83,170.00
Market Special: \$0.00
Market Total: \$721,180.00 (2019)
% Improved: 12.00%
Assessed Total: \$297,710.00 (2019)
Levy Code: 88.13
Tax: \$4,608.13 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 2	Total SqFt: 1,548 SqFt	Year Built: 1940
Baths, Total: 2.00	First Floor: 1,548 SqFt	Eff Year Built: 1960
Baths, Full:	Second Floor:	Lot Size Ac: 2.87 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 125,017 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material: Comp Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: Baseboard	Attic Total:	Ext Walls: Siding
Building Style:	Garage: Garage 480 SqFt	Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
ROOT HOLDINGS LLC	9/28/2007	0000105096		Warranty		Conv/Unk
ROOT HOLDINGS LLC	6/17/2005	0000069069	\$1,600,000.00	Warranty		

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Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC
CoOwner:
Site: 9185 SW Greenhill Ln Tualatin OR 97062
Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560306
Ref Parcel #: 2S135D000800
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type: R1 - Residence Single Family
Subdiv/Plat:
Land Use: 1910 - Urban Developable Tract Improved
Std Land Use: RSFR - Single Family Residence
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.34764703 / -122.77136150
Watershed: Abernethy Creek-Willamette River
Legal: ACRES 3.75

ASSESSMENT AND TAXATION

Market Land: \$829,050.00
Market Impr: \$46,430.00
Market Special: \$0.00
Market Total: \$875,480.00 (2019)
% Improved: 5.00%
Assessed Total: \$254,740.00 (2019)
Levy Code: 88.13
Tax: \$3,943.04 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 3	Total SqFt: 1,178 SqFt	Year Built: 1920
Baths, Total: 1.00	First Floor: 954 SqFt	Eff Year Built: 1960
Baths, Full:	Second Floor: 224 SqFt	Lot Size Ac: 3.75 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 163,350 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin: 224 SqFt	Roof Material: Comp Shingle
Cooling:	Attic Unfin:	Roof Shape:
Heating: Forced Air	Attic Total: 224 SqFt	Ext Walls: Siding
Building Style:	Garage:	Const Type: Wood Frame

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	9/28/2007	0000105096				Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



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Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 3/31/2020

OWNERSHIP INFORMATION

Owner: Autumn Sunrise LLC

CoOwner:

Site: OR 97062

Mail: 485 S State St Lake Oswego OR 97034

Parcel #: R560315

Ref Parcel #: 2S135D000900

TRS: 02S / 01W / 35 / SE

County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1

Census Tract: 032110 Block: 1004

Neighborhood: Cpo 5 Sherwood-Tualatin S1

School Dist: 88J Sherwood

Impr Type:

Subdiv/Plat: Tualatin Orchard Tract

Land Use: 1900 - Urban Developable Tract - Vacant

Std Land Use: RCON - Condominium, Pud

Zoning: Tualatin-RML - Medium-Low Density Residential

Lat/Lon: 45.34768533 / -122.76930598

Watershed: Abernethy Creek-Willamette River

Legal: TUALATIN ORCHARD TRACT, LOT PT 4, ACRES 6.68

ASSESSMENT AND TAXATION

Market Land: \$1,033,910.00

Market Impr: \$0.00

Market Special: \$0.00

Market Total: \$1,033,910.00 (2019)

% Improved: 0.00%

Assessed Total: \$789,420.00 (2019)

Levy Code: 88.13

Tax: \$12,219.12 (2019)

Millage Rate: 15.4786

Exemption:

Exemption Type:

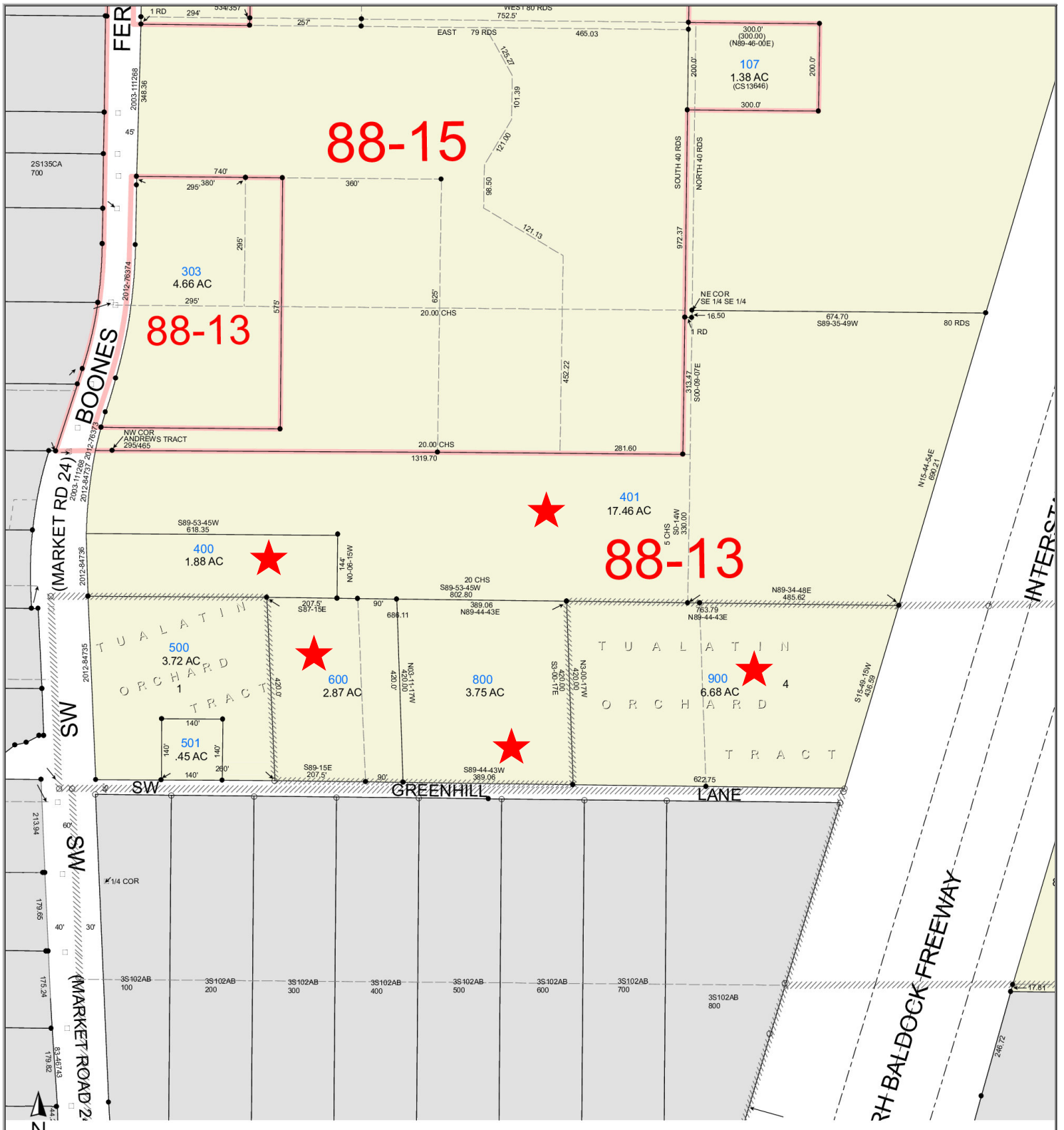
PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 6.68 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 290,981 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
AUTUMN SUNRISE LLC	9/26/2007	2007105096	\$7,143,000.00	DW		
ROOT HOLDINGS LLC	9/19/2005	0000114105	\$1,640,000.00	Grant	\$4,500,000.00	Conv/Unk
WILLEY,ANNIE M	10/7/2004	0000116501		Quit Claim		Conv/Unk

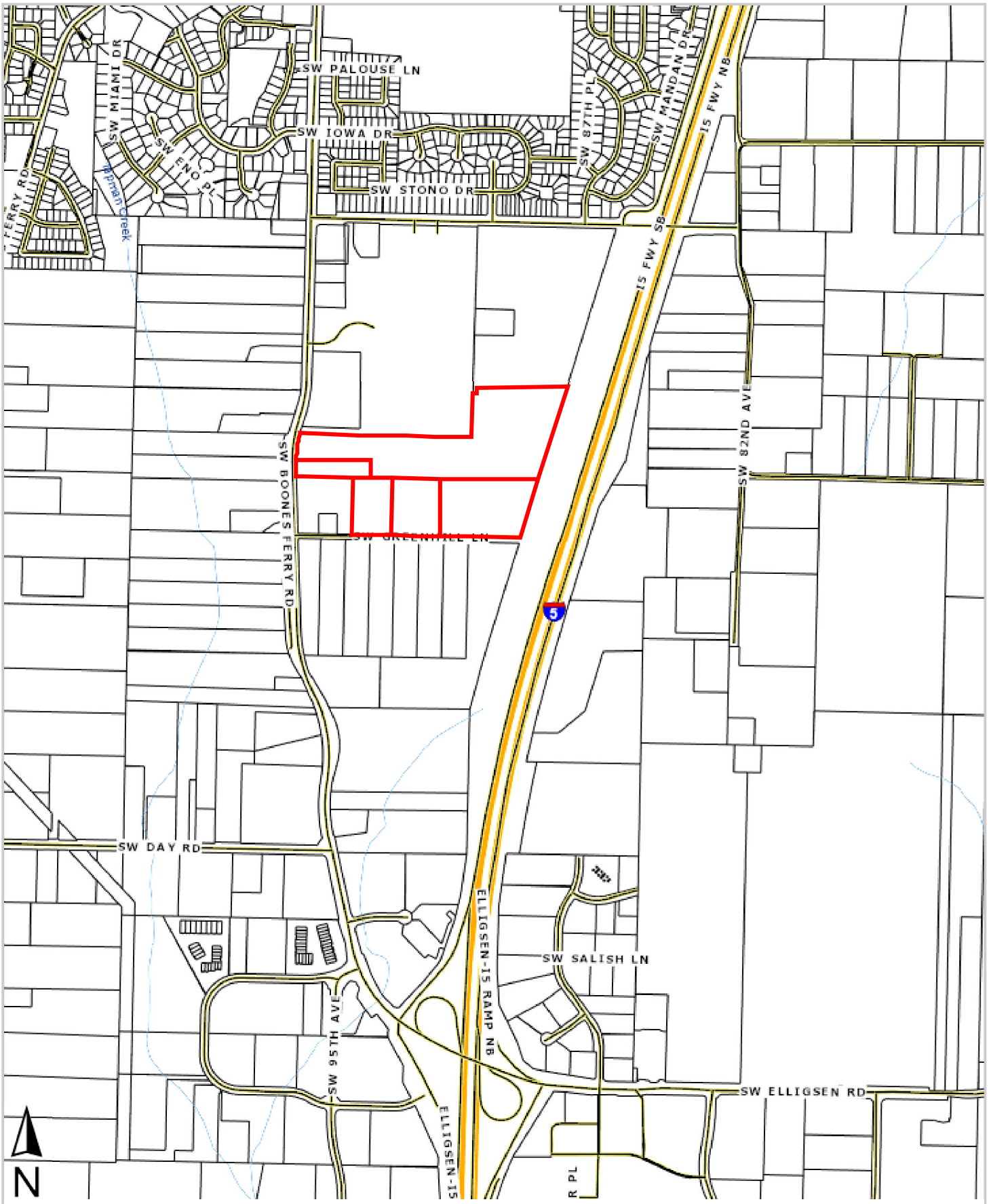
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

ParcelID: R560253
23740 SW Boones Ferry Rd
Tualatin, OR 97062

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



First American Title™

Property Profile Report

Address Not Available

Ownership Information

Owner Name: Please see attached vesting deed for current ownership.
Mailing Address: 485 S STATE ST LAKE OSWEGO, OR 97034

Property Description

County:	Washington	Map / Tax Lot:	2S135D0/00500
Account Num:	R560271	Owner Occ.:	No
Land Use:	1900-URBAN DEVELOPABLE TRACT - VACANT		
Subdivision:	TUALATIN ORCHARD TRACT		
Legal Description:	TUALATIN ORCHARD TRACT, LOT PT 1, ACRES 3.72		

Property Characteristics

Property Type: VACANT LAND	Building SF:	Pool: No
House Style:	Living Area SF:	Deck SF:
Year Built:	Square Feet: 0	Deck Desc:
Bedrooms:	1st Floor SF:	Patio SF:
Bathrooms:	2nd Floor SF:	Patio Desc:
Heat:	3rd Floor SF:	Foundation:
Cooling:	Attic SF:	Exterior:
Lot Size: 162,043	Bsmnt SF:	Ext. Finish:
Acres: 3.72	Fin Bsmt SF:	Interior:
Garage Type:	Garage SF:	Roof Style:
Fireplaces:	Bsmnt Type:	Roof Cover:

Assessment Information

Real Market Value: \$ 712,820	Land Value: \$ 709,070	Imp. Value: \$ 3,750
Total Assessed Value: \$ 84,700	Levy Code: 08813	M-5 Rate: 15.4945
Taxes: \$ 1,270.41	Tax Year: 18-19	

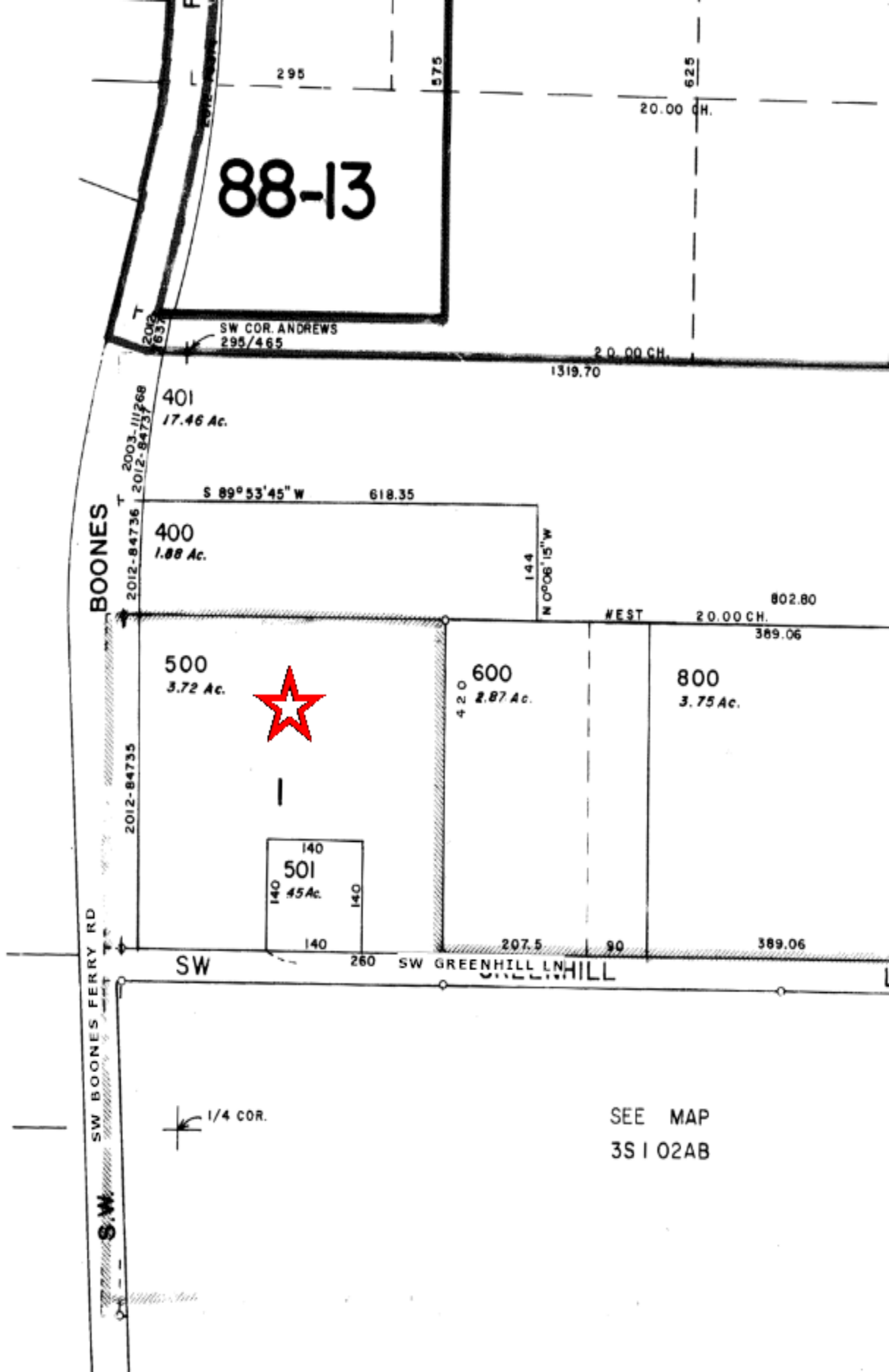
Previous Sale Information

Sale Amount: \$ 7,143,000 Sale Date: 09/26/2007 Document Num:

Transaction History

Sale Date	Sale Amount	HPI Sale Amount	Document Type	Reception Num	Book/Page
9/26/2007	\$ 7,143,000				/
9/30/2005	\$ 15,000,000				/
6/17/2005	\$ 950,000		Dw	2005069070	/
6/15/2005	\$ 950,000				/
12/31/2000	\$ 7,143,000				/

SEE MAP
2S | 35CD



SEE MAP
3S | 02AB

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

7/1/18 TO 6/30/19 REAL PROPERTY TAX STATEMENT
WASHINGTON COUNTY OREGON * 155 N FIRST AVE., RM 130 * HILLSBORO, OREGON 97124

PROPERTY DESCRIPTION

MAP: 2S135D-00500

ACCOUNT NO: R560271

SITUS: ,

2018-2019 CURRENT TAX BY DISTRICT:

COLLEGE-PORTLAND COMMUNITY	23.26
ESD-NW REGIONAL	12.65
SCH-SHERWOOD	395.76
EDUCATION TAXES:	\$431.67
WASHINGTON COUNTY	184.91
REG-METRO SERVICE DISTRICT	7.94
PORT-PORTLAND	5.77
FIRE-TV FIRE & RESCUE	125.43
REG-METRO-AFTER 1/1/2013	7.90
FIRE-TV FIRE & RESCUE-AFTER 1	37.01
WASHINGTON COUNTY LOL AFTER 1	52.63
SWC-TUALATIN	5.68
GENERAL GOVERNMENT TAXES:	\$427.27
BOND-TV FIRE & RESCUE AFTER	8.94
BOND-WASHINGTON COUNTY AFTER	5.75
BOND-SCH-SHERWOOD-AFTER	340.47
BOND-METRO SERVICE-AFTER	23.04
BOND-PCC-AFTER	33.27
BOND AND MISC TAX:	\$411.47
2018-19 TAX (Before Discount)	\$1,270.41

LEGAL DESCRIPTION

CODE AREA: 088.13

TUALATIN ORCHARD TRACT, LOT PT 1, ACRES 3.72

VALUES:	LAST YEAR	THIS YEAR
----------------	------------------	------------------

MARKET VALUES:		
LAND	567,260	709,070
STRUCTURE	4,190	3,970
TOTAL RMV VALUE:	571,450	713,040
TAXABLE VALUES:		
ASSESSED VALUE	79,850	82,240

PROPERTY TAXES: \$1,237.23 \$1,270.41

APPEAL DEADLINE	December 31, 2018
Value Questions	503-846-8826
Tax Questions	503-846-8801
Business Personal Property Questions	503-846-8838
Other Questions	503-846-8741

PROPERTY TAX PAYMENT OPTIONS			
<small>(See back of Statement for payment instructions.)</small>			
	Due	Discount	Net Amount Due
Pay			
In Full	11/15/18	38.11	\$1,232.30
2/3	11/15/18	16.94	\$830.00
1/3	11/15/18	NONE	\$423.47
MAKE PAYABLE TO: Washington County			
Online - https://ecomm.co.washington.or.us/propertytax			
Pay By Phone: 1(888) 510-9274			

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
(See back for explanation of taxes marked with an asterisk (*).
 Delinquent Tax Total is included in payment options to the left.)
TOTAL (After Discount): \$1,232.30

We have moved back to the Public Services Building!
 Located at: 155 N. First Ave., Suite 130, Hillsboro, OR 97124

All Payments Processed Upon Receipt

▼ Tear Here

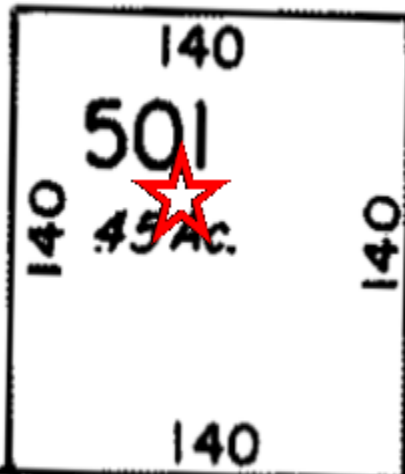
▼ Tear Here

RETURN THIS PORTION WITH PAYMENT - SEE BACK OF STATEMENT FOR INSTRUCTIONS

500
3.72 Ac.

420
600
2.87

SW BOONES FERRY RD
84735



SW

SW GREENHILL LN 260

GR

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

7/1/18 TO 6/30/19 REAL PROPERTY TAX STATEMENT
WASHINGTON COUNTY OREGON * 155 N FIRST AVE., RM 130 * HILLSBORO, OREGON 97124

PROPERTY DESCRIPTION

MAP: 2S135D-00501

ACCOUNT NO: R560280

SITUS: 9415 SW GREENHILL LN,

2018-2019 CURRENT TAX BY DISTRICT:

COLLEGE-PORTLAND COMMUNITY	90.99
ESD-NW REGIONAL	49.48
SCH-SHERWOOD	1,548.26
EDUCATION TAXES:	\$1,688.73
WASHINGTON COUNTY	723.38
REG-METRO SERVICE DISTRICT	31.08
PORT-PORTLAND	22.55
FIRE-TV FIRE & RESCUE	490.70
REG-METRO-AFTER 1/1/2013	30.89
FIRE-TV FIRE & RESCUE-AFTER 1	144.78
WASHINGTON COUNTY LOL AFTER 1	205.91
SWC-TUALATIN	22.23
GENERAL GOVERNMENT TAXES:	\$1,671.52
BOND-TV FIRE & RESCUE AFTER	34.97
BOND-WASHINGTON COUNTY AFTER	22.49
BOND-SCH-SHERWOOD-AFTER	1,331.93
BOND-METRO SERVICE-AFTER	90.12
BOND-PCC-AFTER	130.17
BOND AND MISC TAX:	\$1,609.68
2018-19 TAX (Before Discount)	\$4,969.93

LEGAL DESCRIPTION

CODE AREA: 088.13

TUALATIN ORCHARD TRACT, LOT PT 1, ACRES .45

VALUES:	LAST YEAR	THIS YEAR
----------------	------------------	------------------

MARKET VALUES:		
LAND	287,210	307,300
STRUCTURE	232,810	244,430
TOTAL RMV VALUE:	520,020	551,730
TAXABLE VALUES:		
ASSESSED VALUE	312,360	321,730

PROPERTY TAXES: \$4,839.86 \$4,969.93

APPEAL DEADLINE	December 31, 2018
Value Questions	503-846-8826
Tax Questions	503-846-8801
Business Personal Property Questions	503-846-8838
Other Questions	503-846-8741

PROPERTY TAX PAYMENT OPTIONS			
<small>(See back of Statement for payment instructions.)</small>			
	Due	Discount	Net Amount Due
Pay			
In Full	11/15/18	149.10	\$4,820.83
2/3	11/15/18	66.27	\$3,247.02
1/3	11/15/18	NONE	\$1,656.65
MAKE PAYABLE TO: Washington County			
Online - https://ecomm.co.washington.or.us/propertytax			
Pay By Phone: 1(888) 510-9274			

DELINQUENT TAXES: NO DELINQUENT TAXES DUE
(See back for explanation of taxes marked with an asterisk (*).
 Delinquent Tax Total is included in payment options to the left.)
TOTAL (After Discount): \$4,820.83

We have moved back to the Public Services Building!
 Located at: 155 N. First Ave., Suite 130, Hillsboro, OR 97124

All Payments Processed Upon Receipt

▼ Tear Here

▼ Tear Here

RETURN THIS PORTION WITH PAYMENT - SEE BACK OF STATEMENT FOR INSTRUCTIONS

2005
4/1

7,143



After recording return to:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
Autumn Sunrise LLC
1400 SW Schaeffer Road
West Linn, OR 97068

File No.: 7073-1087491 (LSH)
Date: September 14, 2007

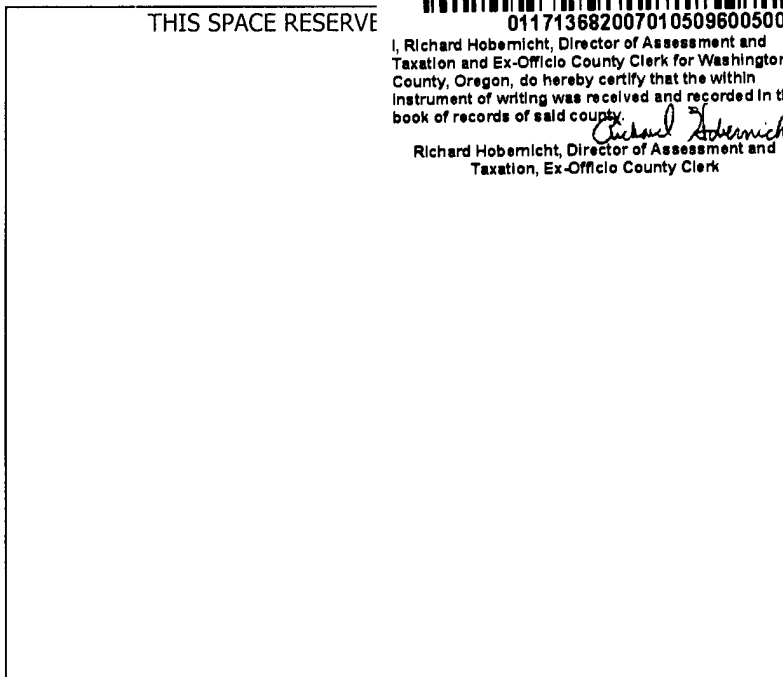
1087491-LO

FATCO. NO.

Washington County, Oregon 2007-105096
09/28/2007 03:29:27 PM
D-DW Cnt=1 Str=16 D HOFFMAN
\$25.00 \$5.00 \$11.00 \$7,143.00 - Total = \$7,184.00



01171368200701050960050056
I, Richard Hobemicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Richard Hobemicht
Richard Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



STATUTORY SPECIAL WARRANTY DEED

Kimball Hill Homes Oregon, Inc., an Oregon Corporation, Grantor, conveys and specially warrants to **Autumn Sunrise LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. The **2007/08** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

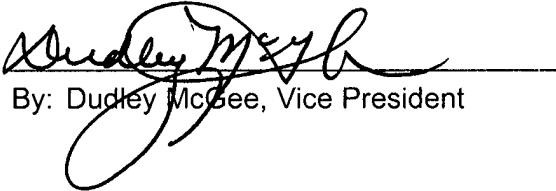
The true consideration for this conveyance is **\$7,143,000.00**.



WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
\$ 7143.00 9-28-07
FEE PAID DATE

Dated this 26TH day of SEPTEMBER, 2007.


Kimball Hill Homes Oregon, Inc., an Oregon corporation



By: Dudley McGee, Vice President

STATE OF California)
) ss.
County of SACRAMENTO)

This instrument was acknowledged before me on this 26TH day of SEPTEMBER, 2007 by Dudley McGee as Vice President of Kimball Hill Homes Oregon, Inc., on behalf of the corporation.

Notary Public for California
My commission expires: APRIL 20, 2008

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT A POINT WHICH POINT IS 5 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND RUNNING THENCE SOUTH 5 CHAINS TO A POINT; THENCE WEST 20 CHAINS, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID COUNTY ROAD TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ANNIE C. VOGET IN FEE SIMPLE REMAINDER TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF WASHINGTON COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT SO CONVEYED TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED IN CONTRACT OF SALE IN FAVOR OF ROBERT K. COLE, AND WIFE, RECORDED MARCH 25, 1968 IN BOOK 686, PAGE 495, RECORDS OF WASHINGTON COUNTY.

PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTH ONE-HALF OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED OF RECORDS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, WITH THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED RECORDS. FROM SAID PLACE OF BEGINNING THENCE NORTH 89°53'45" EAST ALONG SAID NORTHERLY LINE OF SAID TRACT DESCRIBED IN BOOK 294, PAGE 585, 1319.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 0°14' WEST 330.00 FEET TO THE NORTHERLY LINE OF TUALATIN ORCHARD TRACT; THENCE SOUTH 89°53'45" WEST ALONG SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 802.80 FEET; THENCE LEAVING SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, NORTH 0°06'15" WEST 144 FEET; THENCE SOUTH 89°53'45" WEST PARALLEL WITH SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 618.35 FEET TO THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 883.87 FEET THROUGH A CENTRAL ANGLE OF 10°55'20" A DISTANCE OF 169.44 FEET TO A POINT OF TANGENT; THENCE NORTH 17°16' EAST 251.58 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217, NORTH 89°53'45" EAST 60.42 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A PORTION OF PARCEL 1 OF THOSE CERTAIN TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON CONVEYED TO GRACE COMMUNITY CHURCH OF THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED AS DOCUMENT NUMBER 200155727 WASHINGTON COUNTY, OREGON DEED RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GRACE COMMUNITY CHURCH BY DEED RECORDED AS DOCUMENT NUMBER 2002004397 SAID DEED RECORDS AND RUNNING THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, NORTH 89°34'48" EAST 485.62 FEET, NORTH 15°44'54" EAST 690.21 FEET, SOUTH 89°35'49" WEST 674.70 FEET SOUTH 00°09'07" EAST 16.50 FEET AND SOUTH 89°38'49" WEST 16.50 FEET; THENCE SOUTH 00°09'07" EAST 313.47 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NUMBER 2002004397; THENCE ALONG THE BOUNDARY THEREOF NORTH 89°36'05" EAST 16.50 FEET AND SOUTH 00°08'37" EAST 313.16 FEET TO THE POINT OF BEGINNING.

PARCEL III:

LOT 1, TUALATIN ORCHARDS TRACT, EXCEPTING THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL IV:

THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET OF LOT 1, TUALATIN ORCHARD TRACTS, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL V:

THE WESTERLY MOST 207.5 FEET, BEING A PORTION OF THAT CERTAIN TRACT OF LAND LOCATED IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CONVEYED BY GRACE SCHUSTER TO JOHN DAY AND JESSIE DAY, UNDER DATE OF APRIL 20, 1949, AS SET FORTH IN DEED RECORDED IN BOOK 294 AT PAGE 446, DEED RECORDS, SAID TRACT SO CONVEYED, OF WHICH THE LAND HEREBY CONVEYED FORMS A PART, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 233 FEET; THENCE NORTH 87°15' WEST 1255.52 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREBY CONVEYED; THENCE NORTH 420 FEET ALONG THE WEST LINE OF LOT 4, TUALATIN ORCHARD TRACTS, TO THE SOUTH LINE OF TRACT CONVEYED BY DEED TO GEORGE ANDREWS, ET AL, IN BOOK 70, PAGE 374, RECORDED DECEMBER 27, 1905; THENCE NORTH 87°15' WEST 990.32 FEET ALONG THE SOUTH LINE OF SAID ANDREWS TRACT; THENCE SOUTH 420 FEET ALONG THE EAST LINE OF LOT 1, TUALATIN ORCHARDS TRACTS; THENCE SOUTH 87°15' EAST 990.32 FEET TO THE SOUTHEAST CORNER OF PROPERTY HEREBY CONVEYED.

PARCEL VI:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, TUALATIN ORCHARD TRACTS, A DULY RECORDED SUBDIVISION IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE SOUTH 87°15' EAST 207.5 FEET TO THE POINT OF TRUE BEGINNING OF THIS DIRECTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, TUALATIN ORCHARD TRACTS, AND 207.5 FEET EASTERLY THEREFROM 420.0 FEET TO A POINT; THENCE SOUTH 87°15' EAST 90 FEET TO A POINT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, 420.0 FEET; THENCE NORTH 87°15' WEST 90 FEET TO THE POINT OF TRUE BEGINNING OF THIS DESCRIPTION.

PARCEL VII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°00'17" EAST 420.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE SOUTH 89°44'43" WEST 389.06 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET; THENCE NORTH 89°44'43" EAST 389.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL VIII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°44'43" EAST 763.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE BALDOCK FREEWAY; THENCE SOUTH 15°49'15" WEST 436.59 FEET ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY SOUTH 89°44'43" WEST 622.75 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET TO THE TRUE POINT OF BEGINNING.

Exhibit E: Neighborhood/Developer Meeting Noticing Information

July 13, 2020



RE: Neighborhood/Developer Virtual Meeting – Autumn Sunrise Comprehensive Plan Map Amendment and Development Code Text Amendment

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a neighborhood meeting regarding a proposed amendment to the Tualatin Comprehensive Plan Map and to the Tualatin Development Code (TDC). The application, submitted by Lennar Northwest, Inc., proposes a reconfiguration of the Neighborhood Commercial (CN) zone internal to the Autumn Sunrise project, allowing shared access to SW Boones Ferry Road and shifting the district to the full frontage of SW Boones Ferry Road. The proposed development code text amendment would remove one location restriction of the Neighborhood Commercial zone to allow for this map reconfiguration. This amendment does not propose to change the allowed uses for the zone. The planned location is shown on the map included with this letter. Land use applications for physical development will be filed at a future date.

We would like to discuss the project in more detail with you. Due to social distancing measures and the inability to meet in person, this meeting will be held via telephone and online Zoom seminar. The City of Tualatin Planning Division approves of this means of holding the required neighborhood meeting. The meeting is scheduled for:

TUESDAY, JULY 28, 2020 AT 6:00 PM
SEE ATTACHED INSTRUCTIONS TO LEARN HOW TO JOIN THE MEETING

The purpose of this meeting is to provide a forum for surrounding property owners and residents to review the project so that issues can be identified and considered before the formal application is submitted. This meeting gives you the opportunity to share any special information you know about the property involved. We will try to answer questions related to how the project meets relevant development standards and is consistent with Tualatin's land use regulations.

Please note that this will be an informational meeting based on the currently proposed code text and map amendment. You may receive an official notice from the City of Tualatin of your opportunity to participate either by submitting written comments or attending a public hearing in the future.

I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at (503) 563-6151 or email me at mimid@aks-eng.com.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink that reads 'Mimi Doukas'.

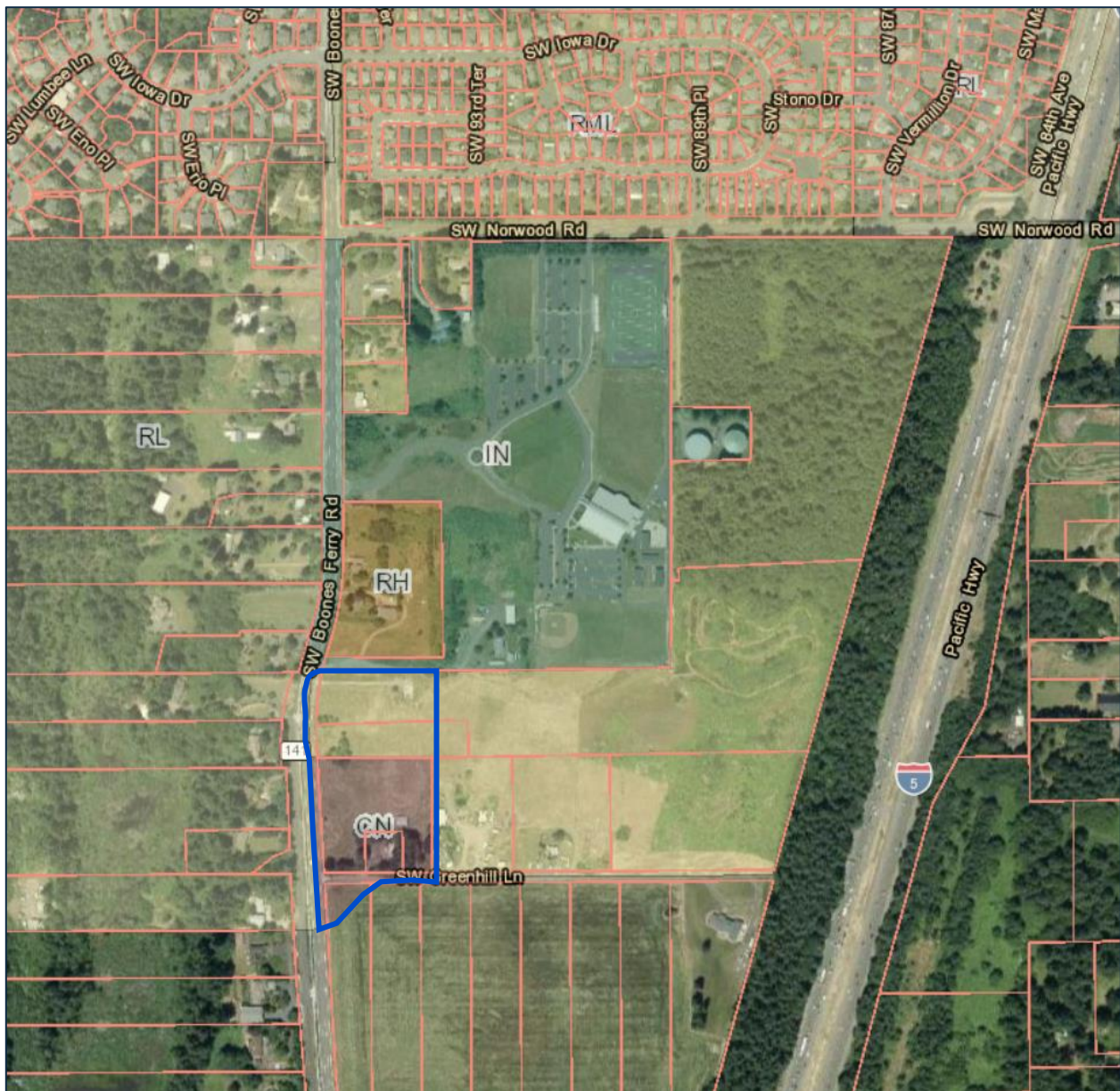
Mimi Doukas, AICP, RLA – Associate

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 | www.aks-eng.com | MimiD@aks-eng.com

Attachments: Instructions for Joining & Participating in the Public Neighborhood Meeting

Potentially Affected Properties



Instructions for Joining & Participating in the Public Neighborhood Meeting for the Autumn Sunrise Text Amendment

Virtual Meeting provided via Zoom Webinar

Tuesday, July 28, 2020 at 6:00 PM PST

Please Register in Advance

(a list of attendees must be submitted to the City):

- Go to <http://www.aks-eng.com/autumn-sunrise/> and follow the link to register.
- Complete the online registration form.
- You will receive a confirmation email containing a link to join the Zoom webinar at the scheduled time as well as additional instructions.
- Meeting materials will be available at www.aks-eng.com/autumn-sunrise/ two days prior to the meeting and at least 10 days after the meeting concludes.

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Join by telephone

- Dial any of the toll-free Zoom numbers below to connect to the neighborhood meeting:

+1-669-900-6833	+1-346-248-7799
+1-929-205-6099	+1-253-215-8782
+1-301-715-8592	+1-312-626-6799

- If you experience trouble connecting, please pick another number and try again.
- After dialing in, enter this Zoom ID when prompted: **854 2032 8428**
- The Password if needed is: **6151**

MEETING ADMINISTRATOR:

For technical assistance or to submit a question for the meeting:

Email mimid@aks-eng.com

During the Meeting

Audio Help

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- Make sure that the speakers on your device are turned on and not muted.
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Email mimid@aks-eng.com
- All questions received after the meeting and prior to midnight on July 23, 2020 will be answered in an email to all registered meeting participants by end of business the following day.

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BOCCI JAMES A &BOCCI JULIA A
23205 SW BOONES FERRY RD
TUALATIN OR 97062

BAZANT CHRISTINE LEE &BAZANT JOHN
JOSEPH
36449 HWY 34
LEBANON OR 97355

RILEY SHAWN O
23365 SW BOONES FERRY RD
TUALATIN OR 97062

POTTER DYLAN D &POTTER MICHELLE P
23405 SW BOONES FERRY RD
TUALATIN OR 97062

MCLEOD TRUSTBY RANDY F & JANINE B
MCLEOD TRS
23465 SW BOONES FERRY RD
TUALATIN OR 97062

ALVSTAD RANDALL &ALVSTAD KAREN
23515 SW BOONES FERRY RD
TUALATIN OR 97062

GROSSMAN JEFFERY A
23605 SW BOONES FERRY RD
TUALATIN OR 97062

AGHAZADEH-SANAEI MEHDI &ASIAEE
NAHID
23745 SW BOONES FERRY RD
TUALATIN OR 97062

LUCINI JOHN W & GRACE N FAM TRU
23677 SW BOONES FERRY RD
TUALATIN OR 97062

MAST MARVIN R &JELI CARLENE M
23845 SW BOONES FERRY RD
TUALATIN OR 97062

HICKOK TODD J &HICKOK MOLLY J
23855 SW BOONES FERRY RD
TUALATIN OR 97062

P3 PROPERTIES LLCBY PAUL PENNINGTON
PO BOX 691
WHITE SALMON WA 98672

YACKLEY DIANE M &GANNETT TOD C
23240 SW BOONES FERRY RD
TUALATIN OR 97062

HORIZON COMMUNITY CHURCH
PO BOX 2690
TUALATIN OR 97062

TUALATIN CITY OF
18880 SW MARTINAZZI AVE
TUALATIN OR 97062

RE THOMAS J & KATHRYN S
19035 SW CHESAPEAKE DR
TUALATIN OR 97062

AUTUMN SUNRISE LLC
485 S STATE ST
LAKE OSWEGO OR 97034

LANDCASTER DEVELOPMENT
CORPORATION
6770 SW CANYON DR
PORTLAND OR 97225

MCKEAN JOHN R &MCKEAN LINDA L
21370 MAKAH CT
TUALATIN OR 97062

CHRISTENSEN MICHAEL A &CHRISTENSEN
JAMIE L
23725 SW 82ND AVE
TUALATIN OR 97062

ROLISON MIKEL J
23685 SW 82ND AVE
TUALATIN OR 97062

NGUYEN KHANH T &FONG TODD P
23605 SW 82ND AVE
TUALATIN OR 97062

SINGLETERRY ELNORA
23535 SW 82ND AVE
TUALATIN OR 97062

DAVIS JAMES HAYES &BRANSON-DAVIS
NESHIA
23395 SW 82ND AVE
TUALATIN OR 97062

SLAWIK JON V &SLAWIK VAN MY
23445 SW 82ND AVE
TUALATIN OR 97062

SMITH ROBERT D &SMITH JANIS K
13547 SW HILLSHIRE DR
TIGARD OR 97223

BRACKNEY CHRIS
23355 SW 82ND AVE
TUALATIN OR 97062

LYNCH LARRY L &LYNCH SUZANNE M
23185 SW 82ND AVE
TUALATIN OR 97062

ROMAN CATHOLIC ARCHBISHOP OF POR
2838 E BURNSIDE ST
PORTLAND OR 97214

LANDCASTER DEVELOPMENT CORPORATI
6770 SW CANYON DR
PORTLAND OR 97225

CHAMBERLAIN JOHN &CHAMBERLAIN
DEBRA
9000 SW GREENHILL LN
TUALATIN OR 97062

CHAMBERLAIN PARTNERS LLC
10330 SW TUALATIN RD
TUALATIN OR 97062

HUTONG PROPERTY LLC
2245 RIVER HEIGHTS CIR
WEST LINN OR 97068

SCOTT JOAN D
PO BOX 2594
TUALATIN OR 97062

LEE DAVID O &RAPISARDA DEIDRE
24245 SW BOONES FERRY RD
TUALATIN OR 97062

SHAMBURG SCOTT A &SHAMBURG LISA
G
PO BOX 829
TUALATIN OR 97062

ODOMS LIVING TRUSTBY JAMES A &
LINDA L ODOMS TRS
PO BOX 2446
TUALATIN OR 97062

ANGIN JONATHAN & BRIDGET TRUST
PO BOX 2413
TUALATIN OR 97062

ZIMMERMAN STEPHEN A &MATHYS
JACKIE L
24305 SW BOONES FERRY RD
TUALATIN OR 97062

SCHAEFER ARTHUR J TRUST
24355 SW BOONES FERRY RD
TUALATIN OR 97062

SUDAL PROPERTY LLCBY BOB & DENISE
JONAS
1400 COLORADO ST
BOULDER CITY NV 89005

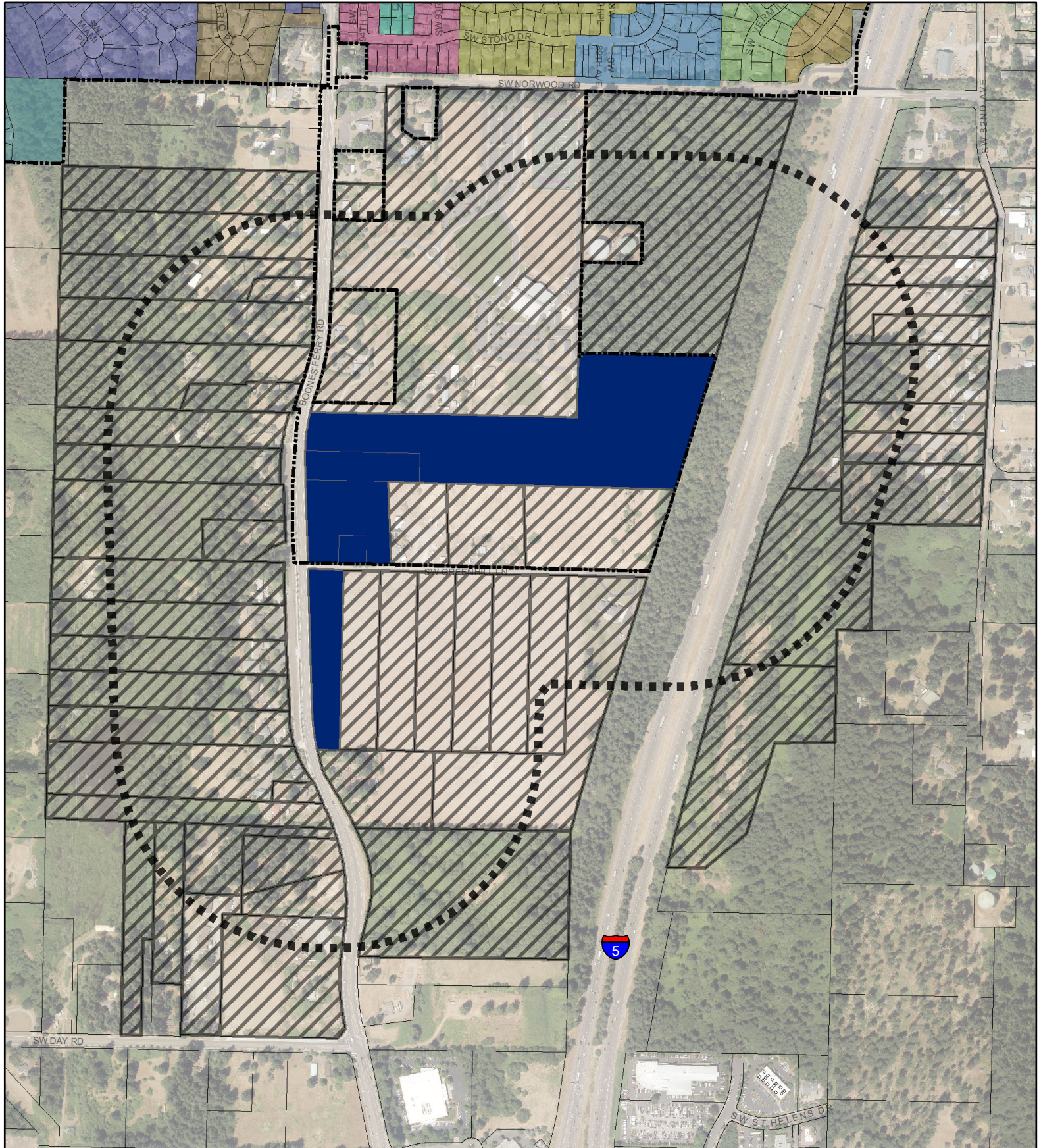
WALLACE ROAD PROPERTY LLC
PO BOX 1130
WILSONVILLE OR 97070


EMRICK INVESTMENTS LLC
PO BOX 26439
EUGENE OR 97402

MCCLENDON ERIC E &MCCLENDON
LINDSEY & MCCLENDON TINA
TRUST
24415 SW BOONES FERRY RD
TUALATIN OR 97062

SAPP JOHN M
24545 SW BOONES FERRY RD
TUALATIN OR 97062

KREITZER KURT D &KREITZER NATALIA L
7430 NE KRONO RD
YAMHILL OR 97148



 1000' Buffer

 Selected Taxlots



AFFIDAVIT OF MAILING NOTICE

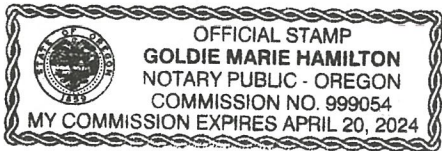
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, JENNIFER BATE being first duly sworn, depose and say:

That on the 13th day of July, 2020, I served upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

J Bate
Signature

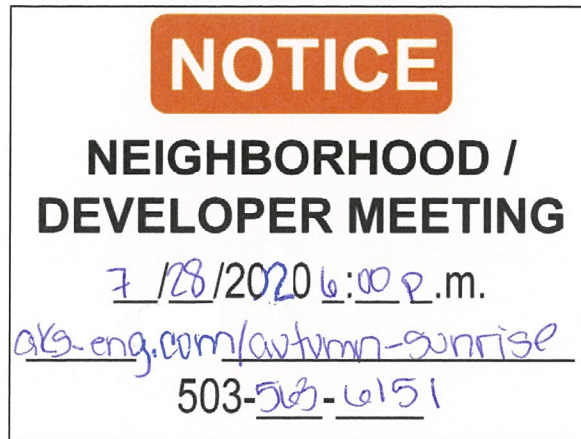
SUBSCRIBED AND SWORN to before me this 13th day of July, 2020.



G. Marie Hamilton
Notary Public for Oregon
My commission expires: April 20, 2024

RE: _____

CERTIFICATION OF SIGN POSTING



In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. A PowerPoint template of this sign is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the Autumn Sunrise project, I hereby certify that on this day, 07.13.2020 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Jennifer Bate
(Please Print)

Applicant's Signature: J Bate

Date: 07.13.2020

July 13, 2020

RE: Neighborhood/Developer Virtual Meeting – Autumn Sunrise Comprehensive Plan Map Amendment and Development Code Text Amendment

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a neighborhood meeting regarding a proposed amendment to the Tualatin Comprehensive Plan Map and to the Tualatin Development Code (TDC). The application, submitted by Lennar Northwest, Inc., proposes a reconfiguration of the Neighborhood Commercial (CN) zone internal to the Autumn Sunrise project, allowing shared access to SW Boones Ferry Road and shifting the district to the full frontage of SW Boones Ferry Road. The proposed development code text amendment would remove one location restriction of the Neighborhood Commercial zone to allow for this map reconfiguration. This amendment does not propose to change the allowed uses for the zone. The planned location is shown on the map included with this letter. Land use applications for physical development will be filed at a future date.

We would like to discuss the project in more detail with you. Due to social distancing measures and the inability to meet in person, this meeting will be held via telephone and online Zoom seminar. The City of Tualatin Planning Division approves of this means of holding the required neighborhood meeting. The meeting is scheduled for:

TUESDAY, JULY 28, 2020 AT 6:00 PM
SEE ATTACHED INSTRUCTIONS TO LEARN HOW TO JOIN THE MEETING

The purpose of this meeting is to provide a forum for surrounding property owners and residents to review the project so that issues can be identified and considered before the formal application is submitted. This meeting gives you the opportunity to share any special information you know about the property involved. We will try to answer questions related to how the project meets relevant development standards and is consistent with Tualatin's land use regulations.

Please note that this will be an informational meeting based on the currently proposed code text and map amendment. You may receive an official notice from the City of Tualatin of your opportunity to participate either by submitting written comments or attending a public hearing in the future.

I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at (503) 563-6151 or email me at mimid@aks-eng.com.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

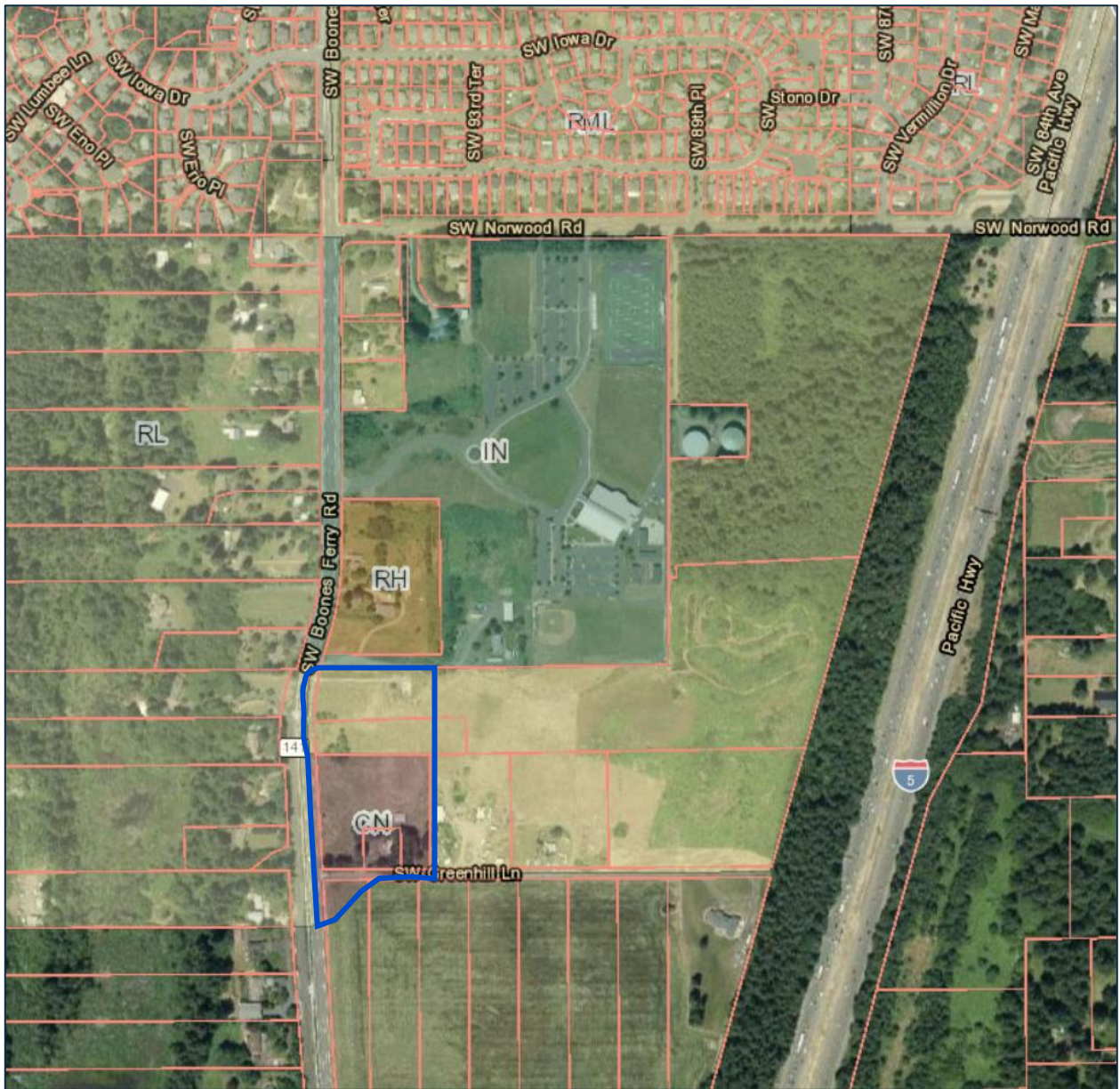


Mimi Doukas, AICP, RLA – Associate

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 | www.aks-eng.com | MimiD@aks-eng.com

Attachments: Instructions for Joining & Participating in the Public Neighborhood Meeting



**Instructions for Joining & Participating in the
Public Neighborhood Meeting for the
Autumn Sunrise Text Amendment**
Virtual Meeting provided via Zoom Webinar

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CHAPTER 51 - NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

TDC 51.110. - District Size and Location Standards.

- (1) *District Location.* ~~The boundaries of a CN district must be separated from school property by not less than 300 feet.~~ The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.
- (2) *Street Frontage.* At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

(Ord. No. 1418-19, § 4, 4-22-19)

TDC 51.200. - Use Categories.

- (1) *Use Categories.* Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. 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.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 51-1
Use Categories in the CN Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.
COMMERCIAL USE CATEGORIES		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; • Food stores, subject to TDC 51.210(1);

		<ul style="list-style-type: none"> • Drug store and pharmacy; • Laundry and dry cleaning, subject to TDC 51.210(2); • Beauty and barber shops; Shoe repair; and <ul style="list-style-type: none"> • Child day care center, subject to TDC 34.100. All commercial uses subject to floor area limitation, see TDC 51.210(3).
INSTITUTIONAL USE CATEGORIES		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

TDC 51.210. - Additional Limitations on Uses.

- (1) *Food Stores.* Food stores must not exceed 4,000 square feet of gross floor area.
- (2) *Laundry and Dry Cleaning.* Laundry and dry cleaning establishments must be exclusively for the cleaning of clothing and materials of the resident population and must not involve laundry or cleaning of commercial, industrial, or institutional clothing and materials.
- (3) *Commercial Floor Area Limit.* A nonresidential occupant must not occupy more than 10,000 square feet of any building or combination of buildings within a single CN District area.

TDC 51.300. - Development Standards.

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

**Table 51-2
Development Standards in the CN Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	20,000 square feet	—

MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM SETBACKS		
Front	20 feet	
Side and Rear	0— 15 feet	As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
MAXIMUM LOT COVERAGE		
All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
MAXIMUM STRUCTURE HEIGHT		
All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees.

TDC 51.310. - Additional Development Standards.

- (1) *Building and Driveway Orientation.* All commercial uses in CN District must be oriented and have primary driveway access to an Arterial or Major Collector street. No more than one driveway may access Minor Collector, Local Residential, or Cul-De-Sac street.
- (2) *Building Design.* All commercial buildings must be of a general residential character, including the following design elements:
 - (a) *Facade Design.* All building facades must be of wood or brick and, if painted, must be in muted, earth tone colors.
 - (b) *Roof Forms.* All roofs must be compatible with the surrounding residential area as determined through the Architectural Review process.
- (3) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
 - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
 - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.
 - (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
 - (d) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;

- (viii) Geologic stability of the lot; and
- (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. [1427-19](#), § 25, 11-25-19)

TAX LOT 303
TAX MAP 2S.1.35D

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE EXISTING ZONING		EXHIBIT
AUTUMN SUNRISE		A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



TAX LOT 303
TAX MAP 2S.1.35D

◀ Shared Access

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

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3.9 AC

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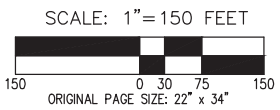
TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

TUALATIN
WESONVILLE

INTERSTATE 5

DATE: 7/15/2020



ZONE CHANGE PROPOSED ZONING		EXHIBIT
AUTUMN SUNRISE		B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



The meeting
will start
shortly...

Visit

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Call

If you are having audio difficulties, please call +1-253-215-8782

Zoom ID **854 2032 8428**, Password **6151**

OR one of the telephone numbers listed on the Virtual Meeting Instructions sheet at the above website.

Submit

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator. Questions will be answered after the presentation.

During the Question/Answer period, you can also **"Raise Your Hand"** to be called on to provide your questions and comments.



Autumn Sunrise Neighborhood Commercial Plan Map/Text Amendment Neighborhood Meeting

Tuesday, July 28, 2020



**12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151**

Introductions

Applicants

Lennar Northwest, Inc.

Michael Anders, Director of Land Acquisition
David Force, Forward Planning Manager



Land Use and Civil Engineering

AKS Engineering and Forestry

Mimi Doukas, AICP, RLA
Glen Southerland, AICP



Property Owners

Autumn Sunrise, LLC



What is being proposed?

The Applicant is proposing a Plan Map Amendment and a Plan Text Amendment for the Neighborhood Commercial District

- Reconfiguration of commercial land designated on the Autumn Sunrise site
 - No change in quantity of commercial land
 - Moving the district allows for shared access onto SW Boones Ferry Road
 - Increases commercial frontage along SW Lower Boones Ferry Road
- Proposed removal of separation requirement between Neighborhood Commercial and schools
- No text changes to adjacent residential lands have been proposed
- **No residential density changes have been proposed**
- **No changes to allowed commercial uses or acreages have been proposed**



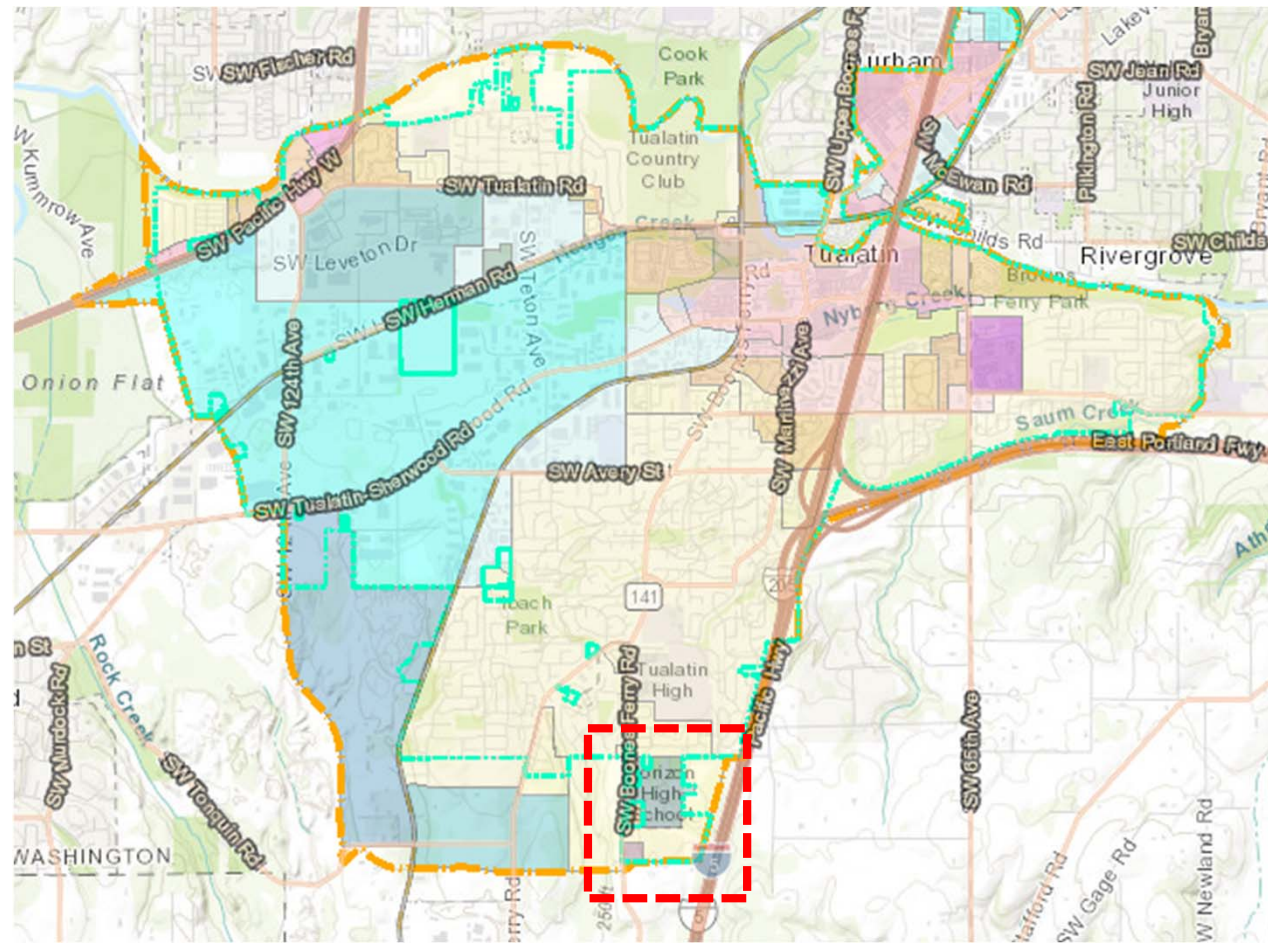
Why is this being proposed?

The reconfiguration improves access.

- Increasing frontage on SW Boones Ferry will allow a single access point for the future commercial use, residential development, and the school.
 - Increased safety
 - Improved sight distance – increased distance from future Basalt Creek Parkway/SW Boones Ferry intersection
- Text amendment allows the commercial zone to abut the school property.
- **No density changes have been proposed**
- **No changes to allowed commercial acreage or allowed uses have been proposed**

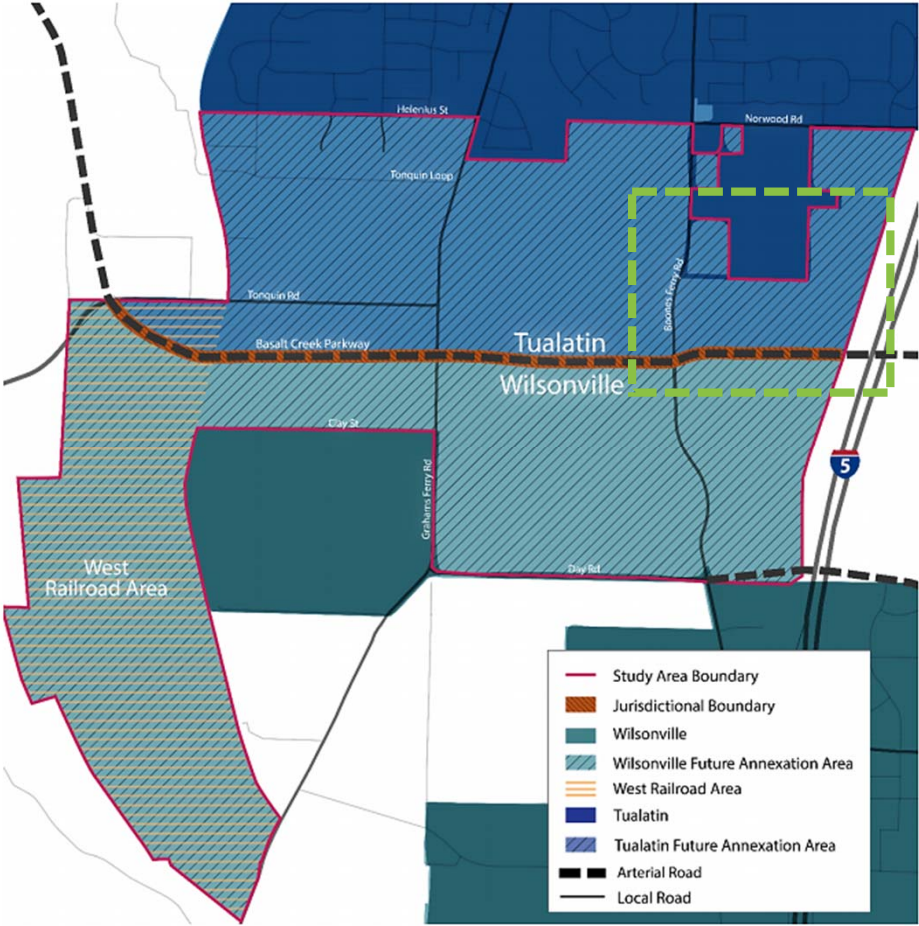


Tualatin Vicinity Map

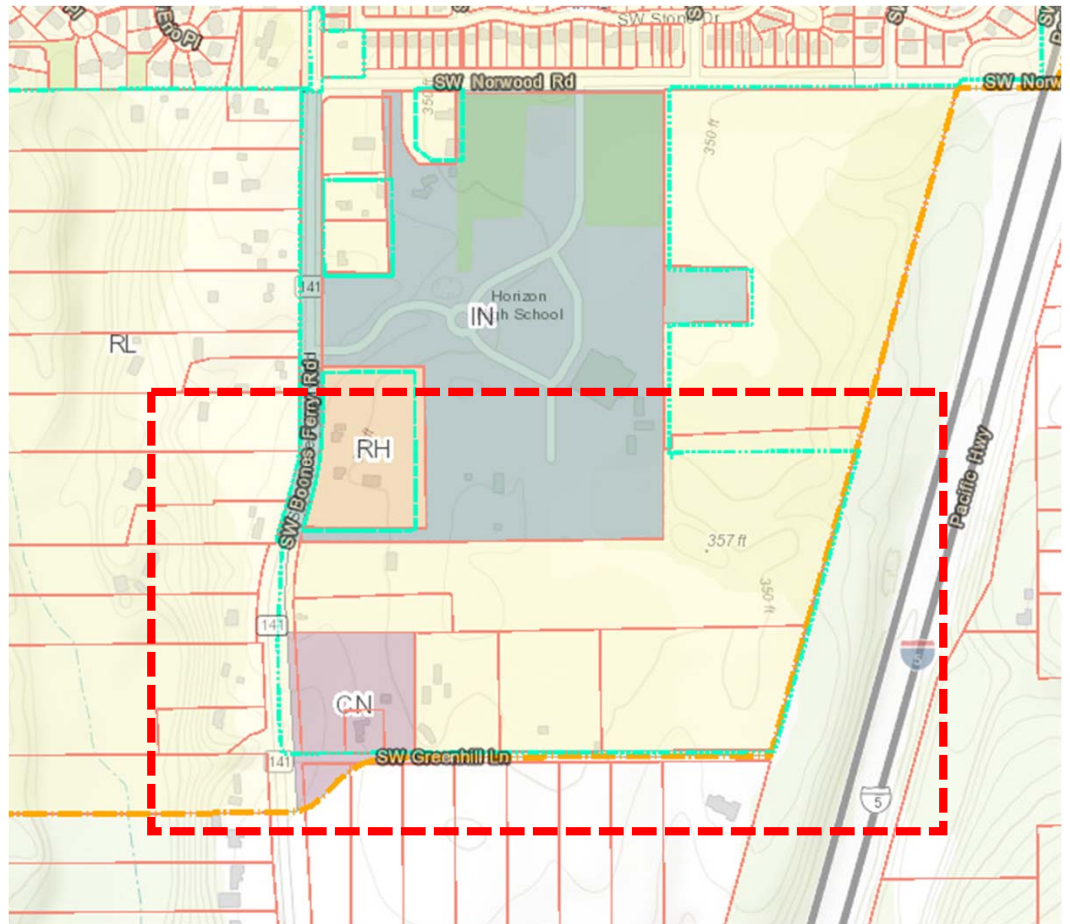


Basalt Creek Planning Area

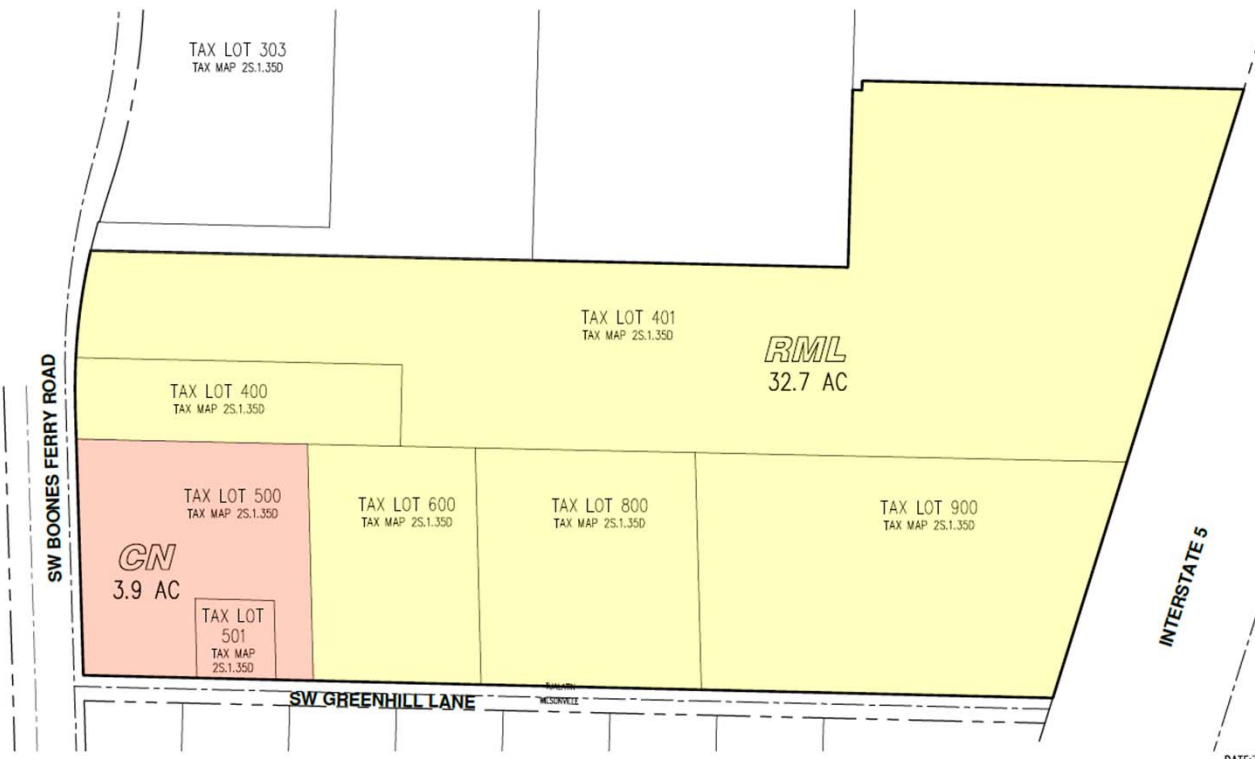
Figure 1 Basalt Creek Planning Area and jurisdictional boundaries.



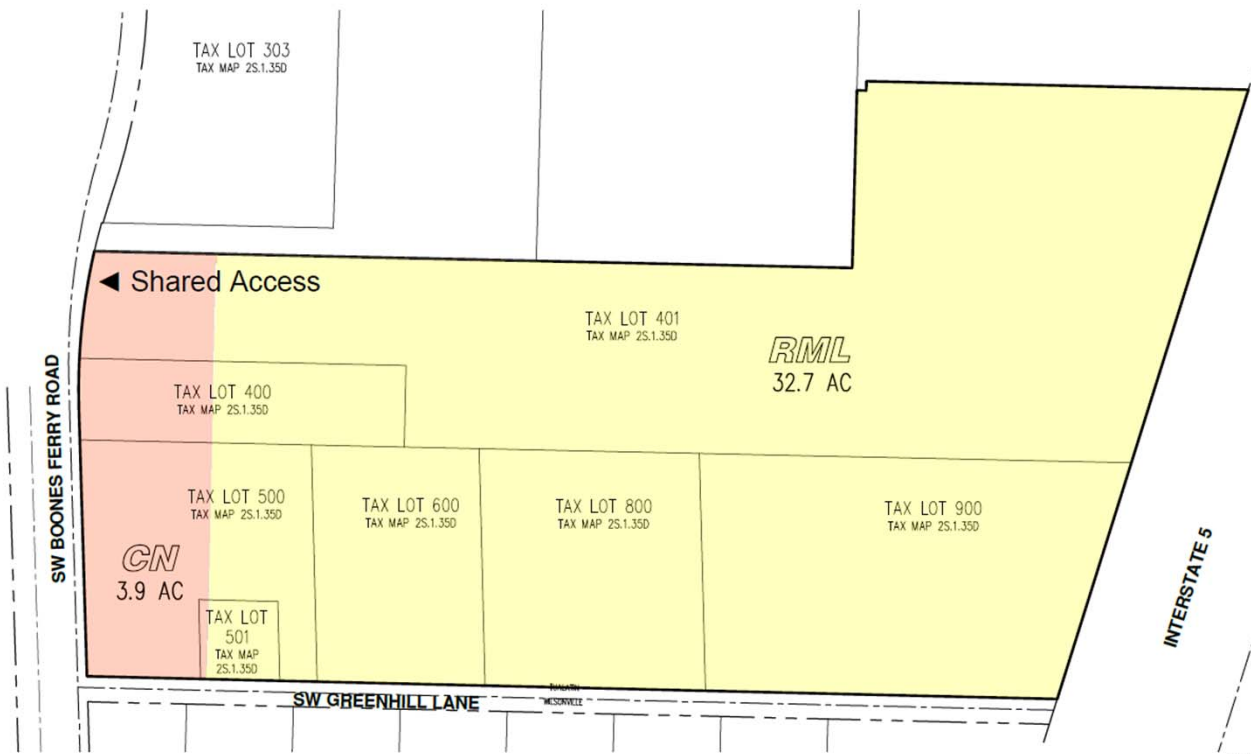
Existing Tualatin Plan Map



Current Zoning Configuration



Proposed Zoning Configuration



What does this mean?

The Applicants are proposing a change to the City of Tualatin's Development Code and Plan Map

- Rearrangement of Neighborhood Commercial Zone
 - No loss or gain of commercial lands
 - Increased usability of commercial and adjacent lands
 - Increased ability for shared access
- Change of standards for CN zone
 - 300-foot buffer between Neighborhood Commercial and schools
- **Allowed uses are not proposed to change**
- **Housing density is not proposed to change**



Proposed Code

CHAPTER 51 - NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

TDC 51.110. - District Size and Location Standards.

- (1) *District Location.* ~~The boundaries of a CN district must be separated from school property by not less than 300 feet.~~ The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.
- (2) *Street Frontage.* At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

(Ord. No. 1418-19, § 4, 4-22-19)



What's in store for this site?

After the Map and Text Amendment decision, the Applicant will submit a land use application for a neighboring subdivision.

There are no current development plans for the Neighborhood Commercial site.



The Process



Questions?

Mimi Doukas, AICP, RLA
AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97068
MimiD@aks-eng.com
(503) 563-6151

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator.

Press **“Raise Your Hand”** to be called on to provide your questions and comments.

Autumn Sunrise Plan Text/Map Amendment Neighborhood Meeting

Attendee Report

Report Generated: 7/29/2020 8:07

Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Registered	# Cancelled	Unique Viewers	Total Users	Max Concurrent Views
Autumn Sunrise Text/Map Ar	854 2032 8428	7/28/2020 17:43	48	9	0	6	10	0

Host Details

Attended	User Name	Email	Join Time	Leave Time	Time in Session (Country/Region Name)
Yes	Glen Southerland	southerlandg@aks-eng.com	7/28/2020 17:43	7/28/2020 18:31	48 United States of America

Panelist Details

Attended	User Name	Email	Join Time	Leave Time	Time in Session (Country/Region Name)
Yes	David Force	david.force@lennar.com	7/28/2020 17:52	7/28/2020 18:31	40 United States of America

Attendee Details

Attended	First Name	Last Name	Email	Registration Time	Approval Status	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Tabitha	Boschetti	tboschetti@tualatin.gov	7/20/2020 8:57	approved	7/28/2020 17:59	7/28/2020 18:31	32	United States of America
Yes	Amanda	Marble	amarble2014@gmail.com	7/22/2020 20:15	approved	7/28/2020 17:59	7/28/2020 18:28	29	United States of America
Yes	Rebecca	Kimmel	rkimmel77@gmail.com	7/26/2020 16:51	approved	7/28/2020 18:02	7/28/2020 18:31	29	United States of America
Yes	Grace	Lucini	GrLuci@gmail.com	7/14/2020 16:59	approved	7/28/2020 17:59	7/28/2020 18:31	32	United States of America
Yes	John	Chamberlain	arrowjc@comcast.net	7/28/2020 8:46	approved	7/28/2020 18:00	7/28/2020 18:31	31	United States of America
Yes	Kumiko	Turley	Ks1815@hotmail.com	7/28/2020 18:03	approved	7/28/2020 18:03	7/28/2020 18:31	28	United States of America
No	Willie	Fisher	willie.fisher@gmail.com	7/21/2020 9:30	approved	--	--	--	
No	Kate	Stocklin	kstocklin@comcast.net	7/28/2020 15:29	approved	--	--	--	
No	John	Lucini	Jwluci@gmail.com	7/14/2020 15:56	approved	--	--	--	

Other Attended

User Name	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
15035156971	7/28/2020 18:01	7/28/2020 18:31	30	United States of America
Mimi Doukas	7/28/2020 17:46	7/28/2020 18:31	45	United States of America

Exhibit F: Map Amendment Legal Description



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and being more particularly described as follows:

Beginning at the South One-Quarter corner of said Section 35; thence along the west line of the Southeast One-Quarter of said Section 35, North $01^{\circ}34'15''$ East 239.22 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline) and the True Point of Beginning; thence along said northerly right-of-way line, North $88^{\circ}40'01''$ West 30.99 feet to the easterly right-of-way line of SW Boones Ferry Road (16.50 feet from centerline); thence along said easterly right-of-way line, North $01^{\circ}43'34''$ West 474.16 feet; thence continuing along said easterly right-of-way line (variable width right-of-way) along a curve to the right with a Radius of 1084.50 feet, Delta of $14^{\circ}43'05''$, Length of 278.58, and a Chord of North $05^{\circ}37'58''$ East 277.82 feet to the north line of Parcel I of Document Number 2007-105096; thence along said north line, South $88^{\circ}44'18''$ East 215.69 feet; thence leaving said north line, South $01^{\circ}19'59''$ West 750.79 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline); thence along said northerly right-of-way line, North $88^{\circ}40'01''$ West 180.23 feet to the True Point of Beginning.

The above described tract of land contains 3.91 acres, more or less.

01/13/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

EXHIBIT B

A TRACT OF LAND LOCATED
 IN THE SW 1/4 AND THE SE
 1/4 OF SEC. 35, T2S, R1W,
 W.M., CITY OF TUALATIN,
 WASHINGTON COUNTY,
 OREGON

S88°44'18"E 215.69' DOC. NO. 2015-081254

PARCEL I OF
 DOC. NO.
 2007-105096

01/13/2021

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael S. Kalina

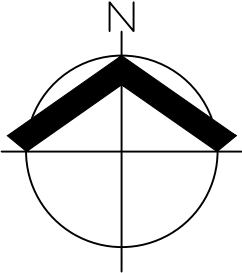
**OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS**

RENEWS: 6/30/21

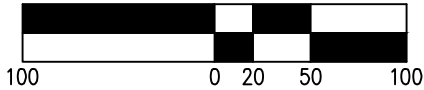
PARCEL III OF
 DOC. NO.
 2007-105096

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1084.50'	14°43'05"	278.58'	N5°37'58"E 277.82'

PARCEL IV OF
 DOC. NO.
 2007-105096



SCALE: 1" = 100 FEET



CENTERLINE ALIGNMENT
 PER SN 32,841
SW BOONES FERRY ROAD

VAR
 C1 L=278.58'

N01°43'34"W 474.16'

S01°19'59"W 750.79'

AREA:
 3.91 ACRES±

N88°40'01"W 180.23'

SW GREENHILL LANE

TRUE POINT OF BEGINNING

LOT 1 OF
 GREENHILL ACRES

WEST LINE OF
 THE SE 1/4

POINT OF BEGINNING
 SOUTH 1/4 CORNER
 OF SECTION 35

N88°40'01"W
 30.99'

N01°34'15"E 239.22'

PROPOSED ZONE CHANGE

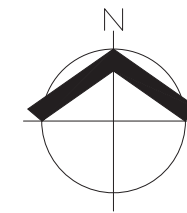
AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM



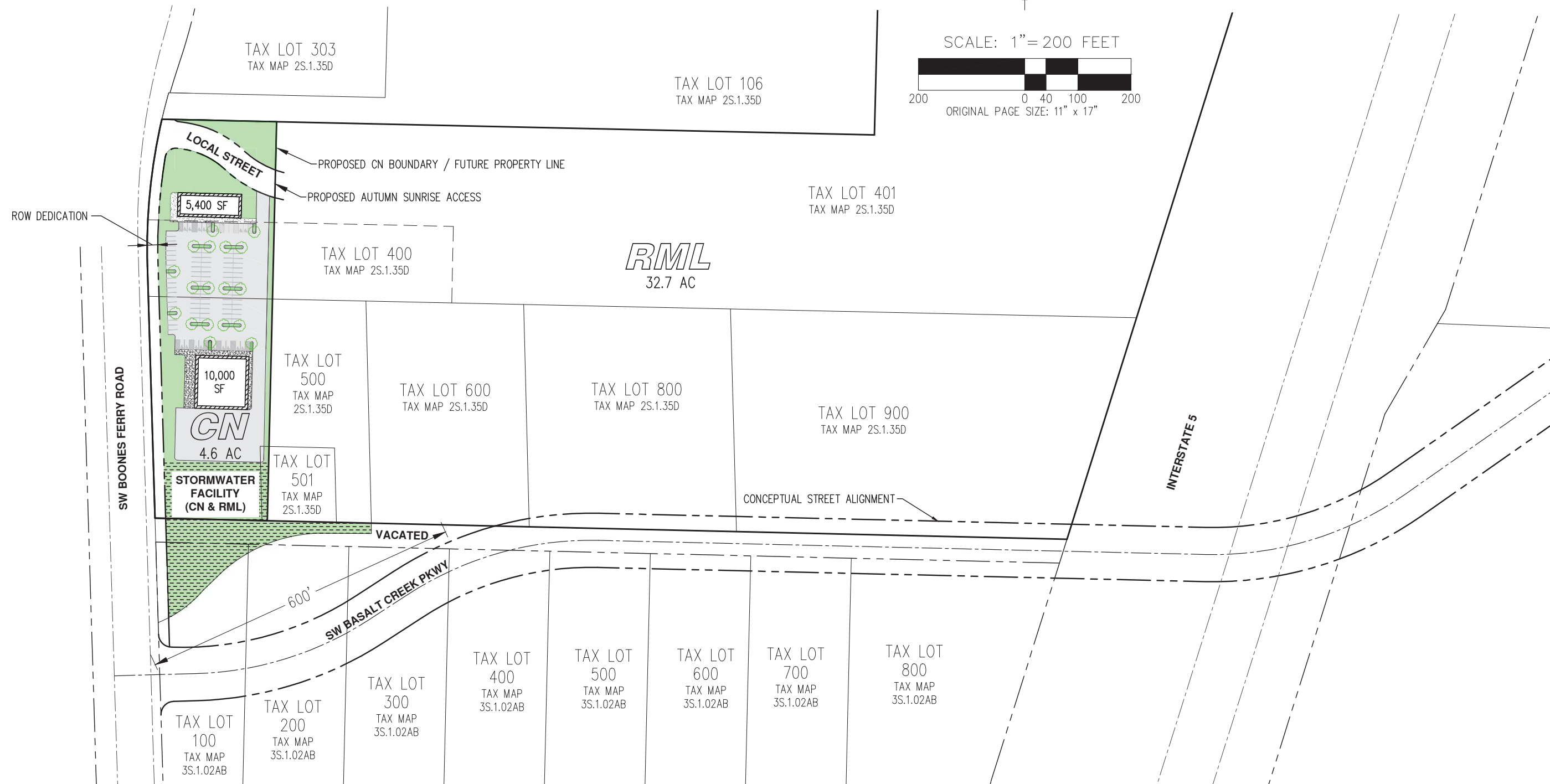
EXHIBIT
B

DRWN: MHJ
 CHKD: MSK
 AKS JOB:
 7454

Exhibit G: Conceptual Development Sketches



SCALE: 1" = 200 FEET
200 0 40 100 200
ORIGINAL PAGE SIZE: 11" x 17"



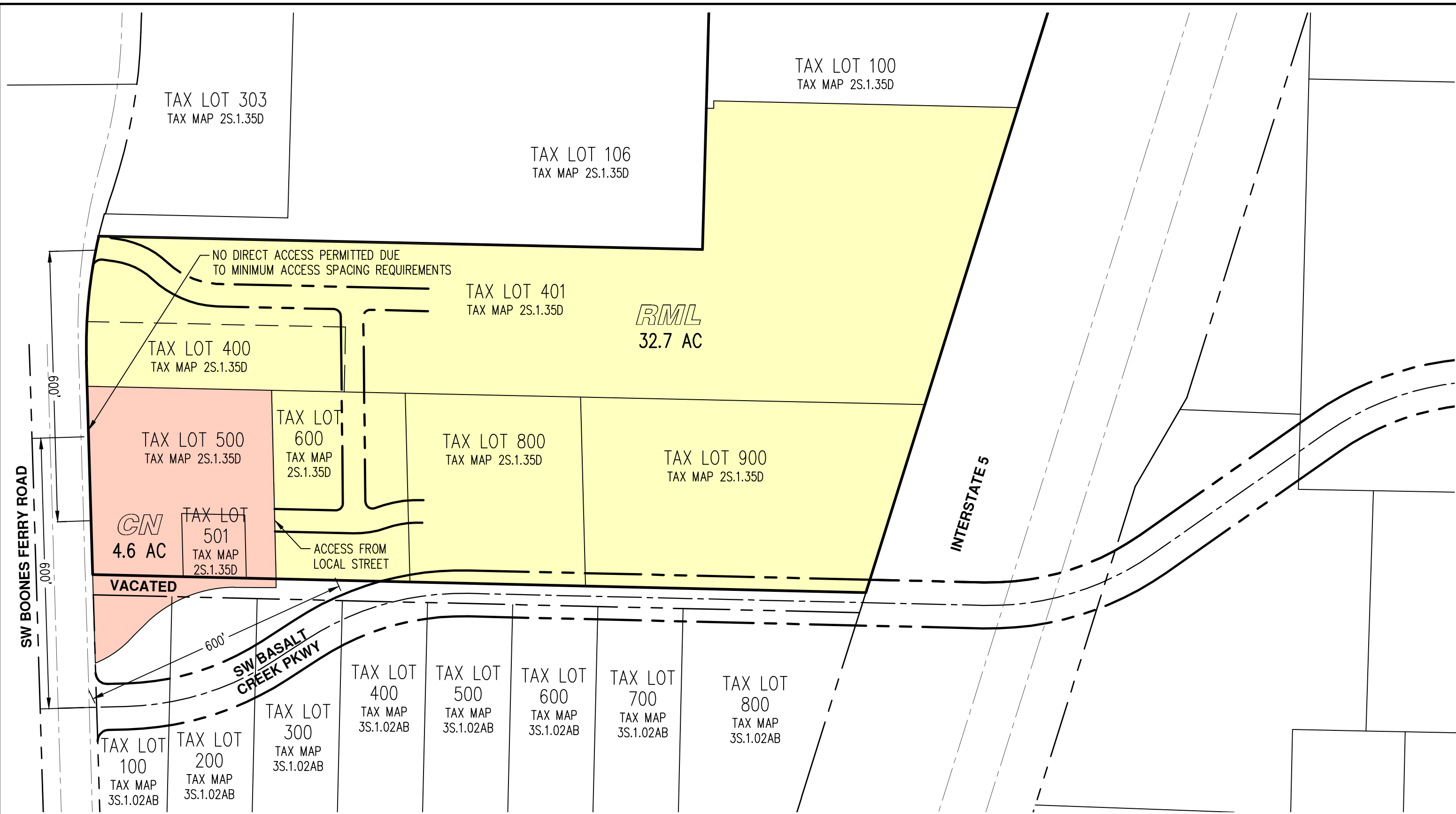
DATE: 1/12/2021 AKS JOB: 7454

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

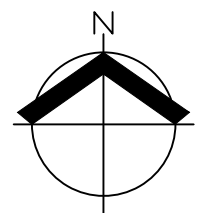
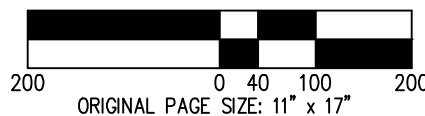


ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE



SCALE: 1" = 200 FEET



DATE: 1/20/2021

COMMERCIAL ACCESS FOR EXISTING DISTRICT		EXHIBIT G
AUTUMN SUNRISE AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: KM CHKD: DS AKS JOB: 7454



2-18-2021

LUCINI CITIZEN COMMENTS TO THE 2-18-2021 MEETING OF THE TUALATIN PLANNING COMMISSION
FOR PUBLIC RECORD

SUBMITTED TO:

- TUALATIN PLANNING COMMISSION
(C/O) skoper@tualatin.gov
- CITY OF TUALATIN DESIGNATED COMMITTEE FOR CITIZEN INVOLVEMENT (CCI)
Per Oregon Statewide Planning Goal #1 for Citizen Involvement OAR 660-015-0000(1)
(C/O) skoper@tualatin.gov
- CITY OF TUALATIN skoper@tualatin.gov
- CITY OF TUALATIN CITY COUNCIL- Individually and Collectively

**RE: PLANNING COMMISSION CONSIDERATION AND RECOMMENDATION TO CITY COUNCIL
PMA 20-0002 AND PTA 20-0005
Plan Map Amendment and Corresponding Plan Text Amendment**

We request this submission of Citizen Comments regarding the proposed Land Use changes PMA 20-0002 AND PTA 20-0005 be forwarded promptly to the members of the Tualatin Planning Commission, and the City's designated Committee for Citizen Involvement-prior to the TPC Meeting scheduled for 1-18-21 at 6:30pm.

Thank you for the opportunity for Citizen Comment upon the Proposed Land Use Actions which will reconfigure and consequently change Designated Land and Zoning Usages within four tax lots in the Basalt Creek Concept Plan adopted by the Cities of Wilsonville and Tualatin in 2018 and within the City of Tualatin Basalt Creek Comprehensive Plan adopted by the City of Tualatin in 2019 and the associated Maps. The developed indicates the proposal will cause a net balance in numbers of acres of land per Land Use designations.

However, there are other additional potential outcomes and impacts from proposal PMA 20-0002 AND PTA 20-0005.

The first and only Community Meeting associated with the current Land Use Proposal, was held on 7-28-2020. We submitted written questions and concerns prior to the virtual Community Meeting on 7-28-2020. While some of our questions were addressed during the AKS virtual presentation and following Q&A session, not all of our concerns were resolved. We submitted a follow up email to the City and Council days later.

Our follow up email included a request to obtain access to the City's Citizen Involvement Program for this possible Land Use change – so that we could participate in all phases of the development of this project under consideration. On 8-2-2020, City staff provided a response, provided information on the City's Land Use planning process. That response indicated that many of the concerns we were seeking clarification on were allegedly being presented too early within the Land Use Planning process to provide significant information or resolution.

CONCERNS ABOUT INADEQUATE CITIZEN INVOLVEMENT IN THE PMA 20-0002 & PTA 20-0005

We are (1) potentially affected property owners, (2) citizens who had submitted Comments prior to the AKS Community Meeting on 7-28-20, (3) citizens who participated in the virtual Community Meeting on 7-28-20, and (4) citizens who also followed up on 8-2-20 with an additional email to AKS and the City - which included a written request for information on access to the City's Citizen Involvement Program for this developing Land Use Action. Yet the first knowledge of these potential Land Use Actions moving forward with the City's Land Use process, was when we saw on 2-3-21 a sign Posting of a NOTICE for PMA 20-0002 AND PTA 20-0005 along SW Boones Ferry Road.

On 2-4-2021, a review of the City 's website for PMA 20-0002 AND PTA 20-0005 did not link to any Land Use Project. After phone call to the City, on 2-4-21 we received a response from the City at the end of the day, providing us a link to documents for the proposed PMA 20-0002 AND PTA 20-0005 – which had now finally been posted to the City's website.

The proposal for PMA 20-0002 AND PTA 20-0005, as posted on the TPC agenda for the 2-18-2021 meeting, implies :

- compliance to Oregon Statewide Land Use Goal #1 for Citizen Involvement.
 - The proposal provides information on the Community Meeting on 7-28-2020 and lists the participants in the virtual meeting, and apparently slides which were presented during the virtual meeting.
 - However, one of the slides included in this slide deck was not presented during the 7-28-21 Community Meeting- this slide provides a map with far greater detail than the issues discussed during the 7-28-2020 Community Meeting.
 - Had this more detailed slide been presented during the 7-28-2020 meeting, the questions asked during the Community Meeting would have differed, and the follow up email to the City would also have been more specific as to our concerns.
- The PMA 20-0002 AND PTA 20-0005 proposal also states, within Section D on Public Comments: ["No written public comments have been received as of the writing of this staff report."](#)
 - That statement is completely false, and frankly very unnerving. It appears that either the Staff are providing inaccurate information to the Planning Commission, or that Staff are not communicating with each other and may not be competently advising the Commission.
 - We have attached a copy of an email chain of 8-2-2020 starting with written “public comments” submitted prior to the 7-28-2020 Community Meeting, as well as our follow up “public comment” emails to the City , the Planning Commission, and the City Council, and the City staff response to those “public comments” provided on 8-2-2020.
 - To our knowledge other than the 7-28-20 virtual Community Meeting, there have not been any additional Citizen involvement activities or events for this proposed Land Use Action, which would have provided the Public knowledge of the continued progress and planning of this proposed Land Use Action.
 - The lack of Citizen involvement since the Community Meeting on 7-28-20, did not provide an opportunity for Citizens to gain knowledge of the proposed Land Use Action until signage appeared along the road on 2-3-21, with information on the Land Use action first posted to the City's website on 2-4-21.

- The first Public presentation of PMA 20-0002 AND PTA 20-0005 is scheduled for 2-18-21
 - That will allow Citizens to present concerns and seek answers about the Land Use Action
 - Yet, according to the agenda for the 2-18-21 TPC meeting, the members of the Planning Commission are requested to review the proposed Land Use Action and submit a recommendation to the City Council. The staff report requests the TPC to forward a recommendation of approval.
- On 2-10-21 we received an electronic Notice of a Hearing on PMA 20-0002 AND PTA 20-0005 scheduled for 3-8-21 before the City Council. This Notice:
 - Was sent prior to the first presentation of PMA 20-0002 AND PTA 20-0005 to the Public
 - Was sent prior to the first presentation of both projects to the Tualatin Planning Commission-
 - The City states the Tualatin Planning Commission meets and fulfills the City's compliance for Goal #1 for Citizen involvement
 - The conflicting roles of the TPC as an active participant in the legal process of the City's Land Use Action, and as the sole designated entity for compliance and fulfillment of all Goal #1 Citizen involvement mandates is problematic
 - How can the TPC facilitate 2-way communication between the City and Citizens and assist with obtaining clear accurate information for Citizens
 - while also expected to reach a decision to recommend approval during the same meeting
 - And knowing the proposed action is already scheduled for hearing by the Council before the next TPC meeting.
- On 1-21-2021 a senior staff member commented to us during the Public Meeting of the 1-21-2021 Tualatin Planning Commission Meeting, that we could use the City's Citizen Involvement Program, if we annexed our property into the City and therefore be able to participate in the City's Citizen Involvement Programs. This is not accurate, and attempts to make access to a State mandated Land Use Element conditioned on an unwilling annexation, is not an acceptable resolution to meet the requirements for Citizen Involvement as defined by the State.
- The Tualatin City Council on 2-8-2021, directed the City staff to address and review the City's compliance to Oregon Statewide Land Use Planning Goal #1 for Citizen Involvement.
 - The results of this review have not yet been made public.
 - Yet Staff still proposes that the TPC approve these two proposed projects

After reviewing the information contained within the Informational Packet for the 2-18-2021 Tualatin Planning Commission Meeting, we submit to the members of the Planning Commission various issues and concerns generated by the additional information provided by the developer, as well as the potential implications of proposed PMA 20-0002 AND PTA 20-0005 as currently worded and presented for Public Review for the first time late on the afternoon of 2-11-2021.

As the City of Tualatin's website for the Tualatin Planning Commission states,

["Tualatin Planning Commission \(TPC\) The TPC fulfills Oregon Planning Goal 1, as the committee for citizen involvement in the Land Conservation and Development Commission planning process.](#)

[They review, advise and make recommendations to City Council on matters affecting land use planning and the Comprehensive Plan"](#)

<https://www.tualatinoregon.gov/tpc#:~:text=Tualatin%20Planning%20Commission%20%28TPC%29%20The%20TPC%20fulfills%20Oregon,affec%20land%20use%20planning%20and%20the%20Comprehensive%20Plan.>

CONCERNS ABOUT FAILURE TO MEET APPROVAL CRITERIA FOR PMA 20-0002 & PTA 20-0005

**AS THIS IS THE FIRST PUBLIC PRESENTATION OF PMA 20-0002 AND PTA 20-0005
WE SUBMIT 15 QUESTIONS/CONCERNS --- # A-P ARE LISTED BELOW**

- A. We request the Tualatin Planning Commission to review and address the questions we present on this first Public Presentation of PMA 20-0002 AND PTA 20-0005- prior to forwarding this proposal for Land Use changes within the Basalt Creek Area to the Tualatin City Council for their Hearing for Adoption**
- B. We request the City to halt processing further Land Use Actions which may impact the Basalt Creek Area- within the City's Land Use Planning jurisdiction- or lands and environment's downstream from these Lands until the City of Tualatin adopts a Stormwater Management Plan for the Basalt Creek Area which complies or exceeds the State requirements of OAR Chapter 660 for provision of Public Services and Facilities for the Basalt Creek Area for lands within the City's Land Use Planning jurisdiction.**
- C. Prior to forwarding the current Land Use proposal PMA 20-0002 AND PTA 20-0005 to the City Council for a hearing for adoption-we request the Tualatin Planning Commission to obtain clarification as to when a Stormwater Management Plan which complies or exceeds the State requirements of OAR Chapter 660 for provision of Public Services and Facilities for the Basalt Creek Area for lands within the City's Land Use Planning jurisdiction will be completed and adopted by the City.**
- D. We request the Tualatin Planning Commission review (and provide us access to) a copy of the City's adopted Stormwater Master Plan for the Basalt Creek area prior to the next presentation of PMA 20-0002 AND PTA 20-0005, so that we and both the Tualatin Planning Commission and the Tualatin City Council have a clear understand of the ramifications of the proposed changes in Land Use designation, the City's Stormwater Master Plan and the potential impacts from upstream Land Use actions may have upon our property, upon other citizens nearby (both within the City and outside the City but within its planning area), and/or upon the local environment.**
- E. We request the City to halt processing further Land Use Actions which may impact the Basalt Creek Area- within the City's Land Use Planning jurisdiction- until the City of Tualatin inventories and documents various known Natural Resources within the Basalt Creek Area- as required by the State.**
- F. Prior to forwarding the current Land Use proposal PMA 20-0002 AND PTA 20-0005 to the City Council for a hearing for adoption, we request the Tualatin Planning Commission to obtain clarification as to when the City will have conducted an inventory of Natural Resources within the Basalt Creek Area in the City's Land Use Planning jurisdiction as required by Goal #5- and any other Federal, State or Metro mandate, and when this data will be integrated and adopt into the City's Maps.**
- G. We request the Tualatin Planning Commission provide us access to a copy of the City's adopted Natural Resource Maps for the Basalt Creek area prior to the next presentation of PMA 20-0002 AND PTA 20-0005 so that we can start to understand the ramifications of the proposed changes in Land Use designation.**

- H. We request the Planning Commission to provide clarification as to the traffic studies conducted to support the identification and specific location of the SHARED ACCESS road that is depicted in the proposed Land Use Map.
- I. We request information from the Planning Commission or the City as to the implications for the inclusion of the SHARED ACCESS Road on the PMA 20-0002 Map
- J. Will the inclusion of this road on the PMA 20-0002 Map reduce any of the traffic study analysis or other compliance requirements for the provision of effective transportation along SW Boones Ferry Road, through local intersections, and to access to Interstate 5?
- K. Has the developer presented documentation of cooperative planning for efficient flow of traffic along SW Boones Ferry Road – for current needs, for integration with Washington County's Transportation Goals, and with ODOT's Goals for access to Interstate 5 – between the developer, the City, Washington County and ODOT?
- L. The Conceptual Map has a ROW dedication of the east side of Washington County 's SW Boones Ferry Road – has the developer coordinated Land Use Planning to determine if this dedication by Washington County is feasible, is the County willing to make such a dedication, and have both local governments complied with all aspects of coordination of Land Use Planning?
- M. Will the County, the City, or the developer dismantle the two stormwater intakes which discharge onto our property on the west side of SW Boones Ferry Road, and if not what use is to be made of those intakes?
- N. Will the developer relocate the two stormwater intakes currently within the ROW which the developer seeks to have the County dedicate to them?
- O. If it is the intention of the developer to relocate the two stormwater intakes- which discharge directly onto our property- will we be included within and be able to participate in the development of the stormwater management plan created for the Autumn Sunrise development- during all phases of the planning process for the development?
- P. The CONCEPTUAL COMMERCIAL LAYOUT MAP included within the supporting documents for PMA 20-0002 AND PTA 20-0005, appear to be making assumptions for Land Use Planning that have not yet been determined, and may include properties outside the ownership or control of the applicants, and/or may be outside the City of Tualatin's Land Use Planning jurisdiction.

**ADDITIONAL SUPPORTING DETAILS RELATING TO EACH QUESTION
ARE PRESENTED WITH GREATER IN THE FOLLOWING PAGES**

A. We request the Tualatin Planning Commission to review and address the questions we present on this first Public Presentation of PMA 20-0002 AND PTA 20-0005- prior to forwarding this proposal for Land Use changes within the Basalt Creek Area to the Tualatin City Council for their Hearing for Adoption

We realize the City has already scheduled PMA 20-0002 AND PTA 20-0005 as an agenda item on the 3-8-2021 City Council Meeting for Hearing

- It is not required that the PMA 20-0002 AND PTA 20-0005 proposal be presented to the Tualatin City Council on 3-8-2021 for a Hearing to Adopt.

We've present issues which need additional information to be provided for both Citizens and the City Council to be fully informed and be able to understand various aspects of this Land Use proposal as currently written.

It is hoped that all parties involved desire Land Use Actions are made transparent, and the decisions which the Council will make- will be based upon pertinent and relevant facts -as intended in Oregon Statewide Land Use Goal #2 for Land Use Planning.

INTENT AND POTENTIAL OUTCOMES OF PROPOSED PMA 20-0002 AND PTA 20-0005

While the proposed text changes and map changes within do not specifically address stormwater management, traffic flow, and the impact to the local area, the proposed changes within PMA 20-0002 AND PTA 20-0005 directly relate to the questions we presented to AKS and forwarded to the City after the only Community Meeting 7-28-2020 on this proposed Land Use Action.

The issues of stormwater management, traffic flow, and the coordination with other local governments are all aspects of the State's Land Use Planning Goals, and are also part of Federal, State and Metro requirements to ensure the safe effective provision of these Public Services by all providers.

It appears the supporting information within the Land Use proposal provides some insight as to the potential impacts which the developer wishes to achieve from the implementation of PMA 20-0002 AND PTA 20-0005.

It is also recognized the developer is not bound to implement the elements identified within the "CONCEPTUAL COMMERCIAL LAYOUT – AUTUMN SURNISE" MAP included within the Land Use proposal.

The inclusion of conceptual maps, while helpful in understanding a developers goals and desires, the ability to achieve a conceptual goal will be dependent upon multiple factors- some of which are outside the control of the developer. We have included a few of these factors at the end of this submission- as they may greatly influence the possible success of the proposed functionality of PMA 20-0002 AND PTA 20-0005 as presented.

STORMWATER MANAGEMENT

COORDINATION OF PUBLIC SERVICES -OREGON LAND USE GOAL #11_"The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs."

URBANIZATION- OREGON LAND USE GOAL #14

"Orderly and economic provision of public facilities and services".

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities"

PUBLIC FACILITIES AND SERVICES -OREGON LAND USE GOAL # 11

OAR Chapter 660 and Oregon Department of Environmental Quality

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served

A provision for key facilities shall be included in each plan

We support the efforts of the Autumn Sunrise developers and their representatives to look at potential on site Stormwater Management needs and management. Stormwater management needs will increase with development on rural lands- much of which currently function as a Stormwater Catchment Basin for the NE portion of the Basalt Creek Area.

The existing stormwater management system within the NE portion of the Basalt Creek Area is under the jurisdiction of Washington County, and has previously failed.

In 2015 Stormwaters from the lands within the current proposed Land Use Action, flooded our property through two Washington County stormwater intakes located within the County's ROW on the eastern side of SW Boones Ferry Road- and on the eastern side of the curb along SW Boones Ferry Road. These two stormwater intakes are directly adjacent to the Lands within the proposed Land Use Action.

The Cities of Tualatin and Wilsonville were informed in 2015 during the Basalt Creek Concept Planning process of the flooding on our property from Washington County Outflow #5, as were the owners at the time, of Tax Lot #303 and the owner of what are now called the Autumn Sunrise Development Lands.

Washington County's two intakes do not provide drainage for SW Boones Ferry Road but were designed in 2012-2013 to provide stormwater drainage for undeveloped lands within the NE portion of the Basalt Creek Area- including portions of the Autumn Sunrise properties. Stormwater within these two Washington County intakes, flows west under SW Boones Ferry Road, and discharges out of Washington County stormwater system Outflow #5 into the ROW on the west side of SW Boones Ferry Road on to lands which we own.

The City of Tualatin staff, the City of Tualatin Planning Commission and /or the Tualatin City Council were also notified on multiple subsequent occasions of the flooding of our property from the County's stormwater system during the following Land Use Planning processes

- the City of Tualatin Basalt Creek Comprehensive Land Use Planning process,
- during the Autumn Sunrise Annexation Land Use Planning process, and
- the City of Tualatin Stormwater Master Plan Update

These verbal and written submissions were provided to the City in anticipation the City would address the need for and comply with various Federal State and Metro mandates and requirements to ensure for the effective provision of stormwater management as a Public Service. OAR chapter 660 provides the actions required of local governments to ensure for the provision of Stormwater management as a Public Service within their Land Use Plans.

As part of the Basalt Creek Concept Plan, adopted in 2018, the Cities of Tualatin and Wilsonville acknowledged limitations within the County's existing Stormwater Management System and the potential need for upgrading the system with development. The City of Tualatin Basalt Creek Comprehensive Plan adopted in 2019 also acknowledged limitations within the County's existing Stormwater Management System and the potential need for upgrading the system with development.

Concerns about of the lack of a Stormwater Master Plan for the Basalt Creek Area were also submitted to the City staff, the City of Tualatin Planning Commission and to the City Council prior to the Council adoption hearing on 2-8-2021.

During the discussion of the proposed Update to the City of Tualatin Stormwater Master Plan, senior City staff acknowledged the Basalt Creek Area- within the City's Land Use Planning jurisdiction- was not included within the April 2019 draft of the Brown and Caldwell City of Tualatin Stormwater Master Plan Update. The City Council adopted the April 2019 draft of the Brown and Caldwell City of Tualatin Stormwater Master Plan Update knowing the document lacked Stormwater Master Planning for the Basalt Creek Area (per OAR Chapter 660 requirements).

The Tualatin City Council, then moved to direct City staff to develop alternative solutions to be presented to the Council at a later date---to address the omission of Stormwater Master Planning for the Basalt Creek Area within their Land Use Planning jurisdiction.

During the same City Council Meeting on 2-8-2021, Council discussion on the need for Stormwater Management Planning for the Basalt Creek Area caused a City staff member to comment that a Stormwater Master Plan for the Basalt Creek Area, was not necessarily needed due to the City's affiliation with Clean Water Services, and compliance to their standards.

The senior staff person indicated Stormwater Management in the northern portion of these two developments would be handled in a stormwater detention facility on the "Pennington Property" in the Norwood Development, and the Autumn Sunrise Development would have a second Stormwater Management facility. The staff indicated the "Pennington Property" stormwater detention/retention facility would reduce stormwater management needs within the Autumn Sunrise Development.

The information about various developments jointly working to help solve stormwater management issues outside each individual development, is an integral part of Stormwater Management Planning and should have been included within a Stormwater Management Master Plan to address the current and future anticipated needs for this Public Service based upon future land use designations within the Basalt Creek Area. However, the City has not

provided a Master Plan for Stormwater Management in the Basalt Creek Area which complies with OAR Chapter 660 requirements for local governments.

Comments were made by a senior staff member which referenced information not previously presented to the Public during the Land Use Planning process for the City's Update to the Stormwater Master Plan:

- regarding the lack of inclusion of Stormwater Management Planning for the Basalt Creek Area within the City of Tualatin Stormwater Master Plan Update by Brown and Caldwell; and
 - information of stormwater management planning involving both the Norwood Development and the Autumn Sunrise Development which will influence the amount of stormwater management needs on lands which are now a part of the Land Use Designation discussions of PMA 20-0002 AND PTA 20-0005
- These two examples from one City Council Meeting illustrates:
- The need for transparency of the Land Use Planning process during all Land Use Planning Actions by the City.
 - The need for the City of Tualatin to review the City's commitment to seeking Citizen involvement within Land Use Actions, and review if the City is effectively engaging in 2-way communication with Citizens prior to scheduling a City Council Hearing for adoption of proposed Land Use Actions.
 - The need for a Stormwater Master Plan for the Basalt Creek Area as required in OAR Chapter 660
 - The City's stated reliance upon affiliation with Clean Water Services and compliance to CWS Standards- does not provide the depth and breadth of information needed to analyze and identify multiple alternatives for the provision of an effective and safe Public Service for Stormwater management throughout the northern Basalt Creek Area.

The City of Tualatin has known of the need to develop a Stormwater Master Plan for the northern portion of the Basalt Creek Area since the Basalt Creek Area was brought into the Metro UGB in 2004. The City has been notified on numerous occasions since 2015, of the limitations of the existing stormwater management system under jurisdiction of Washington County, the information the County's stormwater management system within the Basalt Creek Area was designed and constructed for rural undeveloped lands, the topographical, geological, and environmental limitations and constraints within the Basalt Creek Area impacting the safe and effective management of stormwater within the Basalt Creek area and downstream properties and natural resources.

The City needs a Stormwater Management Plan to be developed and adopted by the City prior to any further Land Use Actions to be taken by the City of Tualatin which may impact the Lands within the Basalt Creek Area within the City's Land Use Planning jurisdiction- and were omitted from Stormwater management Planning as identified in OAR Chapter 660.

- B. We request the City to halt processing further Land Use Actions which may impact the Basalt Creek Area- within the City's Land Use Planning jurisdiction- or lands and environments downstream from these Lands until the City of Tualatin adopts a Stormwater management Plan for the Basalt Creek Area which complies or exceeds the State requirements of OAR Chapter 660 for provision of Public Services and Facilities for the Basalt Creek Area for lands within the City's Land Use Planning jurisdiction.**

This is mere common sense. If you don't have all the facts, you wait and collect the facts you need in order to make a reasoned decision.

- C. Prior to forwarding the current Land Use proposal PMA 20-0002 AND PTA 20-0005 to the City Council for a hearing for adoption-we request the Tualatin Planning Commission to obtain clarification as to when a Stormwater Management Plan which complies or exceeds the State requirements of OAR Chapter 660 for provision of Public Services and Facilities for the Basalt Creek Area for lands within the City's Land Use Planning jurisdiction will be completed and adopted by the City.**

- D. We request the Tualatin Planning Commission review (and provide us access to) a copy of the City's adopted Stormwater Master Plan for the Basalt Creek Area prior to the next presentation of PMA 20-0002 AND PTA 20-0005, so that we and both the Tualatin Planning Commission and the Tualatin City Council have a clear understand of the ramifications of the proposed changes in Land Use designation, the City's Stormwater Master Plan and the potential impacts from upstream Land Use actions may have upon our property, upon other citizens nearby (both within the City and outside the City but within its planning area), and/or upon the local environment.**

ASSESSMENT OF IMPACT UPON MULTIPLE KNOWN NATURAL RESOURCES WITHIN THE BASALT CREEK AREA

--OREGON STATEWIDE LAND USE PLANNING GOALS

-----#5 NATURAL RESOURCES,

----- #6 WATER AND LAND QUALITY RESOURCES

Federal, State, and Metro requirements specify requirements for the protection and conservation of various Natural Resources as part of Land Use Actions. The Basalt Creek Concept Plan adopted by the City in 2018, included multiple assessments and maps of the location of various known Natural Resources within the Basalt Creek Area.

Additional information has been provided to the City on multiple times as to the identification of a portion of wetlands on the SE corner of the Autumn Sunrise property that are "potentially jurisdictional Wetlands of the State/US". This information was generated during the Washington County SW Boones Ferry Road Improvement Project Wetland Delineation Report. Due to the scope of the County's project, the entirety of the lands within the Autumn Sunrise properties were not assessed as to the extent of wetlands within the Autumn Sunrise properties. (Three maps from this report are dated 2013 and are attached.)

The City of Tualatin omitted the identification of multiple Natural Resources known to exist within the Basalt Creek Area within the scope of the City of Tualatin Basalt Creek Comprehensive Plan within the Natural Resource Maps 72-1 and 72-3 associated with that major Land Use Action. The City adopted the City of Tualatin Basalt Creek Comprehensive Plan in 2019- although we submitted Citizen Comments as to the need for this documentation within the Comprehensive Plan during the Council Hearings. The City's Natural Resource Maps 72-1 and 72-3 as posted to the City's website omit the identification of numerous Natural Resources within the Basalt Creek Area- and with the City's Land Use Planning jurisdiction. (see attached maps)

The PMA 20-0002 AND PTA 20-0005 proposal narrative states,

- " The proposed amendments conform to Goal 5", and '
- "The proposed amendments conform to Goal 6."

Within the PMA 20-0002 AND PTA 20-0005 Findings Report includes the following comments in the assessment/impact of the proposal on Natural Resources:

- (vi) Natural resources of the City and the protection and conservation of said resources.
- (vii) Prospective requirements for the development of natural resources in the City.
Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

Slide Number #9 within the slide deck for the PMA 20-0002 AND PTA 20-0005 TPC Meeting 2-18-21 presentation identifies APPLICABLE CRITERIA for the proposed Land Use Action:

- The Recommendation Considers the characteristics of city, land development trends, health and safety, natural resources
- The Amendment is Consistent with Oregon Statewide Planning Goals and Administrative Rules

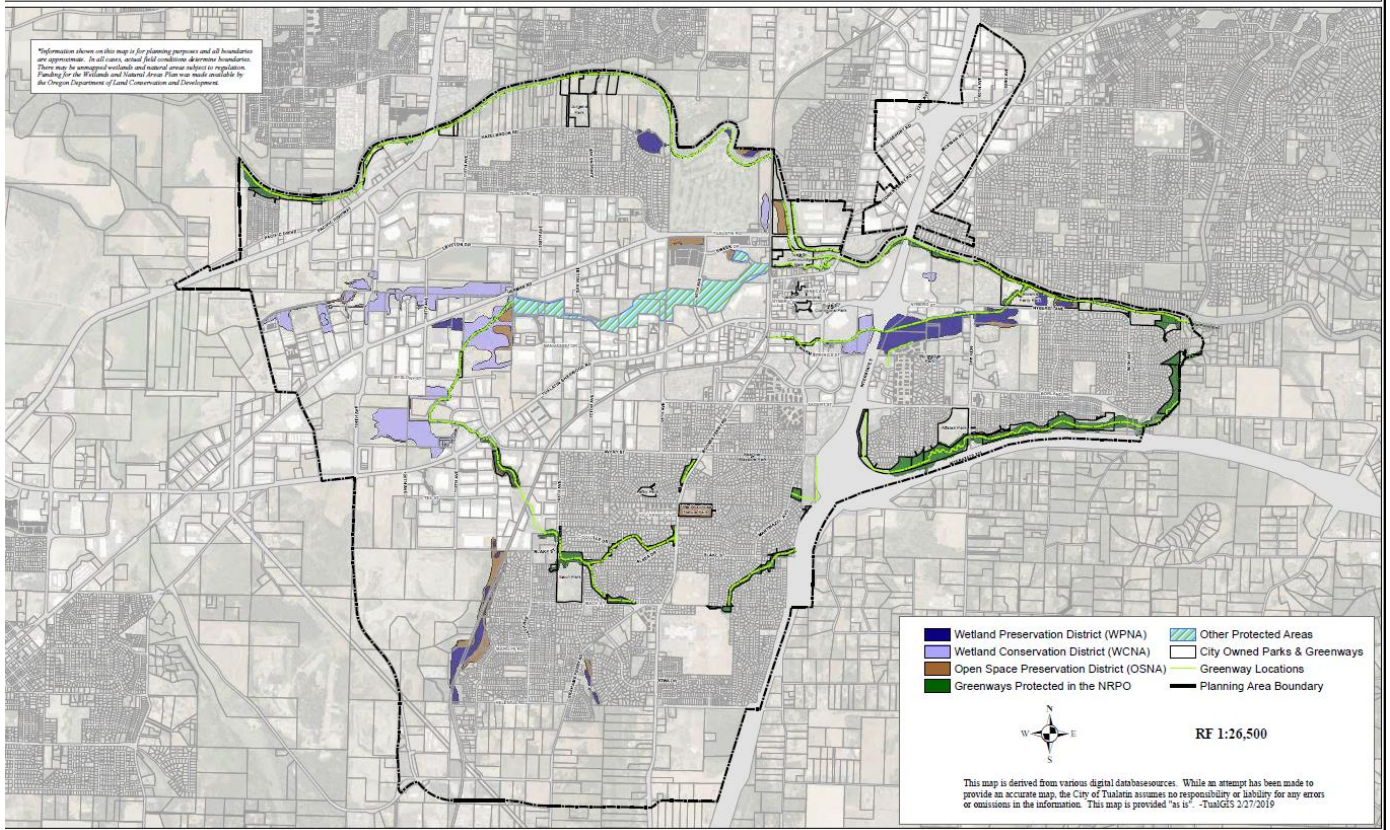
For all the reasons outlined in these comments, neither of these Approval Criteria are met.

The City's lack of identified known Natural Resources within Basalt Creek Area and within the City's Land Use Planning Area is not compliant with Oregon Statewide Land Use Goal #5 for Natural Resources. The lack of this information is extremely problematic for any Land Use Action within the Basalt Creek Area to provide compliance to Oregon Statewide Land Use Goal #5 for Natural Resources requirements.

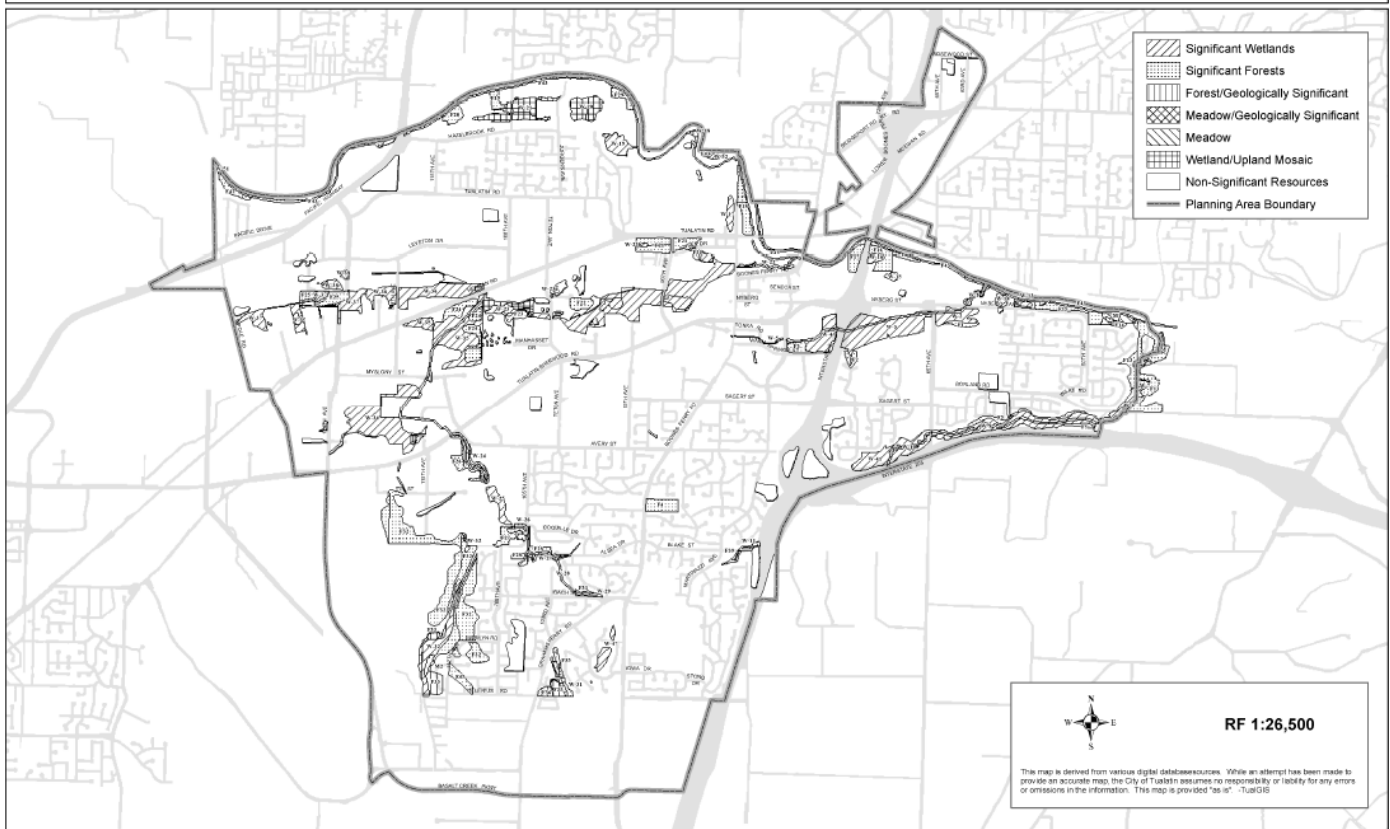
The proposed PMA 20-0002 AND PTA 20-0005 make statements purporting to attest to compliance to Goal #5- but due to the lack of mapped Natural Resources within the lands under consideration for Land Use change those statements are not factually reliable. The City has prior documentation and knowledge of existing wetlands within the SW corner of the lands under consideration for this Land Use Action.

Moreover, the inclusion of a conceptual road that alters traffic flow, potentially alters stormwater flow, and likely has other impacts on health, safety and natural resources is in no way consistent with the existing Comprehensive Plan, or with Statewide Planning Goals, or with the Administrative Rules implementing those Goals.

- E. **We request the City to halt processing further Land Use Actions which may impact the Basalt Creek Area- within the City's Land Use Planning jurisdiction- until the City of Tualatin inventories and documents various known Natural Resources within the Basalt Creek Area- as required by the State.**
Again, this makes sense. The whole point of a Planning Commission is to Plan, not to forward a recommendation without proper planning and analysis.
- F. **Prior to forwarding the current Land Use proposal PMA 20-0002 AND PTA 20-0005 to the City Council for a hearing for adoption, we request the Tualatin Planning Commission to obtain clarification as to when the City will have conducted an inventory of Natural Resources within the Basalt Creek Area in the City's Land Use Planning jurisdiction as required by Goal #5- and any other Federal, State or Metro mandate, and when this data will be integrated and adopt into the City's Maps.**
See prior point.
- G. **We request the Tualatin Planning Commission provide us access to a copy of the City's adopted Natural Resource Maps for the Basalt Creek area prior to the next presentation of PMA 20-0002 AND PTA 20-0005, so that we can start to understand the ramifications of the proposed changes in Land Use designation.**



Map 72-3: Significant Natural Resources



TRANSPORTATION- INTEGRATION OF TRAFFIC FLOW ALONG SW BOONES FERRY ROAD

TRANSPORTATION – OREGON LAND USE GOAL # 12

To provide and encourage a safe, convenient and economic transportation system
Be based upon an inventory of local, regional and state transportation needs,
Minimize adverse social, economic and environmental impacts and costs.
Facilitate the flow of goods and services so as to strengthen the local and regional economy

COORDINATION OF PUBLIC SERVICES -OREGON LAND USE GOAL #11

"The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs."

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served

URBANIZATION- OREGON LAND USE GOAL #14

"Orderly and economic provision of public facilities and services".

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities"

We have previously expressed concerns as to the traffic impact generated by major developments upon SW Boones Ferry Road – caused by the City of Tualatin's urbanization of the Basalt Creek Area. These concerns were submitted during the City of Tualatin Basalt Creek Comprehensive Land Use planning process, the Ann 19-0002 annexation process of Autumn Sunrise properties into the City Limits of Tualatin, and during the Community Meeting on 7-28-2020 by AKS on considerations for changes to the Autumn Sunrise Land Use designations and Map.

There are multiple implications relating to the proposed changes presented in PMA 20-0002 AND PTA 20-0005

The City of Tualatin and Washington County are effectively conducting two Land Use Planning Actions impacting the same road within the same locations- without documentation of effective coordination for providing this Public Service and Facilities on SW Boones Ferry Road within southern Tualatin, the Basalt Creek Area and leading to the Interstate 5 interchange.

The changes included within PMA 20-0002 AND PTA 20-0005 present new information as to the identification and location of a "SHARED ACCESS" road in the NW corner of the proposed change to PMA 20-0002. Additional supporting maps within the proposal document, indicate two possible connections within various parcels of land within the NE portion of the Basalt Creek Area. These additional maps also reference "Local Street" in the "Conceptual Commercial Layout-Autumn Sunrise map" and Figure 11-3 Local Street Plan Tualatin Development Code Appendix B also denotes a street within the NE portion of the Basalt Creek Area

However, the narrative within the proposed PMA 20-0002 does not fully identify all of the potential connections the 'SHARRED ACCESS ROAD" may establish.

The narrative for the proposed Land Use change, does not identify all of the potential current and future developments within the NE portion of the Basalt Creek Area which may impact traffic flow within the area.

The NE portion of the Basalt Creek Area may produce traffic from:

- approximately 200-300 residential units from Autumn Sunrise Development
- Plus 200-300 residential units from Norwood development
- Plus high peak traffic flows from High School
- Plus high peak traffic flows from church
- Plus future traffic flow from anticipated High Density Affordable Housing Center directly to north
- Plus traffic from Neighborhood Commercial Retail Center

1. It is unclear what traffic studies have been done to anticipate traffic within the entire NE portion of the Basalt Creek Area (as listed above) when these lands are fully developed.
2. It is unclear what traffic studies have been done to assess and anticipate the amount, the timing and impact of traffic from all of the properties listed above may have upon SW Boones Ferry Road- a road which has already demonstrated significant congestion- during non CVOID times.
 - a. It is unclear when traffic studies were conducted- to obtain an accurate realistic assessment of traffic along SW Boones Ferry Road – during "normal" representative traffic days (i.e., during a normal school and business day-verses during a holiday, school vacation, or snow day)

The proposed change to PMA 02-0002 to specifically add the 'SHARRED ACCESS' road into the Map, does not provide information or documentation as to the impact of locating the road within the NW corner of the Autumn Sunrise properties.

- H. We request the Planning Commission to provide clarification as to the traffic studies conducted to support the identification and specific location of the SHARED ACCESS road that is depicted in the proposed Land Use Map.**
- I. We request information from the Planning Commission or the City as to the implications for the inclusion of the SHARED ACCESS Road on the PMA 20-0002 Map**
- J. Will the inclusion of this road on the PMA 20-0002 Map reduce any of the traffic study analysis or other compliance requirements for the provision of effective transportation along SW Boones Ferry Road, through local intersections, and to access to Interstate 5?**
- K. Has the developer presented documentation of cooperative planning for efficient flow of traffic along SW Boones Ferry Road – for current needs, for integration with Washington County's Transportation Goals, and with ODOT's Goals for access to Interstate 5 – between the developer, the City, Washington County and ODOT?**

While the supporting information within the proposed Map change, provides some information as to the possible changes which may occur when Washington County implements their proposed Basalt Creek Parkway Extension, PMA 20-0002 information does not address of all components of Washington County's proposed Basalt Creek Parkway Extension Project.

Washington County's website for the proposed Basalt Creek Parkway Extension Project, includes a partial design information along SW Boones Ferry Road.

<https://www.co.washington.or.us/LUT/TransportationProjects/upload/Basalt-Creek-Frontage-Road-v4.jpg>

The narrative supporting the proposed PMA 20-0002 Map change, omits important information relating to the impacts of Basalt Creek Parkway Extension Project upon SW Boones Ferry Road.

- We request the City or the Developer to provide information and documentation as to the Land Use Planning of the Washington County Basalt Creek Parkway Extension Project, and the proposed City of Tualatin PMA 20-0002 Land Use Action in the coordination of the provision of transportation services within the Basalt Creek Area along SW Boones Ferry Road – in particular, the coordination of potential new intersections on SW Boones Ferry Road between Day Road, and Norwood .

These new intersections within a mile of each other would most likely include:

- New intersection for southern segment of Boones Ferry Frontage Road (west side of SW Boones Ferry Road between Greenhill and Day
- New intersection for Wilsonville industrial development (on east side of SW Boones Ferry Road between Greenhill and Day Roads)
- New major signaled 5 lane intersection for Basalt Creek Parkway Extension Project (west side of SW Boones Ferry Road at Greenhill Lane)
- New intersection for northern segment of Boones Ferry Frontage Road (west side of SW Boones Ferry Road between Greenhill and Norwood)
- New "Shared Access" Road indicated within PMA 20-0002 on New intersection for southern segment of Boones Ferry Frontage Road (east side of SW Boones Ferry Road between Greenhill and Day

The need for coordinated Land Use Planning between multiple local governments for the effective and safe provision of local traffic along SW Boones Ferry Road is readily apparent

The CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE MAP included within the supporting materials for PMA 20-0002 indicate a ROW dedication from Washington County near the entrance to the proposed Shared Access Road identified on PMA 20-0002 and labeled as a Local Street on the Conceptual Map.

We acknowledge a conceptual map is conceptual, but if it is the intent of the developer to implement portions of the elements included in the conceptual map- to be able to successfully implement their plans, then those elements should be acknowledged and addressed as part of relevant facts for Land Use Planning.

- L. The Conceptual Map has a ROW dedication of the east side of Washington County 's SW Boones Ferry Road – has the developer coordinated Land Use Planning to determine if this dedication by Washington County is feasible, is the County willing to make such a dedication and have both local governments complied with all aspects of coordination of Land Use Planning?**

The Conceptual Map does not indicate Washington County's intentions or desires as to the handling of the two stormwater intakes located within the County's ROW.

- M. Will the County, the City, or the developer dismantle the two stormwater intakes which discharge onto our property on the west side of SW Boones Ferry Road, and if not what use is to be made of those intakes?**
- N. Will the developer relocate the two stormwater intakes currently within the ROW which the developer seeks to have the County dedicate to them?**
- O. If it is the intention of the developer to relocate the two stormwater intakes- which discharge directly onto our property- will we be included within and be able to participate in the development of the stormwater management plan created for the Autumn Sunrise development- during all phases of the planning process for the development?**

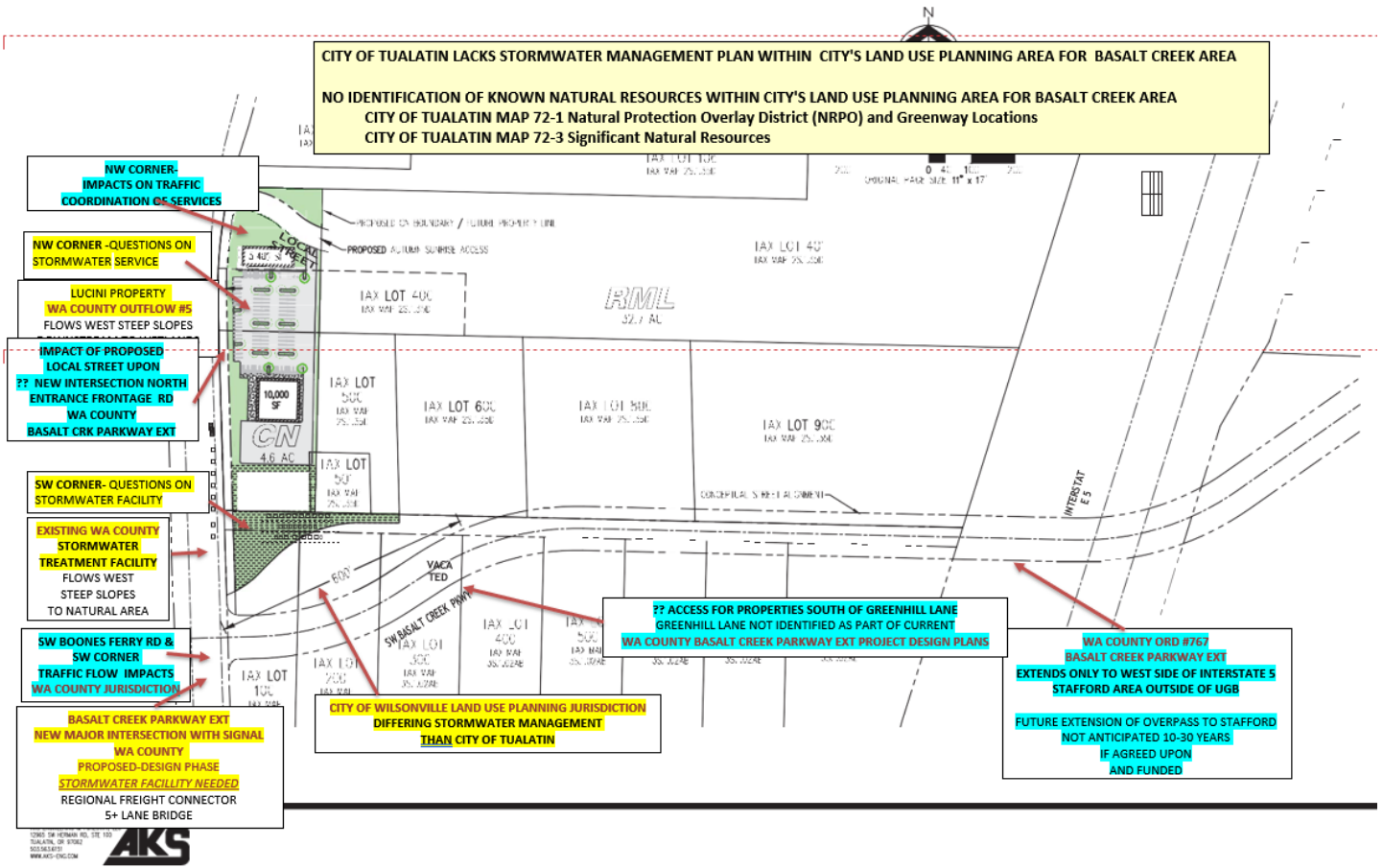
As the property owners of the ROW into which the two stormwater intakes discharge

1. We have been previously flooded from the stormwaters from these two intakes in 2015- of which the City

had been notified.

2. The City of Tualatin acknowledged in the Basalt Creek Concept Plan of 2018 and a year later in the City of Tualatin Basalt Creek Comprehensive Plan of limitations within the County's existing stormwater system within the Basalt Creek Area, and also acknowledged the potential need to upgrade the stormwater system within the Basalt Creek Area with development.
3. We have taken actions to attempt to mitigate current stormwater impacts from the County's current stormwater management system
 - a. Our actions were based and designed upon the analysis of existing conditions of undeveloped lands upstream from the two intakes
 - b. We sought information from the City of Tualatin for information on future stormwater management analysis or needs anticipated with the City's urbanization of the NE portion of the Basalt Creek Area during the design/construction of our efforts to mitigate the flow of stormwater from undeveloped lands. City was not able to provide us information as to anticipated stormwater management needs for Outflow #5 based upon development the City was seeking to obtain.
 - c. We were informed that the City of Tualatin would be including the Basalt Creek Area within the City's Stormwater Master Plan Update, however on 2-8-2021, the senior staff of the City of Tualatin acknowledged the Basalt Creek Area, within the City's Land Use Planning jurisdiction was not included in the Brown and Caldwell 2019 draft of the City's Stormwater Master Plan Update for the City of Tualatin.
 - d. The City of Tualatin City Council adopted the Brown and Caldwell 2019 draft of the City's Stormwater Master Plan Update for the City of Tualatin, knowing the document did not provide a Stormwater Master Plan (per OAR chapter 660) for the Basalt Creek Area

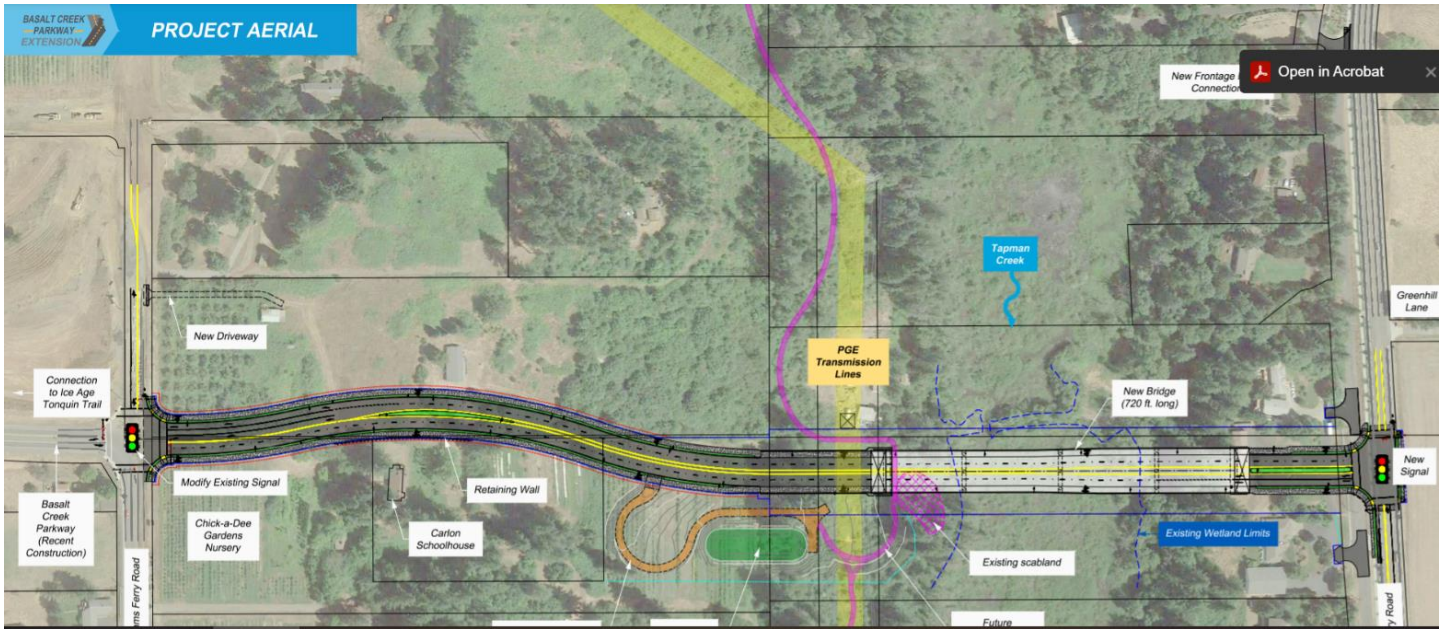
CONCEPTUAL COMMERCIAL LAYOUT MAP -WITH COMMENTS ADDED



WASHINGTON COUNTY -PROPOSED BASALT CREEK PARKWAY EXTENSION PROJECT
PROJECT IS STILL IN DESIGN PHASE AND NOT FULLY FUNDED

INVOLVEMENT OF GREENHILL LANE
- IS NOT INDICATED AS PART OF WASHINGTON COUNTY'S CURRENT PROJECT

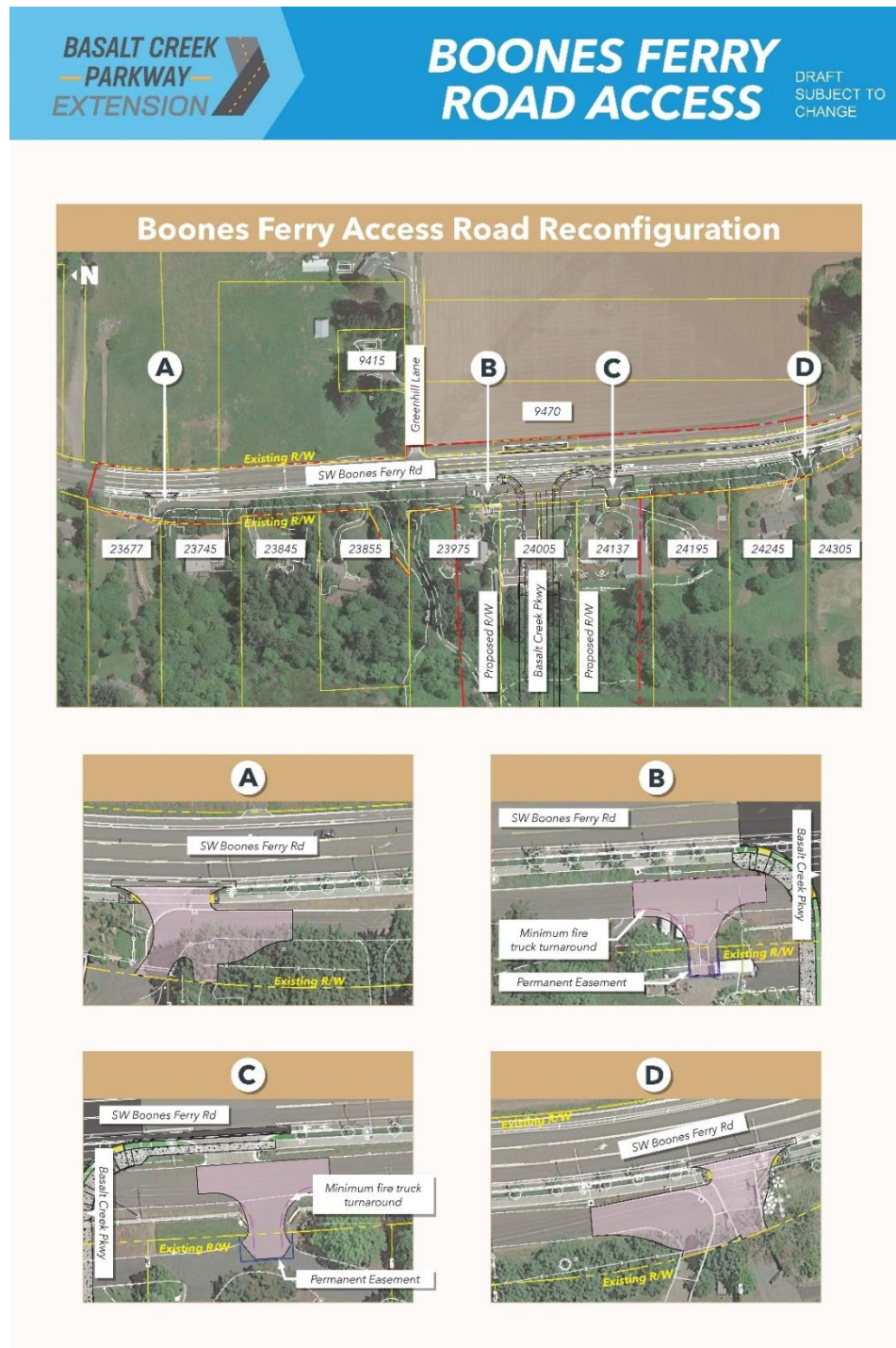
2021 2-16 DOWNLOAD



IF AND WHEN THE BASALT CREEK PARKWAY EXTENSION PROJECT PROGRESSES TO CONSTRUCTION PHASE NEW INTERSECTIONS FOR THE ACCESS/FRONTAGE ROADS WILL BE CREATED ALONG SW BOONES FERRY ROAD

THE PROPOSED PMA 20-0002 AND PTA 20-0005 AND SUPPORTING DOCUMENTS DO NOT ADDRESS COORDINATION AND INTEGRATION OF THE PROPOSED "SHARED ACCESS" ROAD ON THE EAST SIDE OF SW BOONES FERRY ROAD

WITH THE NEW INTERSECTION OF THE NORTHERN ACCESS/FRONTAGE ROAD ON THE WEST SIDE OF SW BOONES FERRY ROAD (DENOTED AS "A" IN MAP BELOW)



COMMENTS ON THE CONCEPTUAL COMMERCIAL LAYOUT- AUTUMN SUNRISE MAP

We acknowledge the information included within the "CONCEPTUAL COMMERCIAL LAYOUT MAP for the Autumn Sunrise development- is in fact a conceptual model. However, there are additional issues which were not previously addressed.

The Conceptual Commercial Layout for the Autumn Sunrise Development makes some assumptions not addressed within the narrative accompanying the PMA 20-0002 and the PTA- 20-0005.

In addition to the comments presented within the Transportation section of this submission- the current planning and design of the Washington County Basalt Creek Parkway Extension Project does not currently include design planning for Greenhill Lane. The proposal appears to assume changes to Greenhill Lane which are not included within the scope of Washington County's current project. It is unclear how the stormwater management facility for the proposed PMA 20-0002 and the PTA- 20-0005 Land Use Action will be able to utilize lands south of Greenhill Lane as they currently exist.

P The CONCEPTUAL COMMERCIAL LAYOUT MAP included within the supporting documents for PMA 20-0002 AND PTA 20-0005, appear to be making assumptions for Land Use Planning that have not yet been determined, and may include properties outside the ownership or control of the applicants, and/or may be outside the City of Tualatin's Land Use Planning jurisdiction

The "CONCEPTUAL COMMERCIAL LAYOUT MAP" includes within the Land Use Plans for the Autumn Sunrise Neighborhood Commercial Center- includes Land Use Planning

1. The Conceptual Map indicates a portion of Greenhill Lane has been vacated, and the Basalt Creek Parkway Extension has been planned and designed to be located slightly south of the existing Greenhill Lane.
 - a. The current design for the Basalt Creek Parkway Extension as posted to the County's website does not extend east of SW Boones Ferry Road
 - b. Washington County has not obtained full funding for the Basalt Creek Parkway Extension for the lands west of SW Boones Ferry Road.
 - c. Washington County ORD #767 only indicates the potential extension of the Basalt Creek Parkway Extension to the west side of Interstate 5
 - d. The Conceptual Map indicates the Basalt Creek Parkway extending across Interstate 5, and possibly into the Stafford Area, which may be outside the UGB, into lands not currently within the Land Use Planning jurisdiction of the City of Tualatin.
2. Several aspects of the implementation of the proposed Land Use Actions are contingent upon the completion of not only Washington County's current Basalt Creek Parkway Extension Project to SW Boones Ferry Road but makes assumptions of yet another transportation project which will make changes to Greenhill Lane at a future date not yet determined.
 - a. Washington County's currently Basalt Creek Parkway Extension to SW Boones Ferry Road has not finished the design phase, and construction has not begun.
 - b. The County has not made Public statements as to when a new project to extend the Basalt Creek Parkway to Greenhill Lane will take place.
 - c. PMA 20-0002/PTA 20-0005 will cause changes to land use designations affecting where stormwater management facilities can be located for the Autumn Sunrise Development.

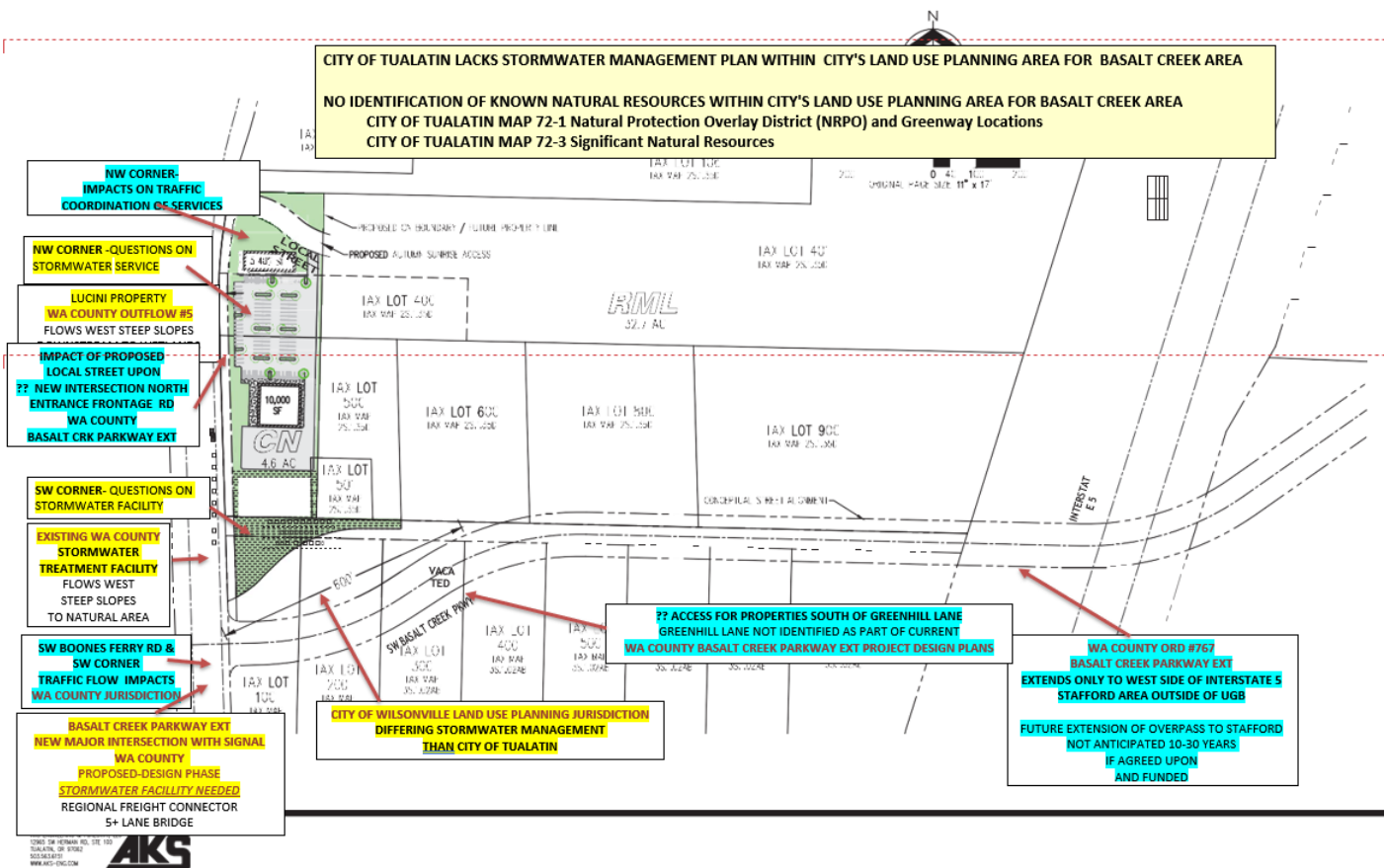
d. Due to the lack of a definitive date for the completion of the Basalt Creek Parkway to SW Boones Ferry Road, or the potential extension of the Parkway to Greenhill Lane, Land Use Planning for stormwater management for the development should not be reliant of changes to Greenhill Lane.

3. Additional coordinating of local, regional, and State planning for the safe and effective access to Interstate 5 is also needed.

The proposed Land Use Change which specifically identifies the location of a Shared Access Road within proposed PMA 20-0002 but does not provide supportive materials to document the analysis of current and future transportation needs biased upon full build out of the NE portion of the Basalt creek Area. The proposed Land Use Change does not provide documentation on the coordination of the provision of effective traffic flow along SW Boones Ferry Road does not indicate compliance for Oregon Statewide Land Use Goals # 12- Transportation, #11 Coordination of Public Services, and # 14 Urbanization.

- For Lands outside the Land Use Planning jurisdiction of the City of Tualatin
- Does not provide documentation from owners of tax lots 100, 200, 300 or 400 which are outside the control and ownership of the Autumn Sunrise Development as to their interest or agreement to any change in ownership or Land Use designation for the tax lots impacted by the Conceptual Plans of the developers of the Autumn Sunrise Neighborhood Commercial Center.
- Does not provide documentation from the City of Wilsonville as to their interest or agreement to change the Land Use designations of lands within their Land Use Planning jurisdiction from Industrial to stormwater detention/retention facility.

CONCEPTUAL COMMERCIAL LAYOUT – AUTUMN SUNRISE MAP WITH COMMENTS



We respectfully submit these comments and questions for your review and action.

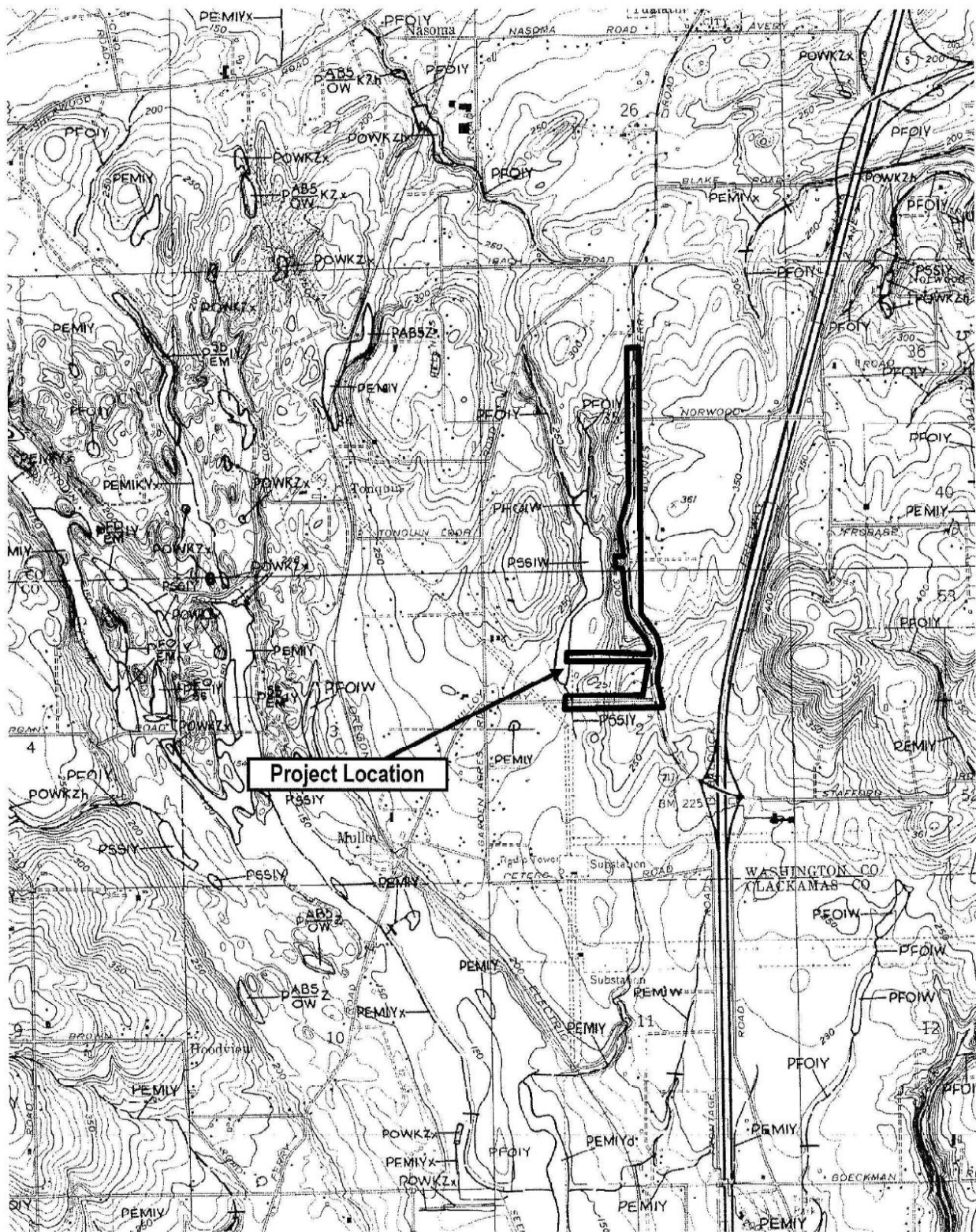
John and Grace Lucini

23677 SW Boones Ferry Road

Tualatin, OR 97062

ATTACHMENTS:

1. 2013 Wetland Delineation Maps- SW Boones Ferry Improvement Project
3 maps-Basalt Creek Area and Greenhill Lane
2. 2020 7-28 to 8-2 Email Chain- Lucini, AKS, and City of Tualatin, City Council, Tualatin Planning Commission



4788
11/15/12



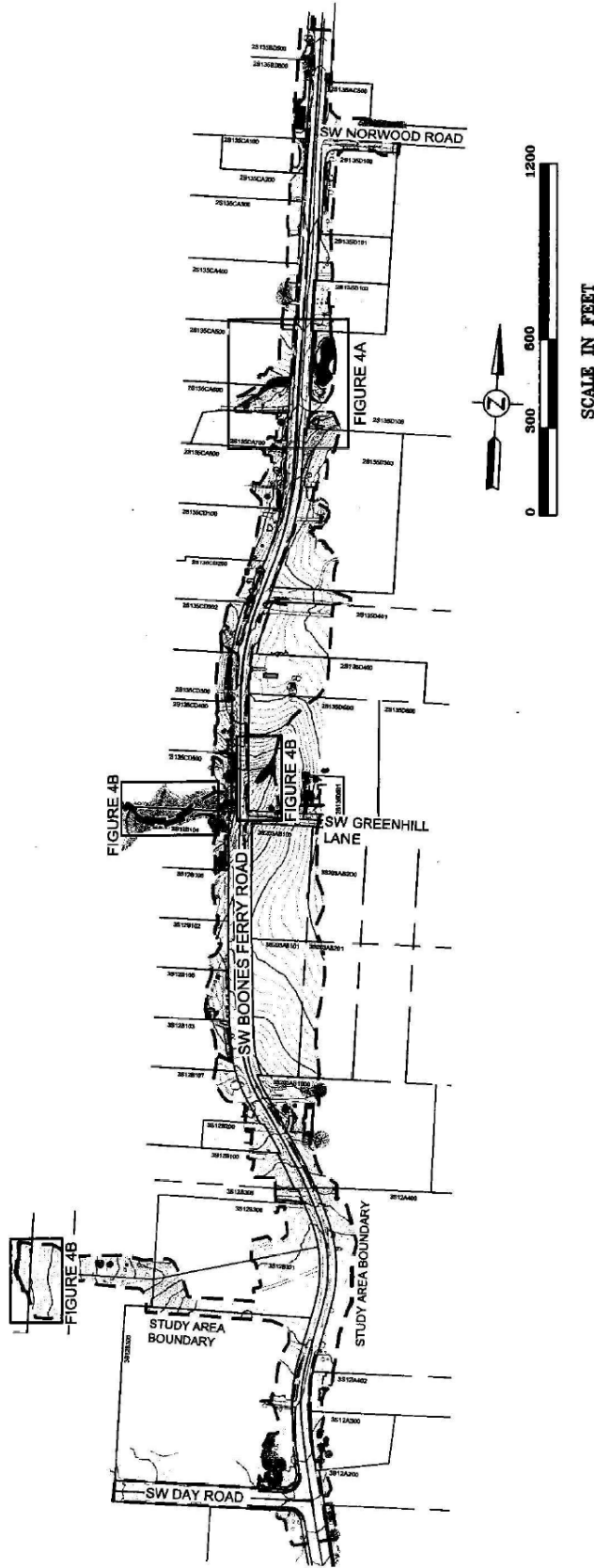
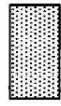
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

National Wetland Inventory Map
SW Boones Ferry Road Widening Project - Washington County, Oregon
(USFWS Sherwood, OR quadrangle, 1981)

FIGURE
3B

LEGEND

Potentially Jurisdictional Wetlands/
Waters of the State/ US



Pacific Habitat Services, Inc.
445 SW 10th Street, Suite 100
Portland, Oregon 97204
Phone: (503) 574-0880 Fax: (503) 574-0885

Note:
Survey provided by Mackay & Sposito.
Survey accuracy is sub-centimeter.

FIGURE 4

01/15/13

Existing Conditions Sheet Index
SW Boones Ferry Road Widening Project - Washington County, Oregon

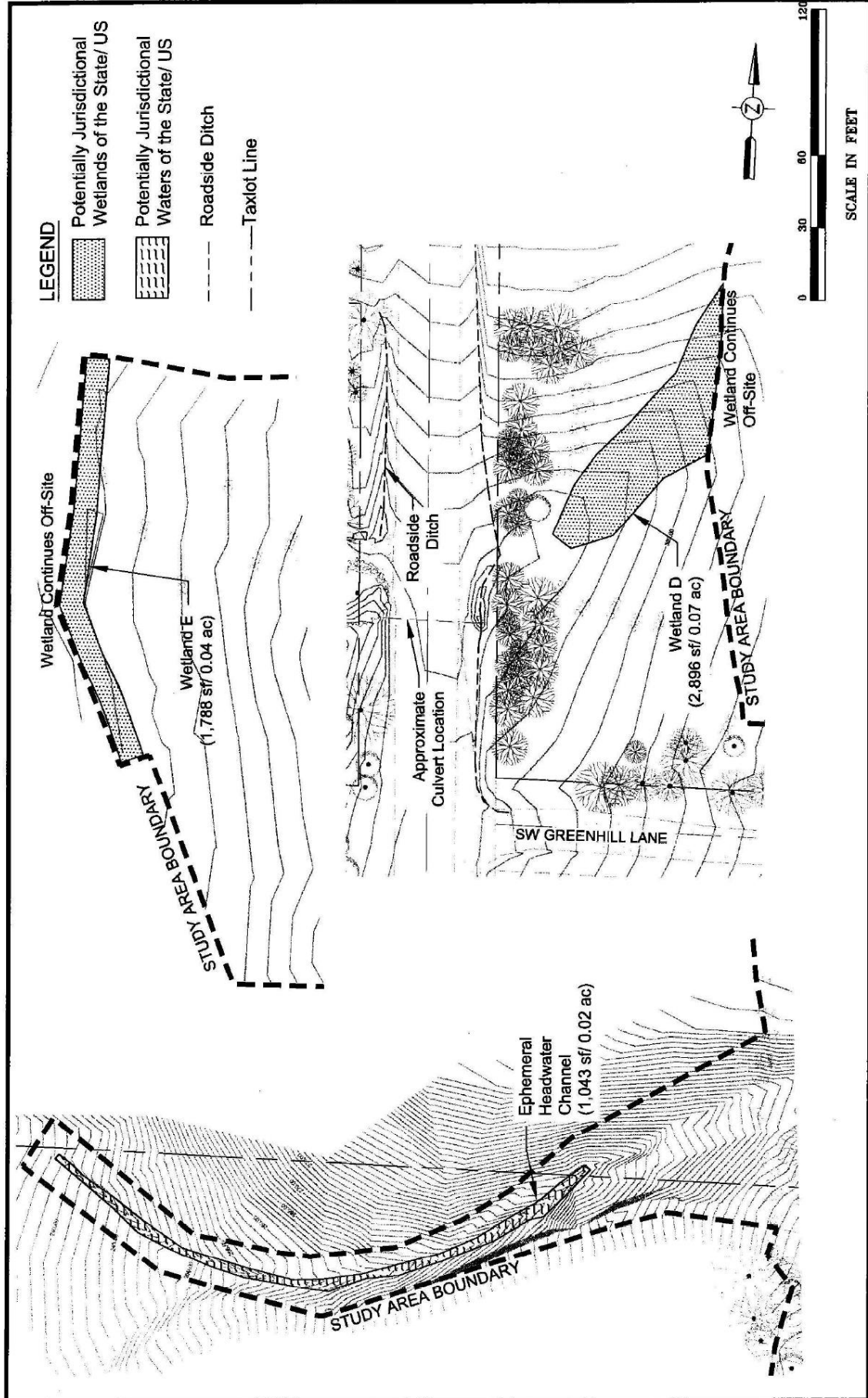


FIGURE 4B

Existing Conditions
 SW Boones Ferry Road Widening Project - Washington County, Oregon

01/15/13

Note:
 Survey provided by MackKay & Sposito.
 Survey accuracy is sub-centimeter.



PHS
 Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 181, Wilsonville, Oregon 97170
 Phone: (503) 579-0800 Fax (503) 579-0805

G Lucini

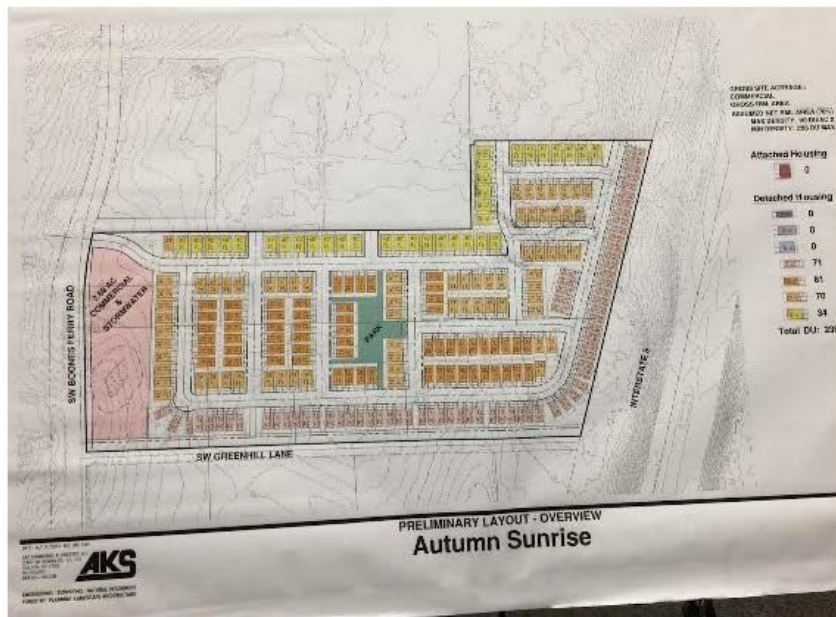
From: G Lucini <grluci@gmail.com>
Sent: Tuesday, July 28, 2020 1:11 PM
To: mimid@AKS-eng.com
Cc: 'John Lucini'
Subject: RE: Autumn Sunrise Neighborhood Virtual Meeting 7-28-2020- QUESTIONS

Flag Status: Flagged

Thank you for the opportunity to ask questions during the Community Meeting on the proposed change to the City of Tualatin Development Code relating to the proposed zoning reconfiguration of the Autumn Sunrise Development.

I have multiple questions to ask-

The 10-9-2019 Community Meeting for the annexation of the Autumn Sunrise property into the City of Tualatin included a poster-"*Preliminary Layout-Overview Autumn Sunrise*".



There are great similarities between the *Preliminary Layout Overview Autumn Sunrise* map and the "*After Zone Reconfiguration*" map (also generated by AKS Engineering) and currently being presented as part of this Community Meeting.

1. At this phase of development planning it would seem reasonable to be planning traffic flow around and into related parking lots for a Commercial/Retail center on almost 4 acres of land at the entrance to a major development. Since the 10-9-2019 Preliminary Layout Map utilizes the label "Commercial and Stormwater" for the Neighborhood Commercial area:
 - Is there an intention to use the Neighborhood Commercial area- in part or whole for Storm water Management in addition to, or at the exclusion of, retail shops?
 - If so- can you provide an estimate of the percentage of the Neighborhood Commercial area anticipated to be dedicated to stormwater management vs the amount of land to be used for retail shops?

G Lucini <grluci@gmail.com>

Lucini comments - Autumn Sunrise Neighborhood Commercial Code & Map Change Proposal

G Lucini <grluci@gmail.com> Sun, Aug 2, 2020 at 11:56 PM

Reply-To: grluci@gmail.com

To: Tualatin City Council <council@ci.tualatin.or.us>, Frank Bubenik <fbubenik@tualatin.gov>, Nancy Grimes <ngrimes@tualatin.gov>, Robert Kellogg <rkellogg@tualatin.gov>,

Paul Morrison <pmorrison@tualatin.gov>, Valerie Pratt <councilorpratttualatin@gmail.com>, Bridget Brooks <bbrooks@tualatin.gov>, Maria Reyes

<mreyes@tualatin.gov>, Sherilyn

Lombos <slombos@tualatin.gov>

Cc: Mimi Doukas <MimiD@aks-eng.com>, tboschetti@tualatin.gov, John Lucini <JWLuci@gmail.com>

Bcc: grluci@gmail.com

To the members of the Tualatin City Council

Please see the attached documents:

2020 8-2 Lucini Comments to the City Council -Autumn Sunrise Proposed Code – Map Change City of Tualatin

2020 2-28 Questions Autumn Sunrise Proposed Zoning Change –(Submitted to Mimi Doukas AKS Engineering)

I am requesting your review of the concerns presented within the two documents.

As always, my husband and I appreciate your thoughtful consideration of these issues.

Regards,

Grace and John Lucini

2 attachments

2020 7-28 Questions Autumn Sunrise Proposed Zoning Change.pdf

1159K

2020 8-2 Lucini Comments Autumn Sunrise NC Proposed Code Text Map Change.pdf

1225K

LUCINI COMMENTS 8-2-2020 Page 1 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

8-2-2020

To the members of the City of Tualatin City Council

CC: City of Tualatin Planning Department

Mimi Doukas AKS Engineering/ Lennar Northwest, Inc/ Autumn Sunrise LLC

My husband and I attended the virtual "Community Meeting" presentation on 7-28-2020 on the proposed TDC

text and map changes for the land within the Autumn Sunrise annexation to the City of Tualatin-

REFERENCED AS: AUTUMN SUNRISE -NEIGHBORHOOD COMMERCIAL (NC) PLAN MAP/TEXT AMENDMENT.

These are my understandings from the comments made by the Meeting Host, Mimi Doukas from AKS

Engineering:

- Tabitha Boschetti, Assistant Planner for the City of Tualatin was a participant in this virtual Community Meeting.

- o Mimi commented that Tabitha was online during the meeting,

- o and Tabitha could also be contacted at the City Planning Department regarding questions.

- I asked questions regarding the process- and understood the following answers

- o this proposed text and map change to the City of Tualatin Development Code will be submitted to the City within the next week or two.

- o There is a 120-day application period, lately the City has been quick in processing these types of applications

- o The City of Tualatin Planning Commission would be scheduled to hold a meeting on these proposed TDC changes

- When asked when this meeting would be held by the Planning Commission

- -Mimi could not give a date-but indicated it would be sometime after the application is filed

- There was no additional information regarding the scheduling of the Planning

Commission meeting provided by Ms. Boschetti

- o According to Ms. Doukas,

- the Neighborhood Commercial Zoning is currently not found anywhere else within the City of Tualatin

- The proposed code changes are applicable only to the NC portion of this development

- During the Questions and Answers portion of the Community Meeting-Ms. Doukas stated she would summarize the questions which I had previously submitted to her by email

o Consequently, the questions and comments I submitted by email prior to the virtual meeting were not read verbatim.

o There were portions of my questions which were not presented by the host and which I believe were not fully addressed.

LUCINI COMMENTS 8-2-2020 Page 2 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

GENERAL COMMENT REGARDING THE PROPOSAL & INFORMATION PROVIDED TO PUBLIC:

A statement was included within the slide presentation and a similar statement was made by the Meeting Host: "There are not current development plans for the Neighborhood Commercial site".

Why would the developer at this point of plan of development-

--be proposing a development code change impacting almost 4 acres of commercially zoned land within a housing development

---- and not have basic use plans (i.e. vehicular access and parking) identified to support the request for the Development Code and Maps changes for commercially zoned land?

And, without basic knowledge of future planning for the NC area to support the proposed changes---

How can an informed decision be determined- as to the potential impact the proposed changes will cause on the current and future infrastructure---- without basic plans for the proposed Land Use change including:

- Connections to current or future roads?
- Changes to impervious surfaces with or without streets, buildings and/or parking lots within the NC zone and the impact upon stormwater management (which has already failed within the same stormwater catchment area)?

Yet, contrary to the statements about the lack of development plans for the NC land -from the statements made during the Community Meeting indicated the configuration of the Neighborhood Commercial area has already undergone evaluation and planning by the applicant

- including two roads connecting into the Horizon Church and High School property as well as
- intended use of ONE SHARED ROAD for use by:

o the adjacent Church,

o the adjacent High School,

o 200+ residential units

o and any vehicular traffic created by the development of the land zoned for Neighborhood Commercial Development connecting into SW Boones Ferry Road.

This SHARED ROAD is indicated as a portion of the proposed reconfigured and relocated Neighborhood Commercial land.

No information was provided as to how this Shared Road would integrate into the existing congested traffic often evidenced on SW Boones Ferry Road.

No information was provided as to how this Shared Road would integrate into future transportation plans including the Basalt Creek Parkway Extension- consequent redesign of the Boones Ferry Frontage Road.

In response to my written questions about the impact and traffic safety issues which will likely develop due to the Washington County's proposed Basalt Creek Parkway Extension- Ms. Doukas did not provide specific answers and minimized the issue by making comments about the lack of funding for the Parkway Extension causing years of delay.

There are significant traffic congestion concerns within the Basalt Creek Area (absent changes to the health pandemic).

The proposed changes which moves a SHARED ROAD further north (intended to be used by hundreds of vehicles with multiple destinations within the development and into other properties) should be given significant evaluation as to how changing the location and types of users of the SHARED ROAD will integrate into the existing road system.

LUCINI COMMENTS 8-2-2020 Page 3 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

It would seem reasonable for a proposed change of a SHARED ROAD location-causing the addition of hundreds of vehicles from not only the development-- but also including the High School and neighboring properties-- should undergo thorough evaluation as to how this proposal will impact

and integrate with known anticipated major transportation changes planned within close proximity. It is apparent from the number of postings on a local neighborhood social app- where there are many local residents expressing concern with the current traffic on SW Boones Ferry Road and on Norwood.

It would seem an appropriate time for City Council to take action to seek direct citizen opinion as to comments or concerns regarding current transportation needs within the Basalt Creek Area- and their opinions as to anticipated needs as part of the decision making process in determining the location and configuration of a SHARED ROAD into the future development- and perhaps other neighboring high vehicular use properties.

FOLLOW UP QUESTIONS TO THE PRESENTATION SLIDES, INFORMATION PROVIDED DURING THE COMMUNITY MEETING AND RESPONSES TO THE QUESTION AND ANSWER PORTION OF THE VIRTUAL MEETING:

1. Anticipated Use of Land Within Zoning Change Request- Temporary / Interim Use

-Commercial/Retail or Open Space; Stormwater Management

In response to the questions I submitted about potential use of the NC land for stormwater management WHAT I HEARD - is that the proposed reconfigured NC land may be temporarily used as either "open space" or "stormwater management"- until the number of "roof tops" would be able to sustain a retail development within the NC zone, and that this zoning code is unique to this development.

A. Will the requested Code include any conditional requirements/limitations for how long these temporary uses may continue--- or is there potential the land at the southern entrance to the City of Tualatin remain undeveloped for numerous years?

1) Who determines when the critical mass of "rooftops" has been achieved which will cause the developer (at the time) to invest in construction of the Neighborhood Commercial Zone?

2) During the interim period -prior to the number of "roof tops" being deemed adequate- who would have ownership or be responsible:

- If "temporarily" used as an "Open Space" will the NC be considered a Greenway or Natural Area under TDC 51.310 (c) and (d)?

- Will the City require the Developer to submit to the City a "Temporary Use Plan" for the proposed change to the NC land?

- Will there be conditional requirements added to the proposed Code change- requiring addressing Public Safety Issues during "Temporary Use" (to address the condition of the land for the unknown number of years--- until it is decided to build the Neighborhood Commercial Zone)

- The proposed reconfiguration of the NC zone will increase footage along an already existing County Highway 41- and an additional proposed extension of the Basalt Creek Parkway extension on the south—

- May become a safety liability if the temporary use as an Open Space is utilized as an informal park

LUCINI COMMENTS 8-2-2020 Page 4 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

- Weed control on undeveloped land may become a fire hazard

- Unplanned/unmonitored stormwater storage- even if temporary

- May become a safety liability as an attractive nuisance

- May become a breeding ground for mosquitos etc.

3) Stormwater Management within the proposed NC area is a known problem

- The City is currently working towards Updating the City's Stormwater Management Master Plan

- The City has not adopted a Stormwater Management Plan or Map specifically for the Basalt Creek Area.

- Due to the large size and scope of the land within the anticipated development within the

Autumn Sunrise land/Lennar Northwest Inc. Project--- the amount of proportional land required for stormwater retention and/or reabsorption has not yet been identified and still remains to be presented for development review (which has not been submitted)

"Temporary" "Stormwater Management" use of the reconfigured NC -- regardless of the length of time may cause potential daily negative impacts and safety concerns upon the downstream property owners

This proposed Code and Land Use Change would:

- cause the inclusion of a different portion of the stormwater catchment area for Washington County Stormwater Outflow #5- which may cause negative downstream impacts,
- and adds the inclusion of two intakes for Washington County Stormwater Outflow #5 -which may cause downstream impacts.

These two stormwater intakes were NOT previously within the NC zoning.

B. My husband and I are direct downstream property owners from the two stormwater intakes east of SW Boones Ferry Road mentioned above.

The City of Tualatin has been informed on many occasions of flooding of our property from Outflow #5.

Any change to the stormwater catchment area; or change of the existing stormwater conveyance system may place our home, our property, or ourselves at harm.

As the applicant's representative has stated the proposed Code and Zoning changes will only affect a specific portion of land-my husband and I submit the following:

Should the City Council Members decide to accept this reconfiguration of the NC Zone and Code change

----We strongly request the City include conditions to this proposed Code and Zoning change to include language which requires:

1) Upon the adoption of the proposal-any TEMPORARY or any INTERIUM use of the NC land under consideration which may

- Cause change to the stormwater catchment area upstream from Outflow #5 and/or
- Cause change to the existing stormwater conveyance system to Outflow #5 and/or
- Cause change to the peak flow rate out of Outflow #5

LUCINI COMMENTS 8-2-2020 Page 5 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

The developer or owner of the NC property shall be required to perform all Stormwater Management evaluations, planning and design requirements of the City and/or by CWS standards- Prior to initiating any of these types of changes within the NC or surrounding stormwater basin.

· Included within the required evaluations and analysis (but not limited to) will be a Stormwater Drainage Analysis Report- including (but not limited to) Up and Downstream evaluation for Outflow #5

· Results of the stormwater evaluations shall be submitted to the City for review and a copy of the documents submitted to the downstream property owners.

2) Upon completion of the stormwater evaluations which complies with City Code and Standards

Any proposed Temporary or Interim Use Application for NC shall include a Stormwater Management Plan, Design and Construction Plan- including anticipated start and completion dates.

- The stormwater management plan shall meet or exceed current City and/or CWS standards
- the plan shall utilize current Stormwater Management theories and/or applications supported by the City and/or CWS.
- The applicant or applicant representative shall consult with potentially affected downstream property owners during ALL phases of the planning, design, and construction of the stormwater management planning.

· Downstream property owners shall be provided a minimum of 10 business days to review any

Stormwater Management Plan and/or design – prior to City acceptance ---to allow property owners professional vetting of the information.

- The dates of construction shall be scheduled as to minimize downstream seasonal or negative impacts resulting from the construction or changes to the catchment area/conveyance system.

2. CONFIGURATION CHANGE MAY DECREASE AMOUNT OF RETAIL DEVELOPMENT DUE TO SETBACK REQUIREMENTS ON A NARROWER SHAPED LAND.

- How will be the setback requirements impact the design and development of any retail development due to the elongation of the NC zone?

- Will this consequently decrease the amount of commercial use and/or the number of potential jobs within the Neighborhood Commercial zone?

3. SCHOOL BUFFER CHAPTER 51 - NEIGHBORHOOD COMMERCIAL ZONE (NC)

- DISCREPANCIES WITHIN EXISTING CITY CODE AVAILABLE VIA CITY WEBSITE & INFORMATION PROVIDED

The land within the proposed zoning change abuts a High School.

The information provided within the AKS download, included within the slide presentation, and commented upon during the virtual meeting referenced a "300-foot buffer between Neighborhood Commercial and schools" As there is a discrepancy between information provided via the City's website, and the written and verbal information provided as part of a "Community Meeting" leading to a proposed Land Use proposal, I am requesting timely access to the City's State mandated CCI – or it's State authorized assignee for provision of Citizen Involvement.

LUCINI COMMENTS 8-2-2020 Page 6 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

This technical information –involving an adopted City of Tualatin Development Code requires clarification. I am requesting the City provide an exact and complete adopted copy of TDC 51.100 District Size and Location Standards- and provide "assistance to interpret and effectively use the technical information.

The clarification of this information is important and relevant- due to the proximity of the proposed Land Use Change and reconfiguration- may place the proposed NC development change inside the required minimum distance of 1320 feet.

<https://www.aks-eng.com/autumn%20sunrise/>

To learn more about the zone code for this project, read the [Neighborhood Commercial Zone Draft Code](#)

This information differs from the information posted to the City's website for TDC 51.110 (downloaded PDF attached) which includes additional language about boundary requirements of a NC District MUST be separated from high school property by at least 1320 feet.

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH51NECOZONC

TDC 51.110. - District Size and Location Standards.

(1) District Location. The boundaries of a NC district must be separated from middle school property by not less than 300 feet. The boundaries of a NC District must be separated from high school property and all other NC, CC, and CG districts by at least 1,320 feet.

(2) Street Frontage. At least one-fourth of the total street frontage of the NC District area must be on an Arterial or Major Collector street.

(Ord. No. 1418-19, § 4, 4-22-19) (Yellow Highlight added)

4. CITIZEN INVOLVEMENT IN A PROPOSED LAND USE CHANGE

Prior to the virtual Community Meeting on 7-28-2020 on this proposed City Code change and Land Use change, I submitted a written question requesting specific information on as to the current TDC 51.100 District Size and Location Standards -which appears to conflict with the information presented by the petitioners. Neither the Meeting host- nor the City's Planning Department staff person in attendance- provided the actual adopted text of the TDC in question.

When during the virtual meeting, I asked when the proposed Code changes would be submitted to the City, and when the proposed Code change would be presented to the City's Planning Commission. Upon additional

LUCINI COMMENTS 8-2-2020 Page 7 of 7 AUTUMN SUNRISE NC PLAN MAP/TEXT PROPOSAL CITY OF TUALATIN

questioning, I heard the City's Planning Commission would be presented this proposal- sometime AFTER the proposal is submitted to the City for consideration for adoption.

Due to Item #3 -Discrepancies within the City's publicly posted information on TDC 51.100 District Size and Location Standards when compared to information presented as part of a City required Community Meeting for a proposed Code change

--I am seeking accurate information based upon Oregon Statewide Planning Goal #2

" To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions"

Will the City provide me direct contact information as to how and when I can present my concerns to the Goal #1 CCI or State Authorized assignee about this proposed Land Use change?

- regarding conflicting facts of which I just recently became aware
- in a timely manner- prior to the submission of the proposal to the City which may limit my access to effective two-way communication" "between citizens and elected and appointed officials" once the City's Land Use Quasi-Judicial process begins.

Lacking direct contact information to submit my questions to the City's Goal #1 CCI (or State authorized assignee), and under a time constraint (to be imposed by the City's Code/Land Use change process) once the appellant submits this proposal to the City—

I find myself in a dilemma – not caused by any actions taken by me.

I am seeking clarification of pertinent factual information which was not resolved by City Planning staff in attendance during the apparent "Citizen Involvement" event on 7-28-2020.

I am seeking the assistance of a program which the State has mandated be available to Citizens to address such a need- during ALL phases of the planning process

Yet, I understand from the information provided during the virtual "Community Meeting" (apparently a "Citizen Involvement" event) on 7-28-2020, the Planning Commission will not be scheduled to hear information on this proposal until after the developer submits the proposal starting a Quasi-Judicial process which will limit my access two way communication with the elected officials who will be determining the outcome of the adoption request.

In addition, I am not a resident of the City of Tualatin, consequently I cannot be a member of the City's CIO (Citizen Involvement Organization), and I have no elected representative participating within this decision-making process.

All of these factors inhibit my ability to utilize the provisions of Goal #1 (3) CITIZEN INFLUENCE, while my home and property is in close proximity to the land under discussion and may be directly/indirectly impacted by this proposal.

I request the City of Tualatin City Council members- as the governing body and responsible for the development of a functional Citizen Involvement program and the monitoring of the program-- to evaluate the dilemma presented:

- Immediately resolve the factual discrepancies presented in Item #3
- Review and examine the administrative bases of the dilemmas describe above, which I can further clarify if needed.

Respectfully submitted,

Grace and John Lucini

1

G Lucini

From: G Lucini <grluci@gmail.com>

Sent: Tuesday, July 28, 2020 1:11 PM

To: mimid@AKS-eng.com

Cc: 'John Lucini'

Subject: RE: Autumn Sunrise Neighborhood Virtual Meeting 7-28-2020- QUESTIONS

Flag Status: Flagged

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1. At this phase of development planning, it would seem reasonable to be planning traffic flow around and into related parking lots for a Commercial/Retail center on almost 4 acres of land at the entrance to a major development. Since the 10-9-2019 Preliminary Layout Map utilizes the label "Commercial and Stormwater" for the Neighborhood Commercial area:

- Is there an intention to use the Neighborhood Commercial area- in part or whole for Stormwater Management in addition to, or at the exclusion of, retail shops?
- If so- can you provide an estimate of the percentage of the Neighborhood Commercial area anticipated to be dedicated to stormwater management vs the amount of land to be used for retail shops?

2. The slide presentation references TDC 51.110 District Size and Location Standards. Your proposal decreases the distance between school property and land for Neighborhood Commercial zoning.

- What was the purpose for requiring specific distance be established between school properties and Commercial Neighborhoods and how will this reduction in distance maintain and support that purpose?
- Are there differing distance requirements between middle school property vs. high school properties and - Tualatin's Commercial Neighborhoods?

3. Your proposed reconfiguration of the Commercial Neighborhood effectively moves the Commercial Neighborhood further north along SW Boones Ferry Road – providing only one vehicular access identified for this major housing and Neighborhood Commercial development (as vehicle access via Greenhill Lane will not be allowed). The Basalt Creek Parkway Extension currently under design by Washington County- eliminates the current access to the Boones Ferry Frontage Road as soon as 2023. A new vehicular access to the remaining northern segment of the Frontage Road will need to be created opposite the land in discussion.

- What actions will be taken to mitigate the competing traffic flows for access/egress at the future northern terminus to the Boones Ferry Frontage Road if the Shared Access is moved further north?
- If a 4 way intersection is to be utilized- then the northern end of the new Frontage Road access would also have to be moved further north- this action may directly cause existing property owners on the west side of SW Boones Ferry Road and/or Frontage Road to lose part of their street front property in order to extend the Frontage Road further north to accommodate the proposed Code change.

What actions will be taken to mitigate this type of negative impact upon existing property owners which may be caused by this proposal?

What actions has the developer, the City of Tualatin, Washington County and/or the State taken to address and mitigate

how the Basalt Creek Parkway Extension and this proposed change in the configuration of the project will impact each

other – and impact the local residents as to current and anticipated vehicular traffic flow, volume and safety?

Grace Lucini

/

G Lucini <grluci@gmail.com>

Tabitha Boschetti <tboschetti@tualatin.gov> Mon, Aug 3, 2020 at 12:13 PM

To: "grluci@gmail.com" <grluci@gmail.com>

Cc: Steve Koper <skoper@tualatin.gov>, Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>, Sherilyn Lombos <slombos@tualatin.gov>, John Lucini <JWLuci@gmail.com>

Grace,

It is good to hear from you; thank you for writing with regard to the recent contents of a Neighborhood-Developer meeting held

by AKS Engineering to discuss their intended future application for a zoning map change between the CN and RML zones near you.

Timeline:

After AKS submits an application for this zone change proposal, staff will review the materials to determine if it is “complete.” Only after that will we be able to schedule a City Council hearing any supporting meetings. The City Council hearing presents an opportunity for testimony, and the City will mail notices to the same mailing list that AKS would have used for notifying the Neighborhood-Developer meeting. The Tualatin Planning Commission acts as an advisory body to code and map changes and the proposal would also be presented for discussion (not a formal hearing) at one of their monthly meetings. I know folks like to plan in advance, but there is unfortunately no practical option for scheduling the Tualatin Planning Commission or City Council hearings ahead of actually receiving the application and finding it complete. Staff don’t know if the application will be ready in two months, six months, a year, or even never---that means we can’t meaningfully schedule anything quite yet. As you may know, we post new land use projects on our website after they have been deemed complete: <https://www.tualatinoregon.gov/projects>.

Anticipated Use of Land:

For your questions about future development: it’s definitely not unheard of for people to seek zone changes before they have concrete development plans. Your question about how a zone change decision would be made is spot on. A decision for whether or not a zone change could be approved would be based on the criteria in TDC 33.070-Plan Amendments, found online here: https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH33APAPCR_TDC_33.070PLAM. With a zone change, staff generally need to consider the most impactful scenario that the zone would allow rather than any one specific development, including impacts to transportation and stormwater. More detailed transportation and stormwater reviews would then take place at the time of proposed development. You also asked if it’s possible the land could remain undeveloped for a long time---that is always possible. As you know, the City reviews development proposals from private developers---the government generally can’t compel anyone to develop their private property or decide to open a business. Any new development on the commercial site would require Architectural Review; the City doesn’t have special reviews for temporary development—we pretty much review everything as if it could be there indefinitely. City code covers a wide number of possible nuisance situations and code enforcement options should that be necessary.

School Buffer:

The short answer for why the applicant was showing different language than what the current Development Code contains is that the applicant is proposing to change that language as part of their future application. What they showed is their *proposal* at this point (which hasn’t been submitted yet, so keep in mind it could still change). This section of the current Tualatin Development Code is available online as you correctly identified: https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH51NECOZOCN_TDC_51.110DISILOST. What it sounds like the applicant is proposing, is to change that standard at the same time as they would change the zoning map. Your observation that the existing language would

not allow the zone change is entirely accurate; my understanding is that that's why the applicant is proposing this change. It

RE: Lucini comments - Autumn Sunrise Neighborhood Commercial Code & Map Change Proposal

1 message

/

not allow the zone change is entirely accurate; my understanding is that that's why the applicant is proposing this change. It

sounds like you might disagree with this change; it would be great to state your position in future testimony. I can totally see why

you would be frustrated under that misunderstanding, but I hope this clears things up. You can always contact us in the Planning

division about the Development Code any old time; no formal request required. If you want to discuss more, I am entirely happy

to help.

Citizen Involvement:

The required Neighborhood-Developer meeting is the first step that the City of Tualatin requires applicants to conduct exactly so

that folks like you can learn about these upcoming proposals, learn more, and gather their thoughts. While I hear you that the

experience was not ideal, it does sound like that is happening. The applicant is responsible for the information presented there.

After the application is submitted, there is yet further opportunity for review.

You can always contact staff to ask questions about a land use proposal, and that's even more true during a quasi-judicial land use

process. Please do! I'm not sure where you might have heard otherwise. We're even small enough that if you happen to email the

wrong staff person, we can generally forward it on to the right person or let you know what's going on in general. It may not seem

glamorous to some, but involvement in land use cases really does look like these emails, letters, phone calls that you use in your

community advocacy. Not every idea wins the day—sometimes the criteria for a decision, or state and federal laws, will limit the

parameters of review; other times, people might just have diverging opinions---yet sometimes a small idea can change a lot, and I

encourage you to keep up your continuing advocacy. I also strongly encourage you to also submit comments after the application

has been submitted and the case is open for official testimony as well.

I think you are aware of this, but there are also two active land use cases right now for this area that are separate from this

possible future application; if you also have testimony or questions for those cases, I encourage you to share it as well:

Plan Text Amendment. File No: PTA 20-0003

Hearing scheduled August 10, 2020

Application materials have been posted online: <https://www.tualatinoregon.gov/planning/pta-20-0003-basaltcreek-rml-plan-text-amendment>

Staff findings for this proposal are now online: <https://meetings.municode.com/adaHtmlDocument/index?cc=TUALTNOR&me=f9420f055c41476c989f0a0f23e15a23&ip=True>. The Tualatin Planning Commission is

recommending denial and staff findings show that not all of the criteria have been met, though all parties including the applicant and any concerned neighbors can still submit additional information ahead of and during the hearing,

which could all shift City Council's decision.

Annexation. File No. ANN 20-0003

Hearing scheduled August 24, 2020

Application materials have been posted online <https://www.tualatinoregon.gov/planning/ann-20-0003-norwoodannexation>

Staff findings will be posted one week ahead of the hearing

Sincerely,

Tabitha Boschetti, AICP

503.691.3029 | tboschetti@tualatin.gov

From: G Lucini <grluci@gmail.com>

/

Sent: Sunday, August 2, 2020 11:56 PM

To: Council <council@tualatin.gov>; Frank Bubenik <fbubenik@tualatin.gov>; Nancy Grimes <ngrimes@tualatin.gov>; Robert

Kellogg <rkellogg@tualatin.gov>; Paul Morrison <pmorrison@tualatin.gov>; ValeriePra <councilorpratt@tualatin@gmail.com>

<slombos@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>

Cc: 'Mimi Doukas' <MimiD@aks-eng.com>; Tabitha Bosche <tboschetti@tualatin.gov>; 'John Lucini' <JWLuci@gmail.com>

Subject: Lucini comments - Autumn Sunrise Neighborhood Commercial Code & Map Change Proposal

To the members of the Tualatin City Council

Please see the attached documents:

2020 8-2 Lucini Comments to the City Council -Autumn Sunrise Proposed Code – Map Change City of Tualatin

2020 2-28 Questions Autumn Sunrise Proposed Zoning Change –(Submitted to Mimi Doukas AKS Engineering)

I am requesting your review of the concerns presented within the two documents.

As always, my husband and I appreciate your thoughtful consideration of these issues.

Regards,

Grace and John Lucini



March 4, 2021

Steve Koper, AICP
City of Tualatin
Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062

RE: Autumn Sunrise – PTA 20-0005 Plan Text Amendment/PMA 20-0002 Additional Testimony Cover Letter

Dear Mr. Koper:

Please accept the attached supplemental materials regarding our Autumn Sunrise land use applications for Plan Text and Plan Map Amendment, PTA 20-0005 and PMA 20-0002. These materials were created or revised in response to public testimony received at the February 18, 2021 Planning Commission meeting and discussions with City Staff.

The Tualatin Planning Commission voted to recommend approval of the applications on February 18, 2021. However, there were public comments received during the meeting which prompted us to clarify the intent of our application to the City of Tualatin City Council, City Staff, and to the interested public.

Our application included a Conceptual Commercial Layout for the proposed reconfiguration of the Neighborhood Commercial District. As we explained in the hearing, this layout is a sketch of a hypothetical plan showing that the configuration is functional for a future commercial use. The layout also shows a storm pond in the southern portion of the commercial district.

Public testimony raised concerns about how stormwater will be handled for both the reconfigured Neighborhood Commercial district as well as the future residential portion of Autumn Sunrise. AKS described how the area shown as a stormwater pond would be a regional facility for both the residential and future commercial uses. No stormwater will be released in the northwest corner of the site.

Through follow-up conversations with City Staff, we have come to understand that while storm facilities are permitted with development, a regional stormwater pond is considered a “Basic Utility.” Therefore, we are requesting to amend our Text Amendment application to add “Basic Utility” as a permitted use in the Neighborhood Commercial Zone. Because the Neighborhood Commercial Zone is the only zoning district within the City that does not permit Basic Utility facilities, an additional modification of Tualatin Development Code Chapter 51 is needed.

Staff also recommended that we provide a new version of the Conceptual Commercial Layout with a revised stormwater pond matching the regional stormwater facility design described to the Planning Commission. A regional stormwater pond is slightly larger than originally sketched in the Conceptual Commercial Layout while still allowing a reasonable commercial development node.

Public testimony also questioned the traffic impacts of the proposed amendments. We commissioned Lancaster Engineering to perform a Trip Generation Analysis and Transportation Planning Review (TPR) to confirm that the proposed Plan Map and Text Amendment will have no effect on surrounding traffic. The trip generation analysis and TPR affirm our original application's supposition that there will be no traffic changes as a result of these land use actions.

While these new materials do not represent major changes to the application, the Planning Commission has not had an opportunity to directly review these new materials, as they were created/revised in response to comments received at the Planning Commission meeting. These proposed changes still represent the best interests of the Applicant and the public and preserve the intent and objectives of the Tualatin Development Code and Tualatin 2040 Comprehensive Plan. The application changes include those previously discussed, as well as additional explanations of the changes included within the findings.

Thank you for considering approval of this Plan Text and Map Amendment application.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA – Associate

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 | www.aks-eng.com | MimiD@aks-eng.com

Attachments: Revised Application Narrative with Track Changes
Revised Commercial Conceptual Layout (Revised Exhibit G)
Trip Generation Analysis and TPR (New Exhibit H)

CC: David Force, Lennar Northwest, Inc.
Michael Anders, Lennar Northwest, Inc.

Land Use Application for a Plan Map and Text Amendment

Date: August 2020
Revised January 2021
[Revised March 2021](#)

Submitted to: City of Tualatin
18800 SW Martinazzi Avenue
Tualatin, OR 97062

Applicants: Lennar Northwest, Inc.
11807 NE 99th Street, Suite 1170
Vancouver, WA 98682

AKS Job Number: 7454



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

Exhibit A: Proposed Zoning Configuration

Exhibit B: Proposed Development Code

Exhibit C: Land Use Application

Exhibit D: Property Title Information

Exhibit E: Neighborhood/Developer Meeting Noticing Information

Exhibit F: Map Amendment Legal Description

Exhibit G: Conceptual Development Sketches (revised March 2021)

Exhibit H: Trip Generation and TPR Evaluation (added March 2021)

~~Exhibit A: Proposed Zoning Configuration~~

~~Exhibit B: Proposed Development Code~~

~~Exhibit C: Land Use Application~~

~~Exhibit D: Property Title Information~~

~~Exhibit E: Neighborhood/Developer Meeting Noticing Information~~

~~Exhibit F: Map Amendment Legal Description~~

~~Exhibit G: Conceptual Development Sketches~~

Land Use Application for a Plan Map and Text Amendment

Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicant:	Lennar Northwest, Inc. 11807 NE 99 th Street, Suite 1170 Vancouver, WA 98682
Property Owner:	Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	23620 & 23740 SW Boones Ferry Road; 9415 SW Greenhill Lane South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
Washington County Assessor’s Map:	Map 2S 1 35D, Tax Lots 400, 401, 500, and 501
Site Size:	A plan map amendment affecting four lots totaling ±23.51 acres: ±3.90 acres (Tax Lots 500, 501) and ±19.34 acres (Tax Lots 400, 401).
Land Use District:	Medium-Low Density Residential (RML) (Tax Lots 400, 401) Neighborhood Commercial (CN) (Tax Lots 500, 501)

I. Executive Summary

Lennar Northwest, Inc. (Applicant) is submitting this application for a plan map and text amendments to the Tualatin Plan Map requesting a reconfiguration of Neighborhood Commercial (CN) zoning on the subject properties. This zoning reconfiguration will affect Tax Lots 400, 401, 500, and 501 of Washington County Assessor's Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002.

The Applicant proposes to reconfigure the Neighborhood Commercial zone in the Basalt Creek Planning Area, as shown in Exhibit A, to allow for a single shared access point for the commercial district, the residential district, and the Horizon High School campus. The zone is currently in a square at the northeast corner of SW Lower Boones Ferry Road and SW Greenhill Lane. The proposed boundary will stretch the district north along SW Lower Boones Ferry Road to the shared access point, resulting in a rectangular shape. Changing the shape—but not the quantity—of the CN area will allow ±950 feet of separation between the planned local roadway shown on the Local Street Plan (Figure 11-3, below) and the future Basalt Creek Parkway, providing safe and efficient access, and minimizing traffic congestion and collisions.

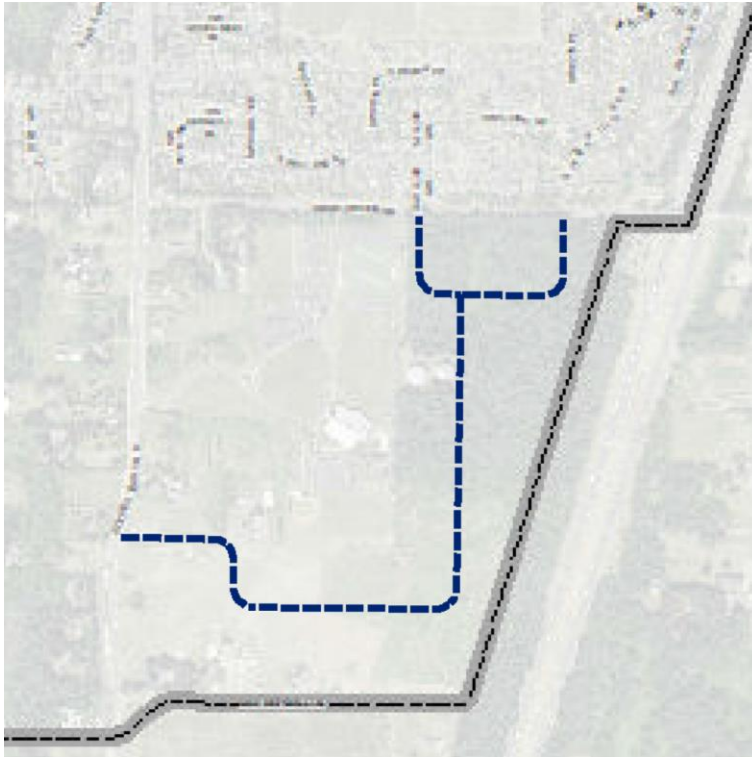


Figure 11-3 Local Street Plan, Tualatin Development Code Appendix B

The County spacing standards force connection to the existing Neighborhood Commercial district through the residential area and push commercial traffic onto residential streets. This situation is undesirable both in regard to livability and safety for the residences along these access streets, but also to the marketability of the commercial sites. SW Boones Ferry Road is classified as an arterial street by Washington County and a major arterial by Tualatin. Access spacing is regulated by Washington County; permanent access is limited to a minimum of 600 feet between access locations. As currently planned and illustrated in Figure 11-3 and within Exhibit A, the local street plan identified within the Basalt Creek Concept Plan, the planned location of the Basalt Creek Parkway intersection, as well as the current location and eventual vacation of

SW Greenhill Lane each preclude direct driveway connections to the Neighborhood Commercial site. Direct access to Basalt Creek Parkway also cannot be provided since the same spacing standards will apply to any connection to the future Major Arterial. Reconfiguration of the CN-zone will allow access to the commercial site through a single access shared with the new residential community, the existing school, and the future multifamily site to the north.

Trip generation to and from the commercial area will not be affected by reconfiguration of the Neighborhood Commercial zone. The acreage available for commercial development before and after the Plan Map Amendment will be identical and the reconfigured zone will be capable of supporting the same quantities of appropriate and permitted commercial development. A Trip Generation Analysis and Transportation Planning Rule review memo was prepared by Lancaster Engineering (Exhibit H) that shows that the proposed amendments have no significant effect on traffic.

With the proposed reconfiguration, the CN zone will gain frontage, which is beneficial and attractive to commercial development; the Medium Low-Density Residential (RML) zone will retain safe access to SW Boones Ferry Road, and neighboring development, such as the existing Horizon High School; and High-Density Residential (RH) land to the north can share access to a high-volume arterial street. The proposed changes would not change the quantity or quality of lands zoned either Neighborhood Commercial or Medium Low-Density Residential.

The current text of the Tualatin Development Code (TDC) does not permit the location of CN zoning within 300 feet of school properties. The property immediately to the north of the proposed CN zoning includes Horizon High School. Because of the odd shape of the property, with multiple driveways extending to SW Boones Ferry Road and SW Norwood Road, the code as it exists results in CN zoning prohibited more than 700 feet from Horizon High School buildings. The proposed text amendment will permit the use of lands near large school properties with configurations that would prevent nearby development. In this case, the reconfiguration would benefit the school property as well as other surrounding properties. To provide needed housing, the applicant plans to submit a residential subdivision application in the future for the properties zoned RML.

An additional Plan Text Amendment is requested to allow Basic Utilities as a permitted use to allow for a planned regional stormwater facility in the Neighborhood Commercial zone. The Neighborhood Commercial zoning district does not currently permit Basic Utilities, as defined by TDC 39.620, and is the only City zoning district which does not permit Basic Utilities in some fashion. As this use is ubiquitous throughout the City and this zoning has not been applied within the City prior to the adoption of the Basalt Creek Concept Plan, it is clear that the omission of Basic Utilities as a use was an oversight rather than an intentional prohibition.

The planned regional storm facility will serve both the commercial and residential portions of the Autumn Sunrise development, as drainage naturally flows to the area near the intersection of SW Greenhill Lane and SW Boones Ferry Road. The addition of residential stormwater treatment facilities to the area will not significantly reduce the area available for commercial development, as similar treatment facilities are needed to manage stormwater from the commercial development.

Trip generation to and from the commercial zone will not be affected by reconfiguration of the Neighborhood Commercial area. The acreage before and after the Plan Map Amendment is identical and the zone is capable of supporting appropriate and permitted commercial development in the same

quantities as the previous configuration. As shown in Exhibit H, the change has been found to have no significant effect.

The Plan Map and Plan Text Amendments proposed ~~is~~are consistent with relevant goals and policies of the City of Tualatin's Comprehensive Plan, Economic Opportunities Analysis, and Housing Needs Analysis. The proposal satisfies the applicable approval criteria for Plan Map and Plan Text Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The potential areas affected by this application for a plan map and text amendments ~~are~~is located at the southernmost extent of the City's Urban Growth Boundary (UGB). An area totaling ±32.64 acres, comprised of Tax Lots 400, 401, 600, 800, and 900, has been annexed into the City of Tualatin and is now zoned RML. An area totaling ±3.90 acres, comprised of Lots 500 and 501 are zoned CN. The potential project sites lie east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

Tax Lot 400 is currently vacant and undeveloped. Tax Lots 401, 500, and 501 are partially developed with single-family residences.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE (TUALATIN COMMUNITY PLAN)

CHAPTER 5 – RESIDENTIAL PLANNING GROWTH

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:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

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:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, 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.

Response:

The areas of RML-zoned properties affected by the proposed plan map amendment are not conveniently located near the City's commercial core; they are two miles from Tualatin-Sherwood Road and one mile from Argyle Square, an auto-oriented retail center. The project area is located near convenient arterial streets and schools but is not an ideal location for multi-family housing. The proposal will allow the reconfiguration of the Autumn Sunrise RML and CN-zoned areas to provide a more convenient development layout and easier, safer shared access from SW Boones Ferry Road. As the quantity of lands designated CN is not changing from its present state, the surrounding neighborhoods will be able to enjoy nearby and accessible commercial development. No changes to these or other residential provisions are proposed. The amount of RML-zoned land will remain the same and will remain in the same general location. These provisions are satisfied.

TDC 5.040. - Planning District Objectives.

This section describes the purpose of each residential planning district.

- (2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential

use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Response: The plan map amendment is in line with the purpose of the RML zone. This reconfiguration of the commercial district will allow for safer access and more efficient use of urban area. No residential or commercial lands will be lost with this reconfiguration. No changes to these or other residential provisions are proposed as part of this application. These criteria are met.

CHAPTER 6 – COMMERCIAL PLANNING DISTRICTS

TDC 6.010. - Background.

- (8) As Tualatin grows in terms of residents and employees, and as these individuals disperse more throughout the City rather than concentrating near the downtown area, there is an ever-increasing demand for commercial services in close proximity to the people. This demand is primarily for day-to-day shopping and service needs such as small grocery purchases, hair cutting and styling, etc. The creation of neighborhood commercial centers, through the use of the new Neighborhood Commercial (CN) Planning District, will not only provide these services to the residents and employees, it will work to reduce traffic by eliminating trips to the downtown commercial areas. This concept is not seen as having any negative impact on the downtown area, as the types of goods and services to be provided are small and limited in nature. It is critical, however, that the design of neighborhood commercial uses be such that they are of a residential character and enhance rather than detract from neighborhoods.

Response: The area of Neighborhood Commercial zoning adjacent to SW Boones Ferry Road is important to the commercial activity of the area. Tualatin’s commercial core is more than two miles to the north. The applicant has not proposed a reduction or increase in area for this important Neighborhood Commercial area, but rather a reconfiguration in order to accommodate site factors, limited access availability, and future development needs. The current configuration would require driveway access for this property close to the planned intersection of SW Boones Ferry Road and the future extension of Basalt Creek Parkway, only ±150 feet to the south.

The zone remains, after reshaping, a commercial district that will enhance surrounding neighborhoods. The types of goods and services that will eventually be provided within this area are small and limited in nature and will not detract from the quality of the downtown commercial areas or neighborhoods nearby. Shared access will allow safe and convenient access from the adjacent RML residential areas and those traveling along SW Boones Ferry Road. These requirements are met.

TDC 6.020. - Assumptions.

The following are general assumptions used to formulate this Plan:

- (7) The creation of residential and employment concentrations away from the downtown core will create the need for neighborhood commercial centers. These centers are intended to provide for day-to-day shopping and service needs and are not intended to be serious competition with businesses in the downtown area.

Response: This area was brought into the Tualatin Urban Growth Boundary in 2004. Zoning and plan designations were determined at that time to serve the needs of residential neighborhoods and industrial areas adjacent to the district. With the proposed

reconfiguration, these designated commercial areas will continue to be available to serve adjacent development. As Tualatin Development Code restricts floor area of commercial development in the CN zone, this area will not provide the same types of businesses prevalent within the downtown area. This area will serve smaller establishments such as general retail, personal care businesses such as salons, and other types of community services. After reconfiguration, the Neighborhood Commercial area will continue to meet these assumptions. These provisions are satisfied.

TDC 6.030. - Objectives.

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

- (1) Encourage commercial development.
- (2) Provide increased employment opportunities.
- (3) Provide shopping opportunities for surrounding communities.
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.
- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.
- (6) Encourage developers to consider solar access when designing commercial development projects.
- (7) Provide for limited and carefully designed neighborhood commercial centers.

Response:

The proposed reconfiguration of this CN district will provide greater development opportunities than the current configuration. Development on the CN-zoned properties affected by this application will gain greater and safer access to surrounding arterials, the area will benefit from minimized traffic congestion by spacing access away from intersections, businesses will receive greater frontage for commercial building orientation towards the street, and Tualatin will have increased development area for residential housing on neighboring lots. These factors increase the attractiveness of commercial development of the property, leading to increased employment and shopping opportunities for surrounding communities. Other factors to be considered will be addressed upon commercial development of the lots. These criteria are met.

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

- (2) **Neighborhood Commercial Planning District (CN).** To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

Response: The reconfiguration of the Neighborhood Commercial area as proposed will not prevent the area from being used to its full extent and capability. The area will provide commercial opportunities for nearby residential areas as well as the larger industrial districts of the Basalt Creek Planning Area. Review of the uses proposed will be accomplished at the time of development proposal. The location of the Neighborhood Commercial district will serve to reduce automobile trips and be pedestrian-oriented through its proximity to nearby neighborhoods. The reconfigured commercial district will be compatible with nearby neighborhoods. Additionally, the text amendments_s proposed will not alter the district's compatibility nor its purpose or function.

The removal of the school buffer criterion will not impede or conflict with the purpose of the Neighborhood Commercial district or this section. The addition of Basic Utilities for regional stormwater management will not significantly reduce the area provided for Neighborhood Commercial uses as these commercial uses would also need to provide stormwater management facilities. Please see the revised Conceptual Commercial Layout within Exhibit G for more details. These provisions are met.

CHAPTER 9 – PLAN MAP

TDC 9.010. - Background.

This Plan section includes the Plan Map, (Map 9-1) classification of planning district boundaries, and brief descriptions of the land uses in each Plan area. The Plan Map is a synthesis of the objectives contained in each Plan element that can be portrayed graphically in map form. The Map is based on an analysis of data contained in the Phase I—Technical Memoranda, Northwest Tualatin Concept Plan 2005 and an analysis of Plan objectives and the Statewide Planning Goals of the Land Conservation and Development Commission.

TDC 9.020. - Planning District Boundaries.

The boundaries between planning districts, as portrayed on the Plan Map, are intended to follow property lines (or extensions thereof), roadways, or natural features such as creeks. Where such definition was not possible, the Map is drawn to scale and district boundaries can be determined by using this scale. It should be noted that property lines shown on the Plan Map were derived from County Assessor's Maps and are therefore relatively accurate. Consequently, the planning districts shown on the Plan shall be considered zoning districts, as normally termed. This eliminates the need for two sets of maps and simplifies the understanding of what land uses may be allowed on an individual property.

Response: The boundaries of this district are proposed to change slightly by extending the district north and increasing lot frontage along SW Boones Ferry Road. The current configuration would not permit adequate access onto the planned location of the Basalt Creek Parkway, the final location of which has shifted to the south and no longer aligns with or provides frontage for CN-zoned neighboring properties to the south. By altering the configuration, safe and properly-spaced access opportunities onto SW Boones Ferry Road can be provided from a shared local street. The reconfiguration allows adequate access to comply with County access spacing standards, prevents commercial traffic travelling through residential areas, minimizes traffic collisions and congestion, and provides shared access between neighboring developments. The quantity and quality of lands is not proposed to change. The district boundaries will follow those property lines to be created as part of a future subdivision application. A legal description (Exhibit F) has been provided to illustrate this district boundary.

TDC 9.046. - Area 16 Basalt Creek Planning Area.

The Basalt Creek Planning Area is generally located north of Basalt Creek Parkway, south of Helenius Road and Norwood Road, east of 124th Avenue, and west of I-5. The Basalt Creek Planning Area includes a mix of residential zones at various densities, a small neighborhood commercial node, an employment lands, as further described below.

- (2) An area with the RML (Medium Low Density Residential) Zone is planned south of Norwood Road, east of Boones Ferry Road, and west of I-5. An additional area of RML Zone is also planned east of Grahams Ferry Road between the two above described areas of RL Zone. These areas lends themselves to a slightly higher density than traditional single—family due to the excellent transportation access and the close relationship to the employment centers. The use of the RML Zone in this area provides for the needed higher densities with a Zone that will allow development that is similar in character and density to the RL lands.

Response: The affected portion of the RML district is east of SW Boones Ferry Road. The proposed text and map amendments will not affect the planned densities or quantities of these areas, just the configuration and apportioning of residential lands. These requirements are met.

- (4) A small area with the CN (Neighborhood Commercial) Zone is planned north of Greenhill Road and east of Boones Ferry Road. This CN Zone is intended to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. This area lends itself to the CN Zone due to the excellent transportation access and the close proximity to abutting residential areas of medium to higher densities.

Response: The affected Neighborhood Commercial areas represent the majority of CN-zoned territories within the City of Tualatin. This application for plan map amendment does not affect the small CN portion south of SW Greenhill Lane at the furthest extent of the UGB along the planned route of the Basalt Creek Parkway. The reconfiguration of CN-zoned lands will not affect this CN-zoned portion’s ability to meet the purposes listed above. The proposed plan text amendments will not affect the intended purposes of the zone, only where the zone may be located. The reconfiguration achieves the planned objectives for excellent transportation access by allowing for traffic to directly access the commercial site. The reconfiguration allows for safer, more efficient travel without detouring commercial traffic through a residential neighborhood. These provisions are satisfied.

TUALATIN DEVELOPMENT CODE

CHAPTER 32 – PROCEDURES

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures

as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood / Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070

Response: The applicant has submitted an application for a plan map and text amendments that affects four parcels owned by the applicant. The amendment does not propose to change the quantity or quality of CN or RML lands. The purposes of the districts will continue to be served following the reconfiguration and text changes. The requested reconfiguration affects a limited number of properties and will require public notice and a public hearing before the City Council.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended pre-application conferences with the City of Tualatin to discuss the overall project and this specific reconfiguration of commercial lands. The required pre-application conference was held with City of Tualatin Staff on January 22, 2020, prior to the application submittal date.

- (4) *Application Requirements for Pre-Application Conference.*

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- (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
 - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
 - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on January 22, 2020.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*

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- (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
 - (c) The City will provide the applicant with labels for mailing for a fee.
 - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
 - (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
 - (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: A Neighborhood/Developer Meeting is required for this type of application and one was held on July 28, 2020. The required information is provided in Exhibit E. A meeting was held following the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings and these criteria are satisfied.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
 - (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

(2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the property owner and contract purchaser of all properties affected by the proposed text amendment.

TDC 32.140. - Application Submittal.

- (1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
 - (a) A completed application form. The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);(vi)A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Response: Required information, city forms, and this narrative have been submitted to the City of Tualatin for approval. These requirements are satisfied.

TDC 32.150. - Sign Posting.

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
 - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:
 - (a) Waterproof sign materials;
 - (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and
 - (c) Sign text must be at least two inch font.
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.
- (4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:
 - (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
 - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Response: Signs will be posted in accordance with the above provisions of Tualatin Development Code. Signs for the Neighborhood/Developer Meeting were posted in accordance with Section 32.120(6). Signage providing notice of the pending land use application hearing will be posted when applicable. These criteria have been or will be met when applicable.

CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

TDC 33.070. – Plan Amendments.

- (1) *Purpose.* To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Community Plan.

Response: The applicant is applying for a plan map amendment in order to reconfigure an area, currently within the bounds of Tax Lots 500 and 501, to provide for greater development flexibility and shared access. The reconfiguration will not change the quantity of lands provided, only their orientation and dimensions.

The applicant has also applied for ~~a~~ plan text amendments in order to allow for the designation of lands as Neighborhood Commercial within 300 feet of a property containing a school and to establish Basic Utilities as an allowed use within the zone. The Neighborhood Commercial district is currently slightly more than 300 feet from a property containing a school. Reconfiguring the lands for efficiency and safety requires amending the Tualatin Development Code.

The required materials have been attached to this narrative as exhibits, providing justification for the ~~ese~~s plan map and text amendment requests.

- (2) *Applicability.* Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

Response: A pre-application conference with City of Tualatin staff has identified this application for plan map and text amendments, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. This application has been submitted by the property owner and their authorized representatives. This criterion is met.

- (3) *Procedure Type.*
 - (a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.
 - (b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Response: The applicant requests that this quasi-judicial application, which affects a limited number of properties, be subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

- (4) *Specific Submittal Requirements.* An application for a plan map or text amendment must comply with the general submittal requirements in TDC 32.140 (Application Submittal).

Response: The applicant has submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

- (5) *Approval Criteria.*
 - (a) Granting the amendment is in the public interest.

Response: The proposed plan map amendment would allow safe access to this and surrounding sites. Granting the plan map amendment would have no ill consequences, as the quantity of RML and CN lands would remain the same, but in a more useable configuration. The change would also reduce the development of driveways along SW Boones Ferry Road, adding to the safety of this arterial corridor.

The proposed plan text amendments would allow development of the Neighborhood Commercial district as outlined above without the constraints of a buffer between this district and the adjacent school. Because granting this amendment will permit the development of the proposed CN district and allow shared access between adjacent developments, the amendment is in the public interest. The addition of Basic Utilities as a permitted use benefits the public by allowing the efficient use of urban lands and creating uniformity within the Tualatin Development Code. The applications satisfy this criterion.

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

Response: ~~The proposed plan map amendment would allow safe access to this and surrounding sites. Granting the plan map amendment would have no ill consequences, as the quantity of RML and CN lands would remain the same, but in a more useable configuration. The change would also reduce the development of driveways along SW Boones Ferry Road, adding to the safety of this arterial corridor.~~

~~The proposed plan text amendment would allow development of the Neighborhood Commercial district as outlined above without the constraints of a buffer between this district and the adjacent school. Because granting this amendment will permit the development of the proposed CN district and allow shared access between adjacent developments, the amendment is in the public interest. The application satisfies these criteria.~~

Granting the amendments at this time is in the best interest of the public as this amendment is important to the sequence of applications needed for the Autumn Sunrise development. This application follows approval of the Basalt Creek Concept Plan and annexation of the site. Applications to come include the proposed residential subdivision of the Autumn Sunrise site and development of the Neighborhood Commercial site to allow for future commercial pads and a regional stormwater facility. Approval of these amendments at this time is needed and in the best interest of the public. This criterion is met.

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

Response: The Tualatin Community Plan is incorporated into the TDC as Chapters 1 through 30. The criteria and objectives of the Tualatin Community Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

(d) **The following factors were consciously considered:**

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

Response: The CN zoning designation is not currently applied within any other areas of the city. The design requirements contained in Chapter 51 of the TDC prevent any retail space above 10,000 square feet. While this zone does not exist elsewhere within the city, other commercial zones allow the types of uses permitted in the CN zone without the restrictions of the school property distance requirement. With the proposed removal of the school separation, the CN area will be consistent with examples elsewhere within the city.

Similarly, Basic Utilities are permitted within all other City zoning districts in some fashion. Permitting Basic Utilities within the Neighborhood Commercial zone would allow these areas to meet the needs of this area while also considering the characteristics of development and zoning throughout Tualatin.

This criterion is met.

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

Response: The general location of the CN district will not change. The Basalt Creek Concept Plan describes this zone as being “at or near” the intersection of SW Boones Ferry Road and the Basalt Creek Parkway. The reconfigured CN district will still meet this description as planned. The land use and development patterns will match those along other similar corridors. The rearrangement of the zoning districts at this intersection will not change the suitability of the area for the land uses and will improve the safety and usability of the properties.

The addition of Basic Utilities as a permitted use within the Neighborhood Commercial district, and since the only application of this zone within Tualatin is this area, will allow this site to be designed to meet the particular needs of this area. The construction of a regional stormwater facility to manage stormwater from both the CN and RML-zoned portions of Autumn Sunrise as surface drainage naturally flows to this area. The site is suitable for these particular land uses and improvements.

This requirement is satisfied.

(iii) **Trends in land improvement and development;**

Response: Future development of this and surrounding sites was considered when creating this plan map and text amendment proposal. The proposed rearrangement of lands would meet the trends in development for both residential lands and small commercial retail sites. Reconfiguring the site will accommodate future growth on both the commercial and adjacent residential lands. The addition of Basic Utilities as a permitted use would allow for the residential and commercial portions of the Autumn Sunrise development, and adjacent future developments also zoned Neighborhood Commercial to provide these facilities. The adoption of new stormwater requirements by the City also allow for the opportunity for these utilities to be provided as planned and urban lands to be utilized more efficiently.

(iv) **Property values;**

Response: The effects of the proposed changes on property values were considered. However, these cannot be effectively determined. The reconfiguration of the commercial site may result in an increase in property values due to the increased frontage provided.

- (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;**

Response: Access and economic viability were the major considerations for seeking plan and map amendments. The map amendments are needed to facilitate safe and shared access to SW Boones Ferry Road for this site and the residential site. Rearrangement of the properties will also improve the possibility of future development of both the commercial and residential sites. The amendments propose to retain the same quantities of commercial and residential lands in order to preserve the planned development potentials of the Neighborhood Commercial and Medium Low-Density Residential zones.

The inclusion of Basic Utilities as a permitted use within the zone is important to the needs of economic enterprises and to the future development of the area and this particular site. The planned regional stormwater management facility within this area would allow for the efficient use of urban lands by combining residential and commercial stormwater management within a common facility in a location where those waters drain naturally.

This provision is satisfied.

- (vi) **Natural resources of the City and the protection and conservation of said resources;**

Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

No physical development has been proposed with these applications for plan map and text amendments. The site will be examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. Future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.

- (vii) **Prospective requirements for the development of natural resources in the City;**

Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

No physical development has been proposed with these applications for plan map and text amendments. The site will be examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. Future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.

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- (viii) The public need for healthful, safe, esthetic surroundings and conditions; and
 - (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.

Response: While there was no mistake in the ~~plan-buffer~~ text or map for the property under consideration, there appears to have been a mistake with the creation of permitted uses within the Neighborhood Commercial zone. All other Tualatin zoning districts allow Basic Utilities. Some allow them with limitations or conditions, but Basic Utilities as a use category are permitted within all other areas of Tualatin. The omission of Basic Utilities within the Neighborhood Commercial zone is an oversight rather than an intended prohibition and the code text should be amended to correct this mistake.

¶ These properties were not previously under the same ownership and the orientation of the tax lots did not allow the commercial arrangement proposed. Approving this request will serve the purposes of the plans outlined within this narrative as well as meet the public need for efficient and safe future development of the area, protection of property values and natural resources, and trends in development in the area. The application complies with these criteria.

- (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.

Response: The proposed plan map amendment will reconfigure an area of land designated CN and an area designated RML. This rearrangement and proposed plan text amendment will not have any effect on the density of any future housing on the RML lands, as the quantity of lands is not proposed to change. This section is not applicable.

- (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).

Response: The proposed amendments are consistent with Oregon Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning. Goal 1 is not encoded in Oregon Administrative Rules (OAR), but this proposal complies by satisfying the citizen involvement criteria of Tualatin Development Code. The plan and map amendments are compliant with Goal 2 because the amendments satisfy the City’s established land use planning processes and procedures.

The amendments are also compliant with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as they do not propose changes to the RML zone.

The text amendment, as proposed, is consistent with Oregon Administrative Rule 660-007 (the Metropolitan Housing Rule), as it does not propose to change any aspects of housing provided within the RML district.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. Oregon’s Transportation Planning Rule (OAR 660-012-0060) does not apply to this proposal, as this proposal does not functionally increase the effect

of development on transportation facilities. No material change in possible traffic demand has been proposed. No transportation facilities will be degraded or have their functional classifications changed by this amendment. [A Transportation Planning Rule review and trip generation analysis have been provided by a traffic engineer and the changes have been found to have no significant effect on the surrounding areas \(Exhibit H\).](#) These criteria have been met.

- (g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

Response: The Metropolitan Service District's Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. Since the proposed amendment does not seek to adjust minimum or maximum densities or uses required by the CN and RML zones, this amendment is consistent. The proposed map changes also do not decrease housing supply or capacity, nor do they change the amount of provided commercial lands within the City of Tualatin. The proposed text amendment does not affect the uses proposed within commercial districts or increase or decrease housing supply or capacity. This criterion is met.

- (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.
- (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.
- (j) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Response: The proposed plan map amendment and plan text amendment will not alter the transportation needs of the affected parcels in the City's Transportation System Plan. The zoning configuration changes provide reasonable solutions to alleviating traffic issues caused by commercial traffic in residential areas and inadequate driveway and street spacing along Major Arterial streets. Density requirements for commercial types will remain as outlined within TDC 51.200 and density requirements for housing types will remain as outlined within TDC 41.220. [A Transportation Planning Rule review and trip generation analysis have been provided by a traffic engineer and the changes have been found to have no significant effect on the surrounding areas \(Exhibit H\).](#) Applications for future development will be required to provide Traffic Impact Analyses per the Tualatin Development Code. The proposal is consistent and these criteria are met.

CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

TDC 41.100 - Purpose



The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas.

Response: The proposed changes to the dimensions of the area zoned CN will not affect the quantity or quality of RML lands. These lands will continue to serve their intended purpose following the reconfiguration of neighboring CN lands. No changes to these lands other than their arrangement is proposed.

The proposed text changes do not affect the RML district. These criteria are met or are not applicable.

CHAPTER 51 – NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

Response: The change in district shape does not affect the quantity of lands zoned Neighborhood Commercial. The Neighborhood Commercial district will remain available to serve the professional office, services, and retail needs of the residents of the area. The addition of Basic Utilities as a permitted use does not affect the availability of lands available for commercial use. As demonstrated within Exhibit G, the regional stormwater facility is not substantially larger than the required stormwater facility for the Neighborhood Commercial development would be alone. A significant developable area meeting the purposes of this section remain on the site.

The proposed map and text amendments does not affect the purpose or intent of the Neighborhood Commercial district. These criteria are met.

TDC 51.110. - District Size and Location Standards.

- (1) **District Location.** The boundaries of a CN district must be separated from school property by not less than 300 feet. The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

Response: The proposed text amendment will change the distance buffer between CN districts and neighboring school land uses. Because the school property is a flag lot, the 300-foot required buffer from school properties effectively doubles the physical separation from the school building. The proposed boundaries of the district will remain greater than 1,320 feet from all other CN, CC, and CG districts – approximately two miles north on SW Boones Ferry Road. Bifurcating the district has not been proposed, as this would create two separate CN districts which would not meet the additional buffering standards of 1,320 feet between CN, CC, and CG districts.

The applicant has proposed the removal of the school separation portion of the code (Exhibit B). The CN designation is only applied to this location within the City of Tualatin's Urban Growth Boundary. Because of the zone's location, the text amendment will not affect other schools within the City and will remain an appropriate distance from Horizon High School. Other Tualatin-Sherwood School District facilities, such as Tualatin High School, are greater than ±3,000 feet away from the site. The district will remain separated from other commercial zones and uses and remain intended to serve surrounding neighborhoods and industrial areas.

Concerns about specific uses which may possibly be located within CN-zoned areas and within 300 feet of school properties hinder the efficient development of these areas by regulating the placement of commercial businesses near residential areas. Uses permitted in this area include personal services like salons, barber shops, and childcare centers; small retailers; food and drug stores; and pharmacies. Lack of these retail sales and services near residential areas increases the need to use an automobile for short errands, increasing vehicle trips and neglecting the possibilities for more sustainable development in the area.

The proposed map change, with approval of the proposed text amendments, will be consistent with the regulations contained within the Tualatin Development Code.

- (2) **Street Frontage.** At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

Response: The reconfigured lands will have an increased frontage SW Boones Ferry Road, a Major Arterial. This criterion is met.

BASALT CREEK CONCEPT PLAN

Concept Plan for Basalt Creek

Development Types

Tualatin

Housing. Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone's Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

Response: ~~This~~These plan map and text amendments ~~s~~ does not propose to change the quantity or quality of lands provided for the Basalt Creek Planning Area. Housing can still be provided within this area as planned, following the CN zoning district text adjustment and reconfiguration.

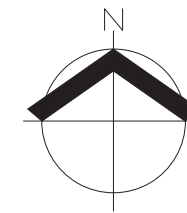
Commercial. Neighborhood Commercial is planned north of the jurisdictional boundary and east of the Basalt Creek Canyon at, or near, the northeast corner of the intersection of Boones Ferry Road / Basalt Creek Parkway. It is intended to serve residents and workers.

Response: The reconfiguration of the commercial lands as proposed would still meet the intent of the designated area as stated within the Basalt Creek Concept Plan. This area of Neighborhood Commercial would remain northeast of the intersection of Boones Ferry Road and Basalt Creek Parkway. The area would remain connected to the intersection by other lands zoned Neighborhood Commercial outside of the current city limits and south of the present location of Greenhill Lane – immediately north of the future location of the parkway.

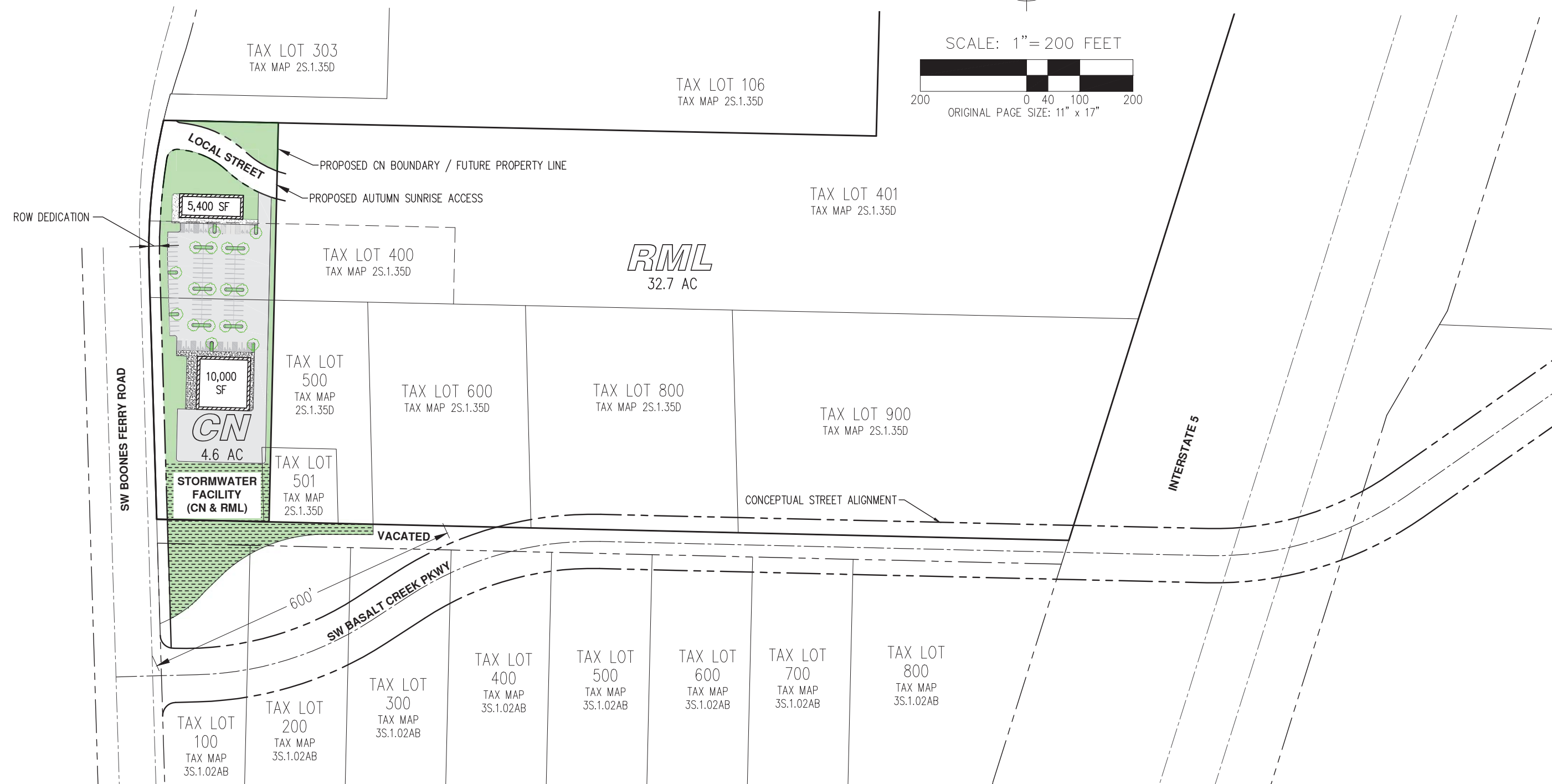
IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application.

Exhibit G: Conceptual Development Sketches
(revised March 2021)



SCALE: 1" = 200 FEET
200 0 40 100 200
ORIGINAL PAGE SIZE: 11" x 17"



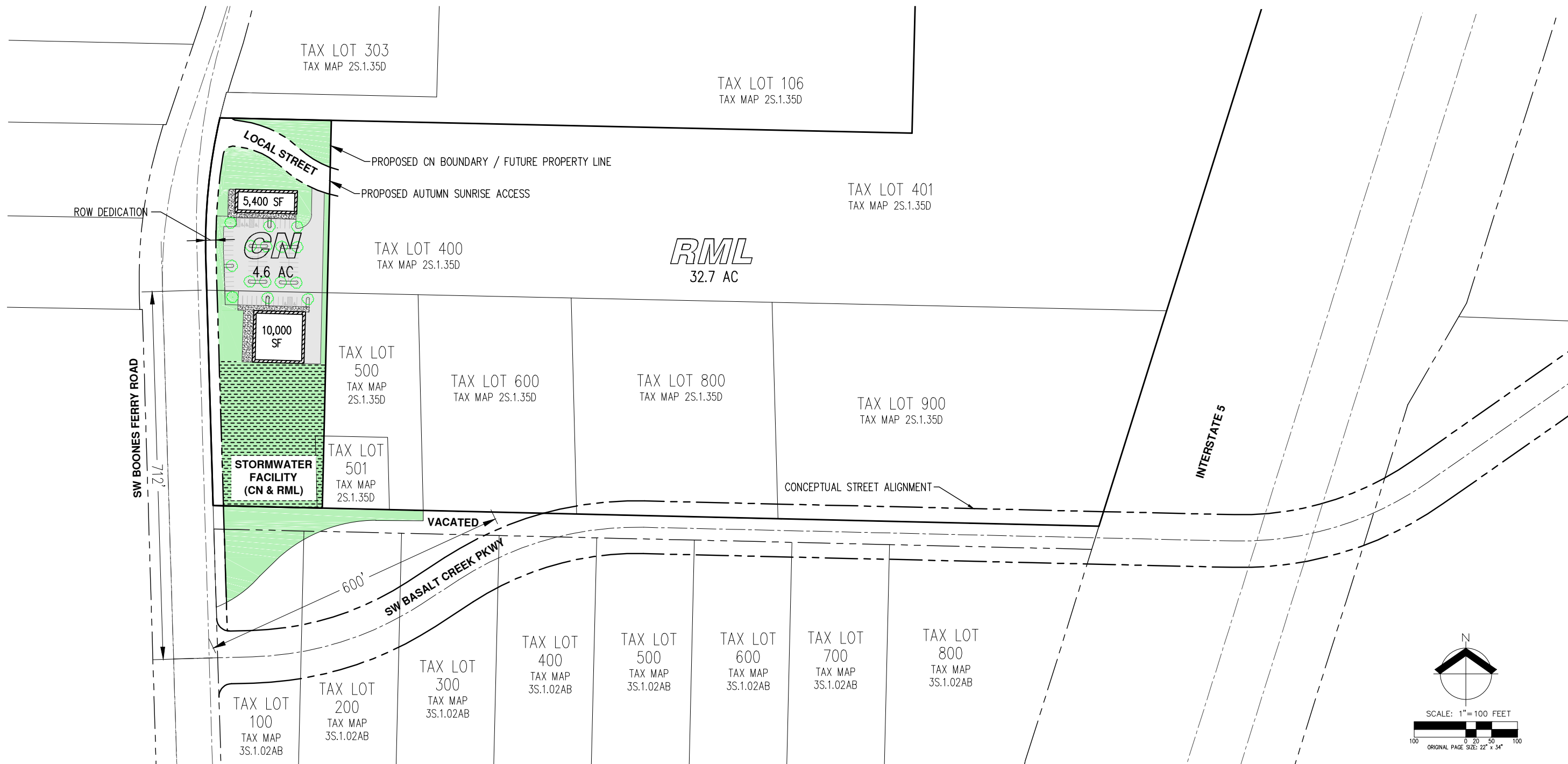
DATE: 1/12/2021 AKS JOB: 7454

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
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CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE



DATE: 03/02/2021 AKS JOB: 7454

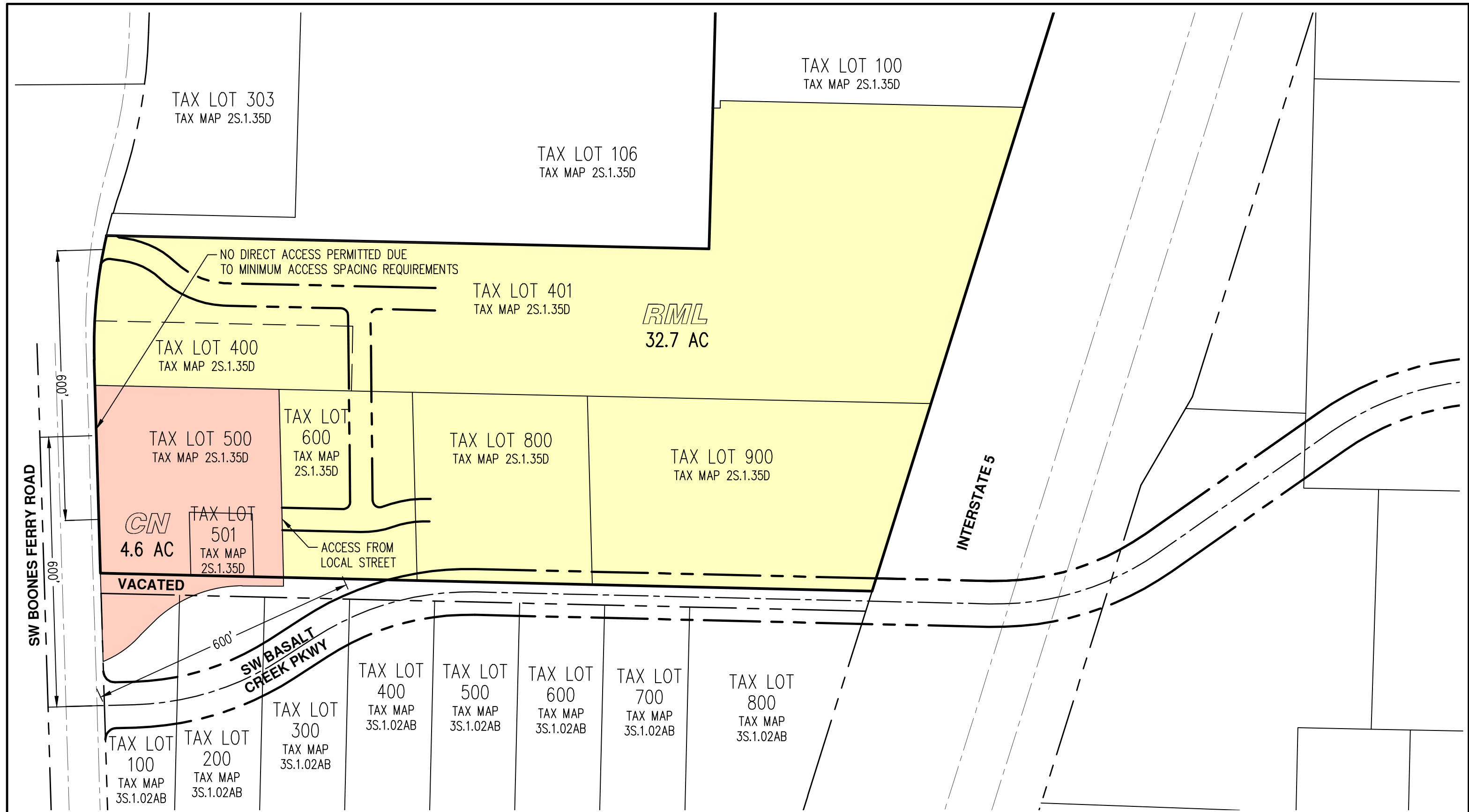
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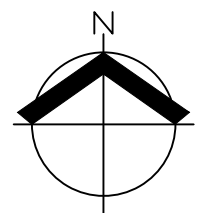
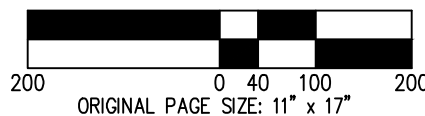
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CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE

March 2021



SCALE: 1" = 200 FEET



DATE: 1/20/2021

COMMERCIAL ACCESS FOR EXISTING DISTRICT		EXHIBIT G
AUTUMN SUNRISE AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: KM CHKD: DS AKS JOB: 7454



Exhibit H: Trip Generation and TPR Evaluation
(added March 2021)

Memorandum

To: City of Tualatin
Copy: AKS Engineering and Forestry
From: Jennifer Danziger, PE
Date: March 3, 2021
Subject: Trip Generation and Transportation Planning Rule Evaluation
for the Proposed Plan Map and Text Amendment
23620 & 23740 SW Boones Ferry Road and 9415 SW Greenhill Lane



RENEWS: 12.31.2021

This memorandum addresses the proposed plan map and text amendment for a reconfiguration of Neighborhood Commercial (CN) zoning on Tax Lots 400, 401, 500, and 501 of the Washington County Assessor's Map 2S 1 35D. The existing zoning and proposed change are illustrated in Exhibits A and B attached to this memorandum.

Proposed Amendment

As illustrated in Exhibit A, Tax Lots 500 and 501 are currently zoned CN and form a square at the northeast corner of SW Boones Ferry Road and SW Greenhill Lane. These two lots total ± 3.90 acres of land. Tax Lots 400 and 401, immediately to the north, and Tax Lots 600, 800, and 900 are zoned Medium Low Density Residential (RML) with a combined ± 32.64 acres of land.

As illustrated in Exhibit B, the proposal would reconfigure the CN district from a square to a narrower rectangular shape extending the CN district north along SW Boones Ferry Road to include a portion of Tax Lots 400 and 401. This configuration would not change the total acreage of either the CN zone or the RML zone but would allow for a single shared access point for the commercial district, the residential district, and the Horizon High School campus that would meet the Washington County access spacing standards.

Trip Generation

The reconfiguration of the CN district will maintain the same total acreage of ± 3.90 acres and will not prevent the area from being used to its full extent and capability. The same holds true for the adjacent RML zone of ± 32.64 acres. Therefore, the trip generation potential for both the CN and RML zones remains the same with the proposal as the existing zoning.

Transportation Planning Rule

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);

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not change the functional classification of the planned system.*

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

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not require a change in standards for implementation.*

- (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.

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not change the system performance. However, the proposal will allow for shared access on SW Boones Ferry Road that will enable development of the area to be consistent with the Washington County access standards.*

Conclusion

The proposed plan map and text amendment will not change the trip generation potential of the CN or RML districts and will satisfy the requirements of the Transportation Planning Rule.



TAX LOT 303
TAX MAP 2S.1.35D

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE EXISTING ZONING		EXHIBIT
AUTUMN SUNRISE		A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



TAX LOT 303
TAX MAP 2S.1.35D

◀ Shared Access

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE PROPOSED ZONING		EXHIBIT
AUTUMN SUNRISE		B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454





City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney
Kim McMillan, Community Development Director

DATE: March 8, 2021

SUBJECT:

Consideration of Ordinance No. 1455-21 An Ordinance Repealing Ordinance No. 1453-21.

RECOMMENDATION:

Staff recommends Council adopt the ordinance.

EXECUTIVE SUMMARY:

Ordinance No. 1455-21 will repeal Ordinance No. 1453-21 (An Ordinance Relating to the Stormwater Master Plan; Amending the Tualatin Comprehensive Plan; And Amending Tualatin Development Code Sections 74.630 And 74.640 (PTA 21-0001)) and direct staff to reinitiate the Stormwater Master Plan process to encompass all of the City's existing planning area, including the Basalt Creek area.

The City's existing Stormwater Master Plan dates from 1972. In 2016, the City embarked on update to the Stormwater Master Plan with the goal of replacing the outdated 1972 Stormwater Master Plan. The 2016 process culminated in the 2019 Stormwater Master Plan update. The 2019 Stormwater Master Plan update did not include the Basalt Creek area because, at the time it was developed, the Basalt Creek expansion area was not yet approved by the City. Given the outdated nature of the existing 1972 Stormwater Master Plan, Staff proposed adopting the 2019 Stormwater Master Plan update, despite it not including Basalt Creek. This process was opposed by some residents in the Basalt Creek area.

On February 8, 2021, Council passed Ordinance No. 1453-21, which would adopt the 2019 Stormwater Master Plan into the City's Comprehensive Plan. At the same time, Council directed staff to return to Council in the near future to outline the process to add the Basalt Creek area to the City's Stormwater Master Plan. Ordinance No. 1453-21 is not yet effective and repealing its provisions will allow the City to develop a new Stormwater Master Plan that coordinates the City's stormwater needs throughout the City's entire planning area, including the Basalt Creek area.

Adopting Ordinance No. 1455-21 will repeal Ordinance No. 1453-21 and reinitiate the Stormwater Master Plan process to encompass all of the City's existing planning area.

OUTCOMES OF DECISION:

Adopting Ordinance No. 1455-21 repeals Ordinance No. 1453-21 and directs staff to reinitiate the Stormwater Master Plan process to include all of the City's planning area, including the Basalt Creek area.

ORDINANCE NO. 1455-21

AN ORDINANCE REPEALING ORDINANCE NO. 1453-21.

WHEREAS, on February 8, 2021, the Council voted to adopt Ordinance No. 1453-21 (An Ordinance Relating to the Stormwater Master Plan; Amending the Tualatin Comprehensive Plan; and Amending Tualatin Development Code Sections 74.630 and 74.640 (PTA 21-0001));

WHEREAS, pursuant to Section 7 of Ordinance No. 1453-21 and the Tualatin City Charter, Ordinance No. 1453-21 is not yet effective, and would not take effect until March 10, 2021; and

WHEREAS, the City Council wishes Ordinance No. 1453-21 to not take effect, to repeal its provisions, and reinstate a new Stormwater Master Plan process to include the City’s entire planning area.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1453-21 is not effective and is hereby repealed in its entirety.

Section 2. The City hereby initiates a new Comprehensive Plan Amendment process relating to the City’s Stormwater Master Plan to include the City’s entire planning area. City staff are directed to draft a revised Stormwater Master Plan, which must include the Basalt Creek and Southwest Concept areas, for presentation and consideration by the Council, consistent with applicable Tualatin Development Code procedures.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this ordinance.

Section 4. Emergency Clause. This ordinance is necessary for the immediate protection of the public peace, health, safety, and welfare, and takes effect immediately upon adoption.

ADOPTED by the City Council this 8th day of March, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder