



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

August 1, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 17, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Melissa Hardy, City of Tualatin

<paa> ya/



NR 01 **2** **Notice of Adoption**

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

D A T E S T A M P	DEPT OF
	JUL 28 2006
	LAND CONSERVATION AND DEVELOPMENT
	For DLCD Use Only

Jurisdiction: City of Tualatin Local file number: PTA 06-04

Date of Adoption: 7/24/2006 Date Mailed: 7/27/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 4/25/2006

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comp. Plan Text Amendment and Land Use Regulation Text Amendment to create a new "Institutional" planning district suitable for development and operation of religious institutions, schools, parks, and other similar uses. The amendment did not result in application of the new planning district to any particular land, but after the ordinance effective date, the district could be applied to property through a quasi-judicial plan map amendment process.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Overall, the effect of the adopted amendment is the same as that which was originally noticed (creation of a new planning district); the final adopted specific development regulations may be somewhat different than what was in the original notice (i.e., permitted uses, lot size, setbacks, etc.).

Plan Map Changed from: n/a to: _____

~~Zone Map Changed from: n/a to: _____~~

Location: n/a Acres Involved: _____

Specify Density: Previous: n/a New: _____

Applicable Statewide Planning Goals: 1, 2, and 14

Was and Exception Adopted? YES NO

DLCD File No.: 004-06 (15185)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

n/a

Local Contact: **Melissa Hardy, Asst.Planner** Phone: **(503) 691-3024** Extension: _____

Address: **18880 SW Martinazzi Avenue** City: **Tualatin**

Zip Code + 4: **97062-** Email Address: **mhardy@ci.tualatin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Tualatin, Oregon
COUNCIL AGENDA STATEMENT

Meeting Date July 24, 2006

Agenda Item No. _____

Item Title

AN ORDINANCE RELATING TO CREATING AN INSTITUTIONAL PLANNING DISTRICT;
AMENDING TDC 8, 9, 20, 31, 36, 38, 72 AND 73; AND ADDING TDC 8.090, 8.100, 38.250, AND 49
(PTA 06-04)

Prepared by

Brenda Braden *BB*

Department Legal Services

Explanation

On July 10, 2006, the City Council approved the staff report by a vote of 3-1 [yes: Councilors Boryska, Harris and Bergstrom; no: Council President Truax], with Mayor Ogden and Councilors Gillespie and Barhyte absent, and directed staff to prepare an ordinance adopting PTA 06-04.

Special Issues - None

Financial Statement Not applicable

Account No. Not Applicable

Recommendation

Pass the ordinance

Board/Commission Recommendation Not applicable

Attachments (Listed Below)

Ordinance
Affidavit of Publication (Exhibit A)
Affidavit of Posting (Exhibit B)
Affidavit of Mailing (Exhibit C)
Staff Report dated July 10, 2006 (Exhibit D)

PCT

Approved By Tualatin City Council

Date 7-24-06

Recording Secretary *M. Smith*

ORDINANCE NUMBER 1216-06

AN ORDINANCE RELATING TO CREATING AN INSTITUTIONAL PLANNING DISTRICT; AMENDING TDC 8, 9, 20, 31, 36, 38, 72, AND 73; AND ADDING TDC 8.090, 8.100, 38.250 AND 49 (PTA 06-04)

WHEREAS upon application by the City of Tualatin Community Development Department, a public hearing was held before the City Council of the City of Tualatin on July 10, 2006, relating to creating an institutional planning district; amending TDC 8, 9, 20, 31, 36, 38, 72, and 73; and adding TDC 8.090, 8.100, 38.250, and 49 (PTA 06-04); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on June 22, 2006, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting, marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given by mailing to neighborhood organizations recognized by the City Council and interested governmental agencies by the Affidavit of Mailing, marked "Exhibit C" attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on July 10, 2006, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of 3-1 [yes: Councilors Boryska, Harris and Bergstrom; no: Council President Truax], with Mayor Ogden and Councilors Gillespie and Barhyte absent; and

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

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 8.010 is amended to read as follows:

(1) There are several land uses that do not neatly fit into the normal residential, commercial or industrial land use categories. These are uses such as government offices, utility facilities, schools, churches and retirement homes. TDC 8.020 to 8.060 define the objectives for these miscellaneous facilities.

(2) Trends in land development, particularly related to religious institutions, schools, and public parks, have shifted over time, away from development of relatively small structures and

facilities located on relatively small lots, which serve a single purpose, towards large campus-style developments consisting of multiple structures or facilities located on large parcels of land, which often serve multiple purposes and provide multiple services. Religious institutions, schools, and parks are also increasingly exhibiting a trend towards constantly changing programs, uses, and facility improvements to reflect and respond to shifting demographic patterns and evolving needs of the community they serve. The particular needs of, and the City's assumptions and objectives for, development of large campus-style institutional uses which may not readily conform with development patterns and standards in normal residential, commercial or industrial land use categories are set forth in TDC 8.090 and 8.100.

Section 2. TDC 8.050 is amended to read as follows:

This range of land uses has varied locational requirements because of the frequency of use, the nature of the use, and other factors. None of these uses should be located in an industrial planning district. They should be located in commercial and residential districts, with certain restrictions. Congregate care facilities, assisted living facilities, residential care facilities, and hospitals should also be located in the Medical Center District. Because their locational possibilities and character are so varied, they should be considered as conditional uses in all commercial and residential planning districts, except where such a requirement would violate land use or other provisions of Oregon state statutes or federal laws such as the Fair Housing Amendments Act of 1988, should be located with good access to arterial or collector streets, and should be close to the City's park areas. **Churches, or religious institutions, should be considered as permitted uses in the Institutional Planning District.** Congregate care facilities, assisted living facilities and residential care facilities and hospitals should be considered as permitted uses in the Medical Center District. Consequently, the objectives for these uses are to:

- (1) Prohibit uses such as residential facilities, retirement homes and hospitals in industrial planning districts.
- (2) Allow uses such as churches, retirement homes and hospitals in commercial and residential planning districts, subject to conditional use approval, and allow congregate care facilities, assisted living facilities and residential care facilities and hospitals as permitted uses in the Medical Center District.
- (3) Allow residential facilities and residential homes as permitted uses in all residential planning districts, and allow residential facilities as a conditional use in planning districts where multiple family development is a conditional use.
- (4) Locate uses such as churches, retirement homes and hospitals that are in residential planning districts adjacent to arterial or collector streets and close to the City's park areas.
- (5) Cooperate with the appropriate federal, state and regional agencies to assess health care services for the area.
- (6) Provide Institutional Planning District areas of the City that are of an appropriate size, have access to a collector or arterial street, and are served by adequate public facilities in order to accommodate churches, or religious institutions, as permitted uses.**

Section 3. TDC 8.070 is amended to read as follows:

Because day care is needed both by residents and employees who commute into the City, day care facilities should be located in areas convenient for commuters as well as residents, including commercial, residential, and some industrial areas. Day care centers should be located with good access to arterial or collector streets, and should be close to the City's park areas. Day care facilities should not be located close to automobile service stations, or where they will be surrounded by

industrial uses. However, industrial perimeter areas where they can easily serve both residents and employees of nearby firms are suitable. The impact of a day care center on a residential neighborhood, in terms of noise and traffic generation, differs from that of residences and should be reviewed before it is permitted there. Consequently, the objectives for day care centers are to:

(1) Facilitate creation of adequate child care facilities within the community by limiting local requirements, recognizing the role of the state's Children's Services Division in certifying such facilities. Accordingly, day care centers should be allowed as permitted uses in commercial and light industrial areas.

(2) Encourage family day care providers to operate in residential and commercial areas by permitting them outright.

(3) Protect residential areas from potential adverse impacts of day care centers through the conditional use process.

(4) Locate day care centers adjacent to arterial or collector streets and close to the City's park areas.

(5) Allow child day care centers as a conditional accessory use in the Institutional Planning District in order that residents utilizing the services of the school, church or park in the Institutional Planning District may also have access to on-site day care services, while still ensuring that any potential impacts are adequately mitigated through the conditional use process.

Section 4. A new section, TDC 8.090, is added to read as follows:

8.090 Institutional Planning District Assumptions.

The following are general assumptions used to formulate this Plan:

(1) The City recognizes that religious institutions, schools, and public parks play an important role in the community by providing a multitude of services and hosting a wide variety of activities.

(2) Religious institutions, schools, and public parks can have particular land development needs to accommodate large-scale campus-style improvements, which may not readily conform with development patterns and standards in normal residential, commercial or industrial land use categories.

(3) The City's population is projected to continue to grow. Demand for large campus-style religious institutions, schools, and public parks, designed to serve multiple purposes and provide multiple services to the community, will increase as the City's population continues to increase.

(4) Development of large-scale campus-style religious institutions, schools, and public parks in normal residential, commercial or manufacturing planning districts results in consumption of large parcels of land in those planning districts, and thereby precludes utilization of land in those districts for the primary purposes for which they are intended, which is housing, retail, office, and manufacturing uses. Creation of an Institutional Planning District helps to preserve land in residential, commercial, and manufacturing districts for the primary purposes for which those districts are intended.

Section 5. A new section, TDC 8.100, is added to read as follows:

8.100 Institutional Planning District Objectives.

This section describes the purpose of the Institutional Planning District, and includes the objectives used to guide development of the Planning District Standards and to guide application of the planning district to particular areas of the City.

(1) The purpose of this district is to provide an environment exclusively for, and conducive to, the development and operation of religious institutions, schools, public parks, and related uses, in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses.

(2) The district is intended to accommodate large-scale campus-style developments, owned and operated by governmental or non-profit entities, consisting of multiple structures or facilities, which may serve multiple purposes and provide multiple services to the community.

(3) Permitted and conditional uses shall be developed and operated in a manner that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses. Additionally, conditional uses shall be allowed provided that the use is developed and operated in a manner that is consistent with the intent of the planning district, and that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

(4) The district may be applied to land that is able to accommodate large-scale campus-style development and operation of religious institutions, schools, public parks, and related uses, as follows:

- (a) Contiguous land one and one-half acre in size or greater;**
- (b) Access to a collector or arterial street;**
- (c) Adequate public facilities are available to the property.**

Section 6. Map 9-1 is amended in order to add the Institutional planning district classification to the list of planning districts on the Plan Map.

Section 7. TDC 20.030 is amended to read as follows:

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.**
- (2) Protect the public health, safety and welfare.**
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.**
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.**
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.**
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.**
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.**
- (8) Protect and enhance property values.**
- (9) Protect and enhance the City's economy.**
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.**
- (11) Allow greater sign heights and dimensions for Freeway Oriented Activities.**
- (12) Allow only temporary signs on a property with no building.**

- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing **and institutional** planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.
- (18) Allow indirect and internal illumination in residential planning districts for conditional uses.
- (19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.
- (20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.
- (21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

Section 8. TDC 31.020 is amended to read as follows:

In order to carry out the objectives of the Tualatin Community Plan, land within the City is divided into planning districts. The established planning districts shall be designated on the Plan Map, and the planning district designations shall be as follows:

Planning District	Abbreviated Designation
Low Density Residential	RL
Medium-Low Density Residential	RML
Medium-High Density Residential	RMH
High Density Residential	RH
High Density Residential-High Rise	RH-HR
Institutional	IN
Office Commercial	CO
Neighborhood Commercial	CN
Recreational Commercial	CR
Central Commercial	CC
General Commercial	CG
Light Manufacturing	ML
General Manufacturing	MG
Manufacturing Park	MP

Section 9. A new definition is added in alphabetical order to TDC 31.060 to read as follows:
Local Government Unit. Any unit of local government, including a city, county, incorporated town or village, school district, any other special district, or any other municipal or quasi-municipal corporation, intergovernmental authority created pursuant to ORS 190.010, a district as defined in ORS 198.010, 198.180, and 198.210 or an urban renewal agency established under ORS 457.035.

Section 10. TDC 36.090 is amended to read as follows:

(1) Except as provided in subsection (5) of this section no building permit or permits to connect to City utility services shall be issued for lots within a subdivision or partition plat until the City Engineer has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.

(2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:

(a) the completion of all required public improvements in accordance with the Public Works Construction Code; and

(b) the acceptance of the public improvements by resolution of the City Council.

(3) No building permits shall be issued or utility service approved for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:

(a) all required public improvements have been completed in accordance with the Public Works Construction Code; and

(b) the public improvements have been accepted by resolution of the City Council.

(4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat shall not be construed as a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.

(5) For a subdivision or partition in commercial, **institutional**, or manufacturing planning districts or multi-family residential developments which require Architectural Review approval, the City Engineer may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:

(a) A Public Works Permit for the public improvements has been issued;

(b) An Architectural Review for the development has been approved;

(c) The subdivision or partition plat is recorded;

(d) All easements and dedications required of any development approval have been recorded; and

(e) Such building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.

Section 11. TDC 36.460 is amended to read as follows:

(1) The lot size, width, shape and orientation shall be appropriate for the location of the lot and shall comply with the planning district standards for the type of development and use contemplated.

(2) These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by public sewer or public water supply, the lots shall also conform to any special requirements developed by the County Health Department or the Department of Environmental Quality with respect to sewage disposal and water supply.

(b) Where the planning district designation is for commercial, **institutional**, or industrial use, other lot sizes, widths and areas may be permitted at the discretion of the City Council. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(c) Where the property constitutes or is part of a conditional use approval and fully complies with specific conditions imposed at the time of approval of the conditional use, other lot sizes, widths and areas may be permitted at the discretion of the City Council.

Section 12. TDC 38.110 is amended to read as follows:

(1) Freestanding Monument Sign Provisions.

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

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

(2) Freestanding Pole Sign Provisions.

(a) Freestanding Pole Sign Supports.

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

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

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

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

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

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

(b) Freestanding Pole Signs.

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

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

(3) Wall Sign Provisions.

(a) Sign Bands.

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

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above

and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

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

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

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

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

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

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

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

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

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

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

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

(d) Height of Sign Face: 1.5 feet in the Central Design District.

(e) Width of Sign Face: Three feet in the Central Design District.

(f) Sign Face Area: 4.5 square feet in the Central Design District.

(g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.

(h) Illumination: Indirect in the Central Design District.

(i) Guy wires cables and similar stabilization methods are not permitted.

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.

(b) One per tax lot may be displayed, or in **institutional**, commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than 90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.

(6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.

(7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.

(a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.

(b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.

(c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.

(d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

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

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

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

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

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

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

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

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

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

(i) Illumination: Indirect or internal.

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

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

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

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

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

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

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

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

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

(i) Illumination: Indirect or internal.

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

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

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

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

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

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

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

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

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

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

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

(i) Illumination: Indirect or internal only.

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

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

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

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

- (d) Number of Sides: No more than one.
- (e) Height of Sign: No higher than one foot.
- (f) Sign Face Area: No more than one square foot.
- (g) Illumination: Not permitted.

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

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

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

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

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

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet.

Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

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

(vi) Illumination: Not permitted.

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

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

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

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

(ii) Location on Site: On private property.

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

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

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

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

(vii) Illumination: Not permitted.

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

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

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

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

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

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

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

(vi) Illumination: Not permitted.

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

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

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

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

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

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

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

(vi) Illumination: Not permitted.

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

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

(a) They shall be permanent wall signs.

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

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

(d) Number: One per overhead door.

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

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

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

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

(i) Illumination: Indirect.

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

(a) They shall be window or wall signs.

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

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

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

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

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

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

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

(i) Illumination: Not permitted.

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

(a) They shall be permanent monument signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Illumination: Direct or indirect.

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

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

(i) Type: Monument Sign.

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

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

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

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

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

(vii) Illumination: Indirect or internal only.

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

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

(i) Type: Pole Sign.

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

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

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

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

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

(vii) Illumination: Indirect or internal only.

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

(i) Type: Wall sign.

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

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

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

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

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

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

(viii) Illumination: Indirect or internal.

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

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

Section 13. A new section, TDC 38.250, is added to read as follows:

38.250 Signs Permitted in the Institutional (IN) Planning District.

(1) No sign shall be permitted in the IN Planning District for permitted and conditional uses except the following:

(a) Monument signs, as set forth in TDC 38.110(1), are permitted, subject to the following standards:

(i) Number: One per motor vehicle access to a public street right-of-way and no more than one at each motor vehicle access.

(ii) Location: Monument signs shall be located no further than 75 feet from motor vehicle access.

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

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

(v) Area: Each permitted monument sign shall be no more than 32 square feet.

(vi) Illumination: Indirect or internal.

(vii) Electronic Message or Mechanical Readerboard is permitted in place of or as part of a permitted monument sign on the frontage of an arterial or collector street designated in the TDC, Table 11-2, provided that the readerboard portion is no more than 75 percent of the allowed sign face area.

(b) Wall signs within a sign band, where the sign band is no higher than 17 feet from the grade used to measure height of structure, are permitted, as set forth in TDC 38.110(3), subject to the following standards:

(i) Number: Each building on site is permitted one wall sign per habitable floor elevation, provided that the building has no less than 2,000 square feet of gross floor area.

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

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

(iv) Area: Each wall sign shall be no more than 75 square feet.

(v) Height of Sign Face: No higher than five feet.

(vi) Illumination: Internal or indirect.

(c) Wall signs within a sign band, where the sign band is higher than 17 feet from the grade used to measure height of structure, are permitted, as set forth in TDC 38.110(3), subject to the following standards:

(i) Number: Each building on site is permitted one wall sign per habitable floor elevation, provided that the building has no less than 2,000 square feet of gross floor area.

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

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

(iv) Area: Each wall sign shall be no more than eight square feet.

(v) Height of Sign Face: No higher than three feet.

(vi) Illumination: Internal or indirect.

(d) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply.

Section 14. A new chapter, TDC 49, Institutional Planning District (IN), is added to read as follows:

49.010 Purpose.

The purpose of the Institutional Planning District is to provide areas of the City that are suitable for educational, religious, recreational, and incidental support facilities in order to serve the community. The District is intended to be consistent with the Institutional land use designation in the Tualatin Community Plan. The District is intended to support lands and facilities that are owned and operated by governmental or non-profit entities. The District is intended to support lands and facilities that serve and benefit the community. The District is intended to provide for location and development of permitted and conditionally permitted uses in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses. The District is intended to provide for location and development of permitted and conditionally permitted uses in a manner which protects the health, safety, and general welfare of adjacent residential, commercial, and manufacturing uses.

49.020 Permitted Uses.

No building, structure or land shall be used except for the following:

- (1) School.
- (2) Church.
- (3) Park or Community Recreation Building (local government unit or state).
- (4) Sportsfield, Tennis Court (when operated by a nonprofit community organization).
- (5) Swimming Pool wholly conducted within a completely enclosed building (when operated by a nonprofit community organization).
- (6) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (7) Sewer and Water Pump Station, Pressure Reading Station.
- (8) Wireless Communication Facility located within 300 feet of the centerline of I-5.
- (9) Transportation Facilities and Improvements.
- (10) Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use, except for Conditional Accessory Uses as provided in TDC 49.030(4).
- (11) Other uses of similar character, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070.

49.030 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32:

- (1) Electrical Substation.
- (2) Natural Gas Pumping Station.
- (3) Water Reservoir.
- (4) Swimming Pool not wholly conducted within a completely enclosed building (when operated by a nonprofit community organization).
- (5) Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use:

(a) **Child Day Care Center**, Provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(b) **Exterior Lighting**, Where height of tallest portion of fixture or standard is greater than the height of the tallest permitted building on site.

(c) **Outdoor Public Address – Audio Amplification System.**

(d) **Wireless Communication Facility.**

(6) **Other uses of similar character**, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070.

49.040 Lot Size for Permitted and Conditional Uses.

Except for lots for greenways and natural areas, sewer and water pump stations and wireless communication facilities, which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following minimum lot dimensions shall apply:

(1) The minimum lot size shall be one and one-half (1.5) acres.

(2) The minimum average lot width shall be 100 feet.

(3) When a lot has frontage on a public street, the minimum lot width shall be 40 feet at the street.

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

49.050 Setback Requirements for Permitted Uses.

Except as determined and approved through the Architectural Review process in accordance with TDC Chapter 73, which may establish greater minimum setback requirements, the setbacks for permitted uses shall be:

(1) **Front Yard.** The minimum front yard setback shall be 25 feet.

(2) **Side Yard.** The minimum side yard setback shall be 10 feet.

(3) For a Corner Lot, the minimum setback shall be 25 feet from any street other than an alley.

(4) **Rear Yard.** The minimum rear yard setback shall be 25 feet.

(5) **Off-street parking and vehicular circulation areas** shall be set back a minimum of 30 feet from any public right-of-way, and a minimum of 10 feet from any other property line.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

(7) **Setbacks for a wireless communication facility** shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 20 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet.

49.060 Setback Requirements for Conditional Uses.

Except as otherwise provided, the setback requirements for conditional uses shall be as determined and approved through the Conditional Use Permit process in accordance with TDC Chapter 32 and the Architectural Review process in accordance with TDC Chapter 73. However, no setback greater than 50 feet may be required.

49.070 Projections Into Required Yards.

Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter.

49.080 Structure Height.

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, which shall not exceed 100 feet in height above grade, and except as provided in subsection (2) of this section, the maximum height of any structure is 50 feet.

(2) Exterior lighting, where height of tallest portion of fixture or standard is greater than the height of the tallest permitted building on site is subject to conditional use approval, as set forth in TDC 49.030(4)(c).

(3) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet.

49.090 Access.

All lots created after September 1, 1979, shall abut a public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

49.100 Off-Street Parking and Loading.

Refer to Chapter 73.

49.110 Flood Plain District.

Refer to Chapter 70.

49.120 Wetland Protection District.

Refer to Chapter 71.

49.130 Natural Resource Protection District.

Refer to Chapter 72.

49.140 Community Design Standards.

Refer to Chapter 73.

49.150 Landscape Standards.

Refer to Chapter 73.

Section 15. TDC 72.085 is amended to read as follows:

(1) When a property owner in a Commercial, **Institutional**, or Industrial Planning District dedicates to the City a portion of the NRPO District, an Other Natural Area or vegetated corridor located within or adjacent to the NRPO District in accordance with a City-approved landscape plan, a

Greenway and Natural Area Landscaping Credit shall be applied toward a portion of the site's percentage landscaping requirement.

(2) The amount of the Greenway and Natural Area Landscaping Credit shall be as provided in Chapter 73. The applicant must meet all landscaping requirements in this Code to the satisfaction of the Planning Director through the Architectural Review process.

Section 16. TDC 72.090 is amended to read as follows:

When a property owner in a IN, CO, CR, CO/MR, ML, or MG Planning District dedicates to the City land in the NRPO District or Other Natural Area , a bikeway or pedestrian path facility, or a vegetated corridor located within or adjacent to the NRPO District , the minimum front yard setback may be reduced through the AR process as provided in Chapters 50, 51, 52, 55, 60, and 61.

Section 17. TDC 73.240 is amended to read as follows:

(1) The following standards are minimum requirements.

(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030(54)(j), 40.030(54)(m), 40.030(54)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted on the subject property for a greenway and/or natural area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted on the subject property for a greenway or natural area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(4) The minimum area requirement for landscaping for uses in IN, CN, CO/MR, MC and MP Planning Districts shall be twenty-five (25) percent of the total land area to be developed. When a dedication is granted on the subject property for a greenway or natural area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District shall be twenty (20) percent of the total land area to be developed.

(6) The minimum area requirement for landscaping for approved Industrial Master Plans shall be 20% of the total land area to be developed.

(7) For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

(8) Developments not in a Low Density Residential (RL) or Manufacturing Park (MP) Planning District, but which abut an RL or MP Planning District shall provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses in the district and the adjacent Low Density Residential (RL) or Manufacturing Park (MP) Planning District as approved through the Architectural Review process.

(9) Yards adjacent to public streets, except as described in TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone.

(12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

(a) The amount of wetland buffer area which may be counted as landscaping is limited to a maximum of two and one-half percent (2.5 percent) of the total land area to be developed.

(b) All portions of the required buffer area to be counted as landscape shall be within the boundaries of the subject property. No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel.

(c) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer shall perform, or bear the cost of, all necessary mitigation work in the course of site development; in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency.

(d) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer shall include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer shall complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

Section 18. TDC 73.500 is amended to read as follows:

The following standards are minimum requirements for a wireless communication facility or wireless communication facility attached development. Development proposals shall meet or exceed these minimum requirements.

- (1) Monopoles shall be used in all residential, **institutional**, and commercial planning districts.
- (2) Monopoles shall be used in all industrial planning districts.
- (3) Equipment shelters, buildings or cabinets to house radio electronics equipment shall be concealed, camouflaged, vegetatively screened, or placed underground.
- (4) A wireless communication facility shall be designed to allow co-location of facilities.
- (5) Wireless communication facility attached antennas shall be painted to match the color of the mechanical screen wall or building to which it is attached.
- (6) Antennas and platforms shall be designed to minimize their size and appearance to surrounding development.

INTRODUCED AND ADOPTED this 24 day of July, 2006.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY Richard C. Townsend
Interim City Recorder



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 • Portland, OR 97269
Phone: 503-684-0360 Fax: 503-620-3433
Email: legaladvertising@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

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

City of Tualatin
Notice of Hearing-06-04
TT10817

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

1 successive and consecutive weeks in the following issues
June 22, 2006

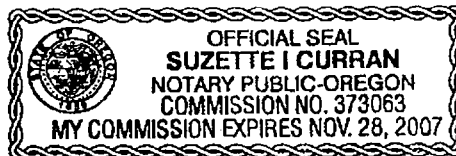
Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
June 22, 2006

Suzette L. Curran
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 28, 2007

Acct #108462
Stacy Fonseca
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062



**NOTICE OF HEARING
CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:30 p.m. Monday, July 10, 2006, at the Council Building, Tualatin City Center, at 18884 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT 06-04, AN ORDINANCE RELATING TO PLANNING DISTRICTS; CREATING AN INSTITUTIONAL PLANNING DISTRICT; AMENDING SECTIONS IN CHAPTER 8: 9, 20, 31, 36, 38, 72, AND 73; ADDING NEW SECTIONS 8.090, 8.100, AND 38.250; AND ADDING NEW CHAPTER 49. (PTA 06-04)

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

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

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Melissa Hardy at 503-691-3024 or mhardy@ci.tualatin.or.us. This meeting and any materials being considered can be made accessible upon request. Publish 6/22/2006 TT10817

Size: 2 x 7.25
Amount Due \$131.22
*Remit to address above

AFFIDAVIT OF POSTING

EXHIBIT B

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That at the request of Steve Wheeler, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 15th day of June, 2006, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

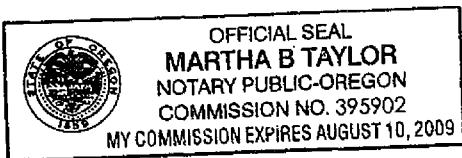
1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 15th day of June, 2006.

Stacy Fonseca
Stacy Fonseca

Subscribed and sworn to before me this 15 day of June, 2006.

Martha B Taylor
Notary Public for Oregon
My Commission expires: 8/10/2009



RE: PTA-06-04--INSTIUTIONAL ZONING - AMENDING SECTIONS IN CHAPTER 8, 9, 20, 31, 36, 38, 72, AND 73; ADDING NEW SECTIONS 8.090, 8.100, AND 38.250; AND ADDING NEW CHAPTER 49



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Melissa Hardy at 503-691-3024 or mhardy@ci.tualatin.or.us. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Steven Wheeler
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the Tualatin Times on June 22, 2006.

AFFIDAVIT OF MAILING

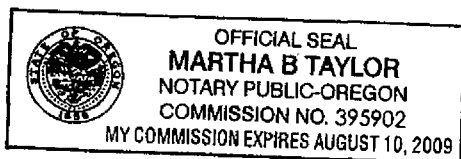
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That on the 15th day of June, 2006, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Fonseca
Stacy Fonseca

SUBSCRIBED AND SWORN to before me this 15 day of June, 2006.



Martha B Taylor
Notary Public for Oregon
My commission expires: 8/10/2009

RE: PTA-06-04--INSTIUTIONAL ZONING - AMENDING SECTIONS IN CHAPTER 8, 9, 20, 31, 36, 38, 72, AND 73; ADDING NEW SECTIONS 8.090, 8.100, AND 38.250; AND ADDING NEW CHAPTER 49

Exhibit "A"

LOU OGDEN
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TUALATIN OR 97062

CHRIS BERGSTROM
9270 SW IBACH COURT
TUALATIN OR 97062

ED TRUAX
19205 SW 55TH CT
TUALATIN OR 97062

JAY HARRIS
5870 SW WICHITA ST
TUALATIN OR 97062

MIKE GILLESPIE
22540 SW CHILKAT TER
TUALATIN OR 97062

BOB BORYSKA
9535 SW CHERRY LN
TUALATIN OR 97062

CHRIS BARHYTE
5702 SW CALUSA LP
TUALATIN OR 97062

PHIL HEALY
LAND DEVELOPMENT DIVISION
DEPT OF LAND USE & TRANS.
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HILLSBORO OR 97124

MARYANN ESCRIVA
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TIGARD OR 97223-8039

ODOT REGION 1
ATTN: DEV REVIEW PLANNING
123 NW FLANDERS ST
PORTLAND OR 97209-4087

ODOT DISTRICT 2A
ATTN: SAM HUNAIDI
ASSISTANT MANAGER
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PORTLAND OR 97221

RALPH REISBECK
PGE SERVICE & DESIGN
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WILONVILLE OR 97070

METRO GROWTH MGMT
COMMUNITY DEVELOPMENT MGR
600 NE GRAND AVENUE
PORTLAND OR 97232-2736

MARK WILCOX
CLEAN WATER SERVICES
155 N FIRST AVE #270
HILLSBORO OR 97124

BEN BALDWIN
TRI-MET
710 NE HOLLADAY ST
PORTLAND OR 97232

CAM GILMOUR, DIRECTOR
TRANSPORTATION & DEVELOPMENT
CLACKAMAS COUNTY
9101 SE SUNNYBROOK BLVD
CLACKAMAS OR 97015

COMCAST CABLE
MELODY MALONE
9605 SW NIMBUS AVE BLDG 12
BEAVERTON OR 97008

JIM EVERITT
TUALATIN VALLEY FIRE & RESCUE
7401 SW WASHO CT #101
TUALATIN OR 97062

HAZELBROOK NEIGHBORHOOD ASSN
ROBERT BOSAK
10605 SW HAZELBROOK ROAD
TUALATIN OR 97062

HEDGES CREEK NEIGHBORHOOD ASSN
DAVE ZIMMERMAN
21685 SW HEDGES DRIVE
TUALATIN OR 97062

TUALATIN ASSN OF NEIGHBORS I
GINNI SNODGRASS
9203 SW CREE
TUALATIN OR 97062

DEVELOPMENT COORDINATOR

CITY MANAGER

CITY ENGINEER
MIKE MCKILLIP

ENGINEERING ASSOCIATE

DOUG RUX
COMMUNITY DEV DIRECTOR

JOHN STELZENMUELLER
BUILDING OFFICIAL

JIM JACKS
SPECIAL PROJECTS MANAGER

CITY ATTORNEY
BRENDA BRADEN

OPERATIONS

Exhibit "A"

THE OREGONIAN
1675 SW MARLOW AVE, STE 325
PORTLAND, OR 97225-5136

LIBRARY

TUALATIN TIMES
PO BOX 22109
PORTLAND OR 97269

WILL HARPER
ASSOCIATE PLANNER

COMMUNITY SERVICES
PAUL HENNON

MELISSA HARDY
ASSISTANT PLANNER

ELIZABETH STEPP
SENIOR PLANNER

CINDY HAHN
ASSISTANT PLANNER



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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CITY OF TUALATIN, OREGON

By: Steven Wheeler
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the Tualatin Times on June 22, 2006.

PTA 06-04 COUNCIL STAFF REPORT EXECUTIVE SUMMARY

BACKGROUND

This Plan Text Amendment (PTA) is a City-initiated legislative amendment to the Tualatin Development Code (TDC), the purpose of which is to create an "INSTITUTIONAL" Planning District to accommodate religious institutions, schools, and other uses of similar character, such as parks.

The proposed PTA includes amendments to the Tualatin Community Plan (the City's comprehensive plan) in order to identify the purpose of the new planning district, to articulate the objectives for application of the new planning district, and to add the new planning district designation to the list of land use designations on the Tualatin Community Plan Map (Map 9-1). The proposed PTA also includes amendments to the Tualatin Development Code (the City's zoning ordinance) in order to establish development regulations applicable to the new planning district.

The intent of the proposed PTA is to create an "Institutional" Planning District to provide for areas in the City to accommodate the specific development characteristics of larger campus-style religious institutions, schools, and other community service uses of a similar nature, such as parks, which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community.

There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is, however, anticipated that the Institutional Planning District could be applied in the future to (a) existing land inside the Tualatin city limits, (b) land annexed into the Tualatin city limits through a Plan Map Amendment application process, or (c) to land inside or added to the Tualatin Planning Area Boundary.

DECISION TO BE MADE

This is a legislative amendment. City Council must decide to: approve, approve with modifications, or deny.

OPTIONS

The options for City Council are:

- Approve PTA 06-04 as proposed, based upon the recommended findings contained in the staff report, and direct staff to prepare an ordinance for adoption of the approved TDC amendments.
- Approve PTA 06-04 with alterations, and direct staff to prepare an ordinance for adoption of the approved TDC amendments.
- Deny the application request.

TIC 1143

**PTA 06-04 COUNCIL STAFF REPORT
EXECUTIVE SUMMARY (cont'd)**

- Continue the public hearing, and return to the matter at a later date.

PROS

The pros to approval of the proposed amendment are:

- A new Institutional Planning District can be applied to areas in the Tualatin Planning Area Boundary where development of religious institutions, schools, parks, and other uses of similar character is desirable.
- The Institutional Planning District, as proposed, does not permit development of single-family housing.

CONS

The cons to approval of the proposed amendment are:

- The development regulations proposed for the new Planning District differ from the development regulations in existing residential Planning Districts (i.e., taller building height allowance) where most existing churches and schools are located in Tualatin; this could trigger those property owners to apply for Plan Map Amendments to re-designate their properties to "Institutional", and could result in redevelopment or remodel of those properties in line with the new set of development regulations.

RECOMMENDATION

Staff recommends the City Council adopt the staff report and direct staff to prepare an ordinance granting PTA 06-04.

Approved By Tualatin City Council

Date 7-10-06

Recording Secretary *W. Smith*



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

July 10, 2006

City Council
City of Tualatin

Members of the Council:

AN ORDINANCE RELATING TO CREATING AN INSTITUTIONAL PLANNING DISTRICT; AMENDING TDC 8, 9, 20, 31, 36, 38, 72, AND 73; AND ADDING TDC 8.090, 8.100, 38.250, AND 49 (PTA 06-04)

PROPOSAL

PTA 06-04 is a City-initiated Plan Text Amendment (PTA), the purpose of which is to create an "INSTITUTIONAL" Planning District for religious institutions, schools, and other uses of similar character, such as parks.

BACKGROUND

In March of 2006, the City Council initiated a Tualatin Development Code (TDC) Plan Text Amendment (PTA), directing staff to draft TDC language in order to create a new "Institutional" Planning District for religious institutions, schools, and other uses of similar character, such as parks. Staff presented the proposal to the Tualatin Planning Advisory Committee (TPAC) at their May 11, 2006 meeting. TPAC continued their discussion to their June 08, 2006, meeting. A quorum of TPAC members were not present at the June 08, 2006, meeting (only 3 members present), but the committee members who were present formulated a recommendation to forward to City Council.

The proposed TDC amendments presented in this staff report serve to fulfill the Council's request to create an "Institutional" Planning District, and include two TPAC-recommended modifications to the code language originally recommended by staff.

The first TPAC-recommended modification to the original staff recommendation is to increase the maximum allowed structure height from 45 feet to 50 feet. The original staff recommendation for a 45 foot maximum height allowance was based upon several facts. First, the City's existing height restrictions in the Neighborhood Commercial (CN), Recreational Commercial (CR), Central Commercial (CC), Office Commercial (CO), and General Commercial (CG) planning districts are 25 feet, 35 feet, and 45 feet respectively. Second, the City's existing height restriction in the Low Density Residential (RL), Medium Low Density Residential (RML), Medium High Density Residential (RMH), and High Density Residential (RH) planning districts is 35 feet. Therefore, staff believed that a 45 foot maximum height allowance in the new Institutional Planning District would result in development that is substantially harmonious with development in neighboring planning districts. Third, a 45 foot maximum height allowance can easily accommodate three-stories

of construction for customary elements such as sanctuaries, theaters, stadiums, three-floored buildings, etc, that require greater than 35 feet of building height. Therefore, staff believed that the development needs of a religious or educational institution could be reasonably accommodated within a 45 foot maximum height allowance. TPAC recommends that the maximum structure height allowed in the new "Institutional" planning district be set at 50 feet in order to accommodate the development needs of a religious or educational institution. A 50 foot height allowance can accommodate four occupiable floors of development. A matrix of existing planning district development standards is attached (see Attachment 1).

The second TPAC-recommended modification to the original staff recommendation is to add stand-alone non-commercially operated sportsfields, tennis courts, and swimming pools to the list of permitted uses in the new Institutional Planning District. The original staff recommendation allowed sportsfields, tennis courts, and swimming pools in an enclosed building as permitted accessory uses (incidental and subordinate to a permitted or conditionally permitted primary use), and outdoor swimming pools as conditionally permitted accessory uses (incidental and subordinate to a permitted or conditionally permitted primary use). The fundamental difference between the original staff recommendation and the TPAC recommendation is that the original staff-recommended code language would prohibit non-commercially operated sportsfields, tennis courts, and swimming pools that are not accessory to a permitted or conditionally permitted primary use (e.g., a stand-alone sportsfield or swimming pool operated by a not-for-profit entity), while the TPAC-recommended code language would allow such use as permitted outright without the requirement that it be accessory to a primary use. A matrix of permitted/conditional uses in existing planning districts is attached (see Attachment 2).

In addition to the recommended modifications detailed in the previous two paragraphs, TPAC also discussed at some length what minimum lot size should be permitted in the new planning district. At least two TPAC members stated that a one and one-half acre minimum lot size might be too small to accommodate the development needs of large campus-style religious and educational institutions while still being harmonious with, and maintaining adequate buffering between, potentially adjacent single-family residential uses. The staff recommendation of a one and one-half acre minimum lot size is based upon review of the lot sizes of existing religious institutions and public schools in Tualatin. The smallest lot currently developed with a religious institution or public school is a 1.49 acre lot where an existing church is located. TPAC ultimately decided to recommend one and one-half acres as the minimum allowable lot size in the new Institutional Planning District. Council should carefully consider this issue to determine if a greater minimum lot size is appropriate.

The TPAC recommendations have been incorporated together with staff recommended code language into a set of draft TDC amendments, which are attached hereto, and incorporated herein by reference (see Attachment 3).

1. Intent of proposed TDC amendment: The intent of the proposed TDC amendment is to create a new "Institutional" Planning District is to provide areas in the City to specifically accommodate the development needs of larger campus-style religious institutions, schools, and other community service uses of a similar nature which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community. These types of developments may

not readily conform with development patterns and standards in residential, commercial, or manufacturing land use categories. Furthermore, due to their campus-style development patterns, these uses have resulted in the past in consumption of relatively large areas of land designated for residential, commercial, or industrial uses, thereby removing the opportunity for housing, retail, office, and manufacturing development for which those planning districts are primarily intended for.

The proposed TDC amendments do not change the conditional use permit standards for schools, churches, and parks in Residential or Commercial Planning Districts.

2. Application of "Institutional" Planning District: There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is, however, anticipated that the Institutional Planning District could be applied in the future to (a) existing land inside the Tualatin city limits, (b) land annexed into the Tualatin city limits through a Plan Map Amendment application process if applicable Plan Map Amendment criteria are met, or (c) to land inside or added to the Tualatin Planning Area Boundary.

Grace Community Church owns property located southeast of the intersection of SW Norwood Road and SW Boones Ferry Road. The property is currently located outside of the Tualatin city limits and outside of the City's Planning Area Boundary. The property owners are currently constructing a church, school, sports fields, and paved vehicle parking on the property under Washington County permits, and have submitted annexation application materials to the City of Tualatin in May, requesting annexation of approximately 37.9 acres. Application of the Institutional Planning District designation to the Grace Community Church-owned land would require a separate approval of a Plan Map Amendment (PMA) application. A PMA application was submitted by Grace Community Church in June of 2006.

While the issue of creating an Institutional Planning District has previously been discussed by City Council Members, until now the issue has not been an urgent matter. However, Grace Community Church's desire to annex their property into Tualatin, and the City Council's desire to have the property zoned with a land use designation that excludes residential development of the property, has re-prioritized this as an urgent issue that must be addressed immediately.

REQUEST

PTA 06-04 is a City-initiated Plan Text Amendment (PTA), the purpose of which is to create an "INSTITUTIONAL" Planning District to accommodate religious institutions, schools, and other uses of similar character, such as parks. If adopted by ordinance, the proposed TDC amendment would create a new Institutional Planning District, and accompanying planning district development standards, in the Tualatin Community Plan and in the Tualatin Development Code.

POLICY CONSIDERATIONS

The policy issues to be considered when reviewing this proposed plan amendment include:

1. Are the proposed comprehensive plan objectives consistent with the intent of the City Council in creating the Institutional Planning District?
2. Are the permitted and conditional uses proposed in the new planning district consistent with the intent of the City Council in creating the Institutional Planning District?
3. Are the development standards proposed in the new planning district consistent with the community's standards and with the intent of the City Council in creating the Institutional Planning District?

ANALYSIS AND FINDINGS

This amendment is a legislative action. The approval criteria set forth by TDC 1.032 must be met if the proposed change is to be granted. Before granting the proposed amendment, the City Council must find that the following criteria are met:

1. Granting the amendment is in the public interest.

The proposed amendments to the Tualatin Community Plan and Tualatin Planning District Standards serve to promote and protect the health, safety, and general welfare of the community. The intent in creating a new Institutional Planning District is to provide areas in the City to specifically accommodate the development needs of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community. These types of developments may not readily conform with development patterns and standards in residential, commercial, or manufacturing land use categories. Furthermore, due to their large campus-style development patterns, these uses have resulted in the past in consumption of relatively large areas of land designated for residential, commercial, or industrial uses, thereby removing the opportunity for housing, retail, office, and manufacturing development for which those planning districts are primarily intended for.

It is therefore in the public interest to provide a new planning district to accommodate large campus-style religious institutions, schools, and other community service uses of a similar nature in order that land in residential, commercial, and manufacturing planning districts be better conserved for development of housing, retail, office, and manufacturing uses. It is furthermore in the public interest to establish specific planning district standards for the new Institutional Planning District in order to protect the health, safety, and general welfare of people who will utilize property in the new planning district, and to protect the health, safety, and general welfare of property owners and people utilizing property adjacent to the new planning district.

Granting the amendment is in the public interest.

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

The proposed TDC amendments result in creation of a new Institutional Planning District to accommodate development of religious institutions, schools, and other community service uses of a similar nature, such as parks, in conformance with the Tualatin Community Plan objectives. The proposed TDC amendments also result in establishment of planning district standards to set forth the implementing standards and procedures that govern development and use of land to which the Institutional planning district designation is applied.

While there are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary at this time, it is anticipated that the Institutional Planning District could be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process, or to land inside or added to the Tualatin Planning Area Boundary.

Owners of property developed with existing churches or schools could submit application for redesignation of their property to "Institutional". Application of the Institutional Planning District to specific land will require discussions with the property owners, and will be considered on a case-by-case basis, ensuring that applicable Plan Map Amendment criteria are met. Until the Planning District is changed to "Institutional" for a property already developed with an existing church or school, the use will continue to operate under their Conditional Use Permit authorization.

There is public interest inherent in conserving land located in residential, commercial, and manufacturing planning districts for development of housing, retail, office, and manufacturing uses for which those planning districts are primarily intended for. The proposed amendments help to conserve land in those planning districts by providing a new "Institutional" planning district where religious institutions, schools, parks, and other community service uses of a similar nature can instead locate to and have their development needs better accommodated.

There is public interest in providing a new Institutional Planning District to accommodate the development needs of religious institutions, schools, and other community service uses of a similar nature. These facilities play a valuable role in the community. The community can best be served when these facilities are allowed to develop in a manner where they have greater flexibility to serve multiple purposes and provide multiple services in one location, within an Institutional Planning District with its own set of development standards tailored to accommodate and enhance the important role that these facilities have in serving the community.

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

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

TDC 2.020 - General Purpose: *"The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth"* - The proposed amendments, for the purpose of creating a new Institutional Planning District, serve to guide development of large-scale campus-style religious institutions, schools, parks, and other community service uses of a similar nature away from planning districts designed primarily to accommodate residential, retail, office, and manufacturing uses. Campus-style community service type development may not readily conform with the development patterns and standards in normal residential, commercial, or manufacturing land use categories, and thus an Institutional Planning District, with specifically designed planning district standards, is needed in order to best accommodate economic growth of the City while preserving the natural beauty of the area.

TDC 4.050(1) - Community Growth: *"Provide a plan that will accommodate a population range of 22,000 to 29,000 people"* - Due to their campus-style development patterns, religious institutions, schools, parks, and other community service uses of a similar nature have in the past consumed relatively large areas of land designated for residential, commercial, or manufacturing uses, thereby removing the opportunity for housing, retail, office, and manufacturing development for which those planning districts are primarily intended for. Creation of a new Institutional Planning District designed specifically for religious institutions, schools, parks, and other community service uses will help to conserve land within the residential, commercial, and manufacturing planning districts for development of housing, retail, office, and manufacturing uses, thereby helping to insure that the provisions of the TDC can accommodate a population of up to 29,000 people.

TDC 4.050(6) – Community Growth: *"Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs"* - The intent in creating a new Institutional Planning District is to provide areas in the City to specifically accommodate the development needs of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community. These types of developments may not readily conform with development patterns and standards in residential, commercial, or manufacturing land use categories. Therefore, creation of a new Institutional Planning District, with a separate set of planning district standards, minimizes land use conflicts between these large campus-style developments and adjacent residential, commercial, and manufacturing land uses.

TDC 4.050(9) - Community Growth: *"Prepare a plan providing a variety of living and working environments"* - Creation of a new Institutional Planning District includes creation of a specialized set of planning district standards designed to accommodate development of campus-style religious institutions, schools, parks, and other community service uses, thereby helping to provide a variety of living and working environments in the community.

TDC 4.050(10) - Community Growth: "*Encourage the highest quality physical design for future development*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, include creation of new and amended planning district standards to regulate development within the new planning district in a manner which encourages the highest quality physical design for future development.

TDC 5.030(1) - Residential Planning Growth: "*Provide for the housing needs of existing and future City residents*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, do not hinder the community's ability to provide for the housing needs of existing and future City residents; and in fact will help to conserve land designated for residential use by providing an alternative planning district for locating and developing large campus-style religious institutions, schools, parks, and other community services of a similar nature.

TDC 6.030(1) - Commercial Planning Districts: "*Encourage commercial development*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, do not hinder the community's ability to encourage commercial development; and in fact will help to conserve land designated for commercial use by providing an alternative planning district for locating and developing large campus-style religious institutions, schools, parks, and other community services of a similar nature.

TDC 7.030(1) - Manufacturing Planning Districts: "*Encourage new industrial development*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, do not hinder the community's ability to encourage new industrial development; and in fact will help to conserve land designated for industrial use by providing an alternative planning district for locating and developing large campus-style schools and other community services of a similar nature.

TDC Chapter 8 - Public, Semi-Public and Miscellaneous Land Uses: The proposed amendments include amendments to the Tualatin Community Plan, in order to detail the City's comprehensive plan assumptions and objectives as they relate to religious institutions, schools, parks, and other community service uses of a similar nature in the new Institutional Planning District. The proposed amendments and additions to Chapter 8 of the Tualatin Community Plan are internally consistent with existing Chapter 8 provisions, because the amendments do not affect siting and development standards pertaining to religious institutions, schools, parks, and other community service uses in other existing planning districts.

TDC 9.010 - Plan Map: There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is anticipated that the Institutional Planning District could, however, be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process if applicable Plan Map Amendment criteria are met, or to land inside or added to the Tualatin Planning Area Boundary. The proposed amendments include only adding the Institutional Planning District to the Plan Map (Map 9-1) legend.

TDC 10.020(1) - Community Design: "*Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, are in conformance with the community design objectives in Chapter 10 of the Tualatin Community Plan because development within the new planning district shall be subject to Architectural Review, as in other existing planning districts.

TDC Chapters 11, 12, 13, 14 - The objectives in chapters 11, 12, 13, and 14 of the Tualatin Community Plan, related to transportation, water service, sewer service, and drainage and surface water management, are not particularly applicable to the proposed amendments. The proposed amendments, for the purpose of creating a new Institutional Planning District, do not hinder the City's ability to provide for adequate public facilities to serve the needs of the community.

TDC 15.020(3) - Parks and Recreation: "*Create a park and recreation system that provides diverse recreation opportunity*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, include amendments to allow local government units or the state to develop parks or community recreation buildings as permitted uses to provide the community with diverse recreational opportunities.

TDC 15.020(16) - Parks and Recreation: "*Whenever possible, locate neighborhood parks adjacent to school sites*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, include provisions to allow local government units or the state to develop parks or community recreation buildings as permitted uses, and also to allow schools as permitted uses within the new Institutional Planning District.

TDC 16.030(1) - Historic Preservation: "*Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest within the City*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, do not hinder the community's ability to promote the historic, educational, architectural, cultural, economic, and general welfare of the public through identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest.

TDC 20.030(2) - Sign Design: "*Protect the public health, safety and welfare*" - The proposed amendments, for the purpose of creating a new Institutional Planning District, include amendments and additions to TDC Chapter 38 for the purpose of establishing planning district standards to regulate exterior signage in the new planning district. The proposed sign regulations protect adjacent property owners, and the community at large, from the blighting effects of unregulated signage, and ensure that signage shall be harmonious with the character of the community. The proposed amendments thereby promote and protect the public health, safety and welfare.

The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan.

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

The various characteristics of the areas in the City.

There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is anticipated that the Institutional Planning District could, however, be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process if applicable Plan Map Amendment criteria are met, or to land inside or added to the Tualatin Planning Area Boundary. The proposed amendments include establishment of planning district standards to set forth the implementing standards and procedures that govern development and use of land to which the Institutional Planning District designation is applied. The planning district standards were developed in light of the City's existing development standards for other planning districts which may some day neighbor the new planning district, in order to ensure that development patterns in the new planning district is harmonious with development patterns in adjacent areas.

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

There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is anticipated that the Institutional Planning District could, however, be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process if applicable Plan Map Amendment criteria are met, or to land inside or added to the Tualatin Planning Area Boundary.

The amendments include a set of comprehensive plan objectives, by which the suitability of an area must be judged at the time that application of the Institutional Planning District designation to a particular area of land is proposed. These objectives have been designed in order to promote and protect the health, safety, and general welfare of the community in light of the general purpose of the Tualatin Development Code, which is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. These objectives are as follows: (a) contiguous land one and one-half acre in size or greater, (b) access to a collector or arterial street, (c) adequate public facilities are available to the property.

Trends in land improvement and development.

Due to their campus-style development patterns, religious institutions, schools, parks, and other community service uses of a similar nature have in the past consumed relatively large areas of land designated for residential, commercial, or manufacturing uses, thereby removing the opportunity for housing, retail, office, and manufacturing development for which those planning districts are primarily intended for. Creation of a new Institutional Planning District designed specifically for religious institutions, schools, parks, and other community service uses will help to conserve land within the residential, commercial, and manufacturing planning districts for development of housing, retail, office, and manufacturing uses.

Additionally, the new planning district is designed to specifically accommodate the development needs of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community. These types of developments may not readily conform with development patterns and standards in residential, commercial, or manufacturing land use categories.

Property values.

The interest of property values in the community is served by the proposed amendments, in that creation of an Institutional Planning District contributes to the creation and preservation of a desirable community in which to live, work, and invest.

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

There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is anticipated that the Institutional Planning District could, however, be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process, or to land inside or added to the Tualatin Planning Area Boundary. Application of the Institutional Planning District to specific land will require discussions with the property owners, and will be considered on a case-by-case basis, ensuring that applicable Plan Map Amendment criteria are met. Until the Planning District is changed to "Institutional" for a property already developed with an existing church or school, the use will continue to operate under their Conditional Use Permit authorization. The proposed amendments do not change the conditional use permit standards for schools, churches, and parks in Residential or Commercial Planning Districts.

Creation of a new Institutional Planning District is designed specifically for religious institutions, schools, parks, and other community service uses, which will help to conserve land within commercial and manufacturing planning districts for development of retail, office, and manufacturing uses.

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

The proposed amendments include a set of comprehensive plan objectives, by which the suitability of an area for application of the Institutional Planning District must be judged at the time of application for a comprehensive plan planning district amendment. These objectives have been designed in order to promote and protect the health, safety, and general welfare of the community, which includes review consideration as to whether a particular site has adequate public facilities available, including access to a collector or arterial.

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

The proposed amendments include establishment of planning district standards to set forth the implementing standards and procedures that govern development and use of land to which the Institutional planning district designation is applied. Development of

lands within the new Institutional Planning District is subject to the City's existing development regulations designed to protect and conserve natural resources in the City.

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

Development of lands within the new Institutional Planning District is subject to the City's existing development regulations designed to protect and conserve natural resources in the City. Additionally, amendments to TDC Chapter 72 include provisions to allow a landscaping credit to be applied at the time of development of "Institutional" property when land is dedicated in or adjacent to a Natural Resource Protection Overlay (NRPO) area or other natural area or vegetated corridor, as is allowed for development in commercial and industrial planning districts, and to allow a reduced front yard setback for development of "Institutional" property under circumstances as is allowed for development in CO, CR, CO/MR, ML, and MG planning districts.

The public need for healthful, safe, aesthetic surroundings and conditions.

The proposed amendments include establishment of planning district standards to set forth the implementing standards and procedures that govern development and use of land to which the Institutional Planning District designation is applied. The planning district standards for the Institutional Planning District were developed in light of the community's existing development standards in order to ensure that any new development in the Institutional Planning District protects the public need for healthful, safe, aesthetic surroundings and conditions. Development within the new planning district shall be subject to Architectural Review, as in other existing planning districts.

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.

This factor is not applicable to consideration of the proposed amendments.

The factors listed in Section 1.032(4) have been consciously considered in development of the proposed amendments.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.

School facility capacity is impacted when additional students are added to the Tigard-Tualatin School District. There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. Therefore, there is no immediate impact to school facility capacity anticipated as a result of the proposed amendments.

It is anticipated that the Institutional Planning District could be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process, or to land inside or added to the Tualatin Planning Area Boundary. If the planning district designation of residentially-designated land inside the Tualatin city limits is changed to an "Institutional" designation, that particular land would then no longer be available for development of single-family or

multi-family housing, and there would be no potential thereby created for the addition of additional students to the school district as a result of the change in planning district designation to Institutional. Therefore, there is no long-range impact to school facility capacity anticipated as a result of the proposed amendments.

There is no impact to school facility capacity anticipated as a result of the proposed amendments.

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

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981, and through post-acknowledgement amendments, as complying with all the applicable Statewide Planning Goals. The proposed PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules as follows:

Goal 1 – Citizen Involvement – The general public, through Tualatin’s local program of citizen involvement, including public TPAC committee meetings, has the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out the Tualatin Community Plan objectives. The process through which the proposed amendments are considered for adoption by the City Council includes citizen involvement consistent with Statewide Planning Goal 1.

Goal 2 – Land Use Planning – The proposed amendments to the TDC are found to be internally consistent with the remainder of the elements of the TDC, with the METRO Urban Growth Management Functional Plan, and without exception to the Oregon Statewide Planning Goals. The proposed amendments are consistent with Statewide Planning Goal 2.

Goal 3 – Agricultural Lands – Not applicable.

Goal 4 – Forest Lands – Not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – Development of lands within the new Institutional Planning District is subject to the City’s existing development regulations designed to protect and conserve natural resources in the City. Additionally, amendments to TDC Chapter 72 include provisions to allow a landscaping credit to be applied at the time of development of “Institutional” property when land is dedicated in or adjacent to a Natural Resource Protection Overlay (NRPO) area or other natural area or vegetated corridor, as is allowed for development in commercial and industrial planning districts, and to allow a reduced front yard setback for development of “Institutional” property under circumstances as is allowed for development in CO, CR, CO/MR, ML, and MG planning districts. The proposed amendments are therefore in conformance with the intent of Goal 5, which is to protect natural resources and conserve scenic and historic areas and open spaces.

Goal 6 – Air, Water and Land Resource Quality – The amendments include a set of

comprehensive plan objectives, by which the suitability of an area for application of the Institutional Planning District must be judged at the time of application for a comprehensive plan planning district amendment. These objectives include ensuring that land so designated shall have adequate public facilities available to the property. The proposed amendments are therefore in conformance with the intent of Goal 6, which is to maintain and improve the quality of the air, water and land resources of the state.

Goal 7 – Areas Subject to Natural Disasters and Hazards – Not applicable.

Goal 8 – Recreational Needs – The proposed amendments, for the purpose of creating a new Institutional Planning District, includes amendments to allow local government units or the state to develop parks or community recreation buildings as permitted uses. The proposed amendments are therefore in conformance with the intent of Goal 8, which is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for siting of necessary recreational facilities.

Goal 9 – Economic Development – Creation of a new Institutional Planning District is designed specifically for religious institutions, schools, parks, and other community service uses, which will help to conserve land within commercial and manufacturing planning districts for development of retail, office, and manufacturing uses. The proposed amendments are therefore in conformance with the intent of Goal 9, which is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 10 – Housing – Due to their campus-style development patterns, religious institutions, schools, parks, and other community service uses of a similar nature have in the past consumed relatively large areas of land designated for residential uses, thereby displacing housing for which residential planning districts are primarily intended for. Creation of a new Institutional Planning District designed specifically for religious institutions, schools, parks, and other community service uses will help to conserve land within the residential planning districts for development of housing. The proposed amendments are therefore in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

Goal 11 – Public Facilities and Services – Not applicable.

Goal 12 – Transportation – Not applicable.

Goal 13 – Energy Conservation – The proposed amendments, for the purpose of creating a new Institutional Planning District, include establishment of planning district standards to set forth the implementing standards and procedures that govern development and use of land to which the Institutional Planning District designation is applied. In developing regulations for development standards, due consideration has been given to the community's desire for healthy, safe, and aesthetically pleasing site development controls, while also giving due consideration to the sprawl-inducing effects of overly expansive setbacks and overly restrictive building height limitations, in order to achieve an

acceptable balance that is in conformance with the intent of Goal 13, which is to conserve energy.

Goal 14 – Urbanization – In developing regulations for development standards for the new Institutional Planning District, due consideration has been given to the community's desire for healthy, safe, and aesthetically pleasing site development controls, while also giving due consideration to the sprawl-inducing effects of overly expansive setbacks and overly restrictive building height limitations, in order to achieve an acceptable balance that is in conformance with the intent of Goal 14. The intent of Goal 14 is 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. This can be achieved, in part, by having a comprehensive plan and implementing measures for land inside urban growth boundaries that encourage the efficient use of land and development of livable communities.

Goals 15 through 19 – Statewide Planning Goals 15 through 19 were considered and found not applicable to the proposed amendments.

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

The proposed PTA is consistent with the Metropolitan Service District's (METRO) Urban Growth Management Functional Plan as follows:

Title 1 – Housing and Employment Accommodation: There are no plans to immediately apply the newly created Institutional Planning District to any lands in the Tualatin Planning Area Boundary. It is anticipated, however, that the Institutional Planning District could be applied in the future to existing land inside the Tualatin city limits, to land annexed into the Tualatin city limits through a Plan Map Amendment application process if applicable Plan Map Amendment criteria are met, or to land inside or added to the Tualatin Planning Area Boundary.

If the planning district designation of residentially- or commercially-designated land inside the Tualatin city limits is changed to an "Institutional" designation, that particular land would then no longer be available for development of housing, retail, office, or manufacturing uses. In the event that a property owner, at some point in the future, were to make application to the City for an Institutional Planning District designation on a particular property, the effects of the proposed application are subject to review in light of its impact on Tualatin's housing capacity and employment capacity. Therefore, the proposed amendment has no deleterious impact to Tualatin's housing and employment capacity, and is consistent with Title 1.

Furthermore, due to their campus-style development patterns, religious institutions, schools, parks, and other community service uses of a similar nature have in the past consumed relatively large areas of land designated for residential, commercial, or manufacturing uses, thereby displacing housing, retail, office, and manufacturing development for which those planning districts are primarily intended for. Creation of a

new Institutional Planning District designed specifically for religious institutions, schools, parks, and other community service uses will help to conserve land within the residential, commercial, and manufacturing planning districts for development of housing, retail, office, and manufacturing uses, thereby helping to insure that Tualatin maintains an adequate housing and employment capacity. Therefore, the proposed amendment is consistent with Title 1.

Title 2 – Regional Parking Policy: The intent in creating a new Institutional Planning District is to provide areas in the City to specifically accommodate the development needs of larger campus-style religious institutions, schools, parks, and other community service uses of a similar nature which often consist of multiple structures or facilities located on larger parcels of land, and which often serve multiple purposes and provide multiple services to the community. These types of developments may not readily conform with development patterns and standards in normal residential, commercial, or manufacturing land use categories. By creating a new Institutional Planning District, with planning district standards that more easily accommodate campus-style development and delivery of multiple services to the community from one location instead of several locations, the proposed amendment is consistent with the intent of Title 2, which is to reduce vehicle miles traveled.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation: Development within the new Institutional Planning District shall be subject to the City's water quality and flood management development standards, as are properties in other planning districts. The proposed amendment is consistent with Title 3.

Title 4 – Industrial and Other Employment Areas: Creation of a new Institutional Planning District is designed specifically to accommodate religious institutions, schools, parks, and other community service uses, which will help to conserve land within commercial and manufacturing planning districts for development of retail, office, and manufacturing uses. The proposed amendment is consistent with the intent of Title 4, which is to provide and protect sites for employment.

Title 5 – Neighbor Cities and Rural Reserves: Not applicable.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities: Not applicable.

Title 7 – Affordable Housing: The proposed amendments, for the purpose of creating a new Institutional Planning District, contributes to more efficient use of residentially-designated land for housing by creating an alternative planning district in which religious institutions, schools, parks, and other community service uses of a similar character may locate new development. The proposed amendment is consistent with Title 7.

Title 8 – Compliance Procedures: Notice of the proposed amendment was mailed to the METRO Chief Operating Officer on April 25, 2006. The proposed amendment is consistent with Title 8.

Title 9 – Performance Measures: Not applicable.

Title 10 – Functional Plan Definitions: Not applicable.

Title 11 – Planning for New Urban Areas: Not applicable.

Title 12 – Protection of Residential Neighborhoods: Not applicable.

Title 13 – Nature in Neighborhoods: Not applicable.

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

No development is being proposed. Therefore, this criterion does not apply.

PUBLIC COMMENT

City staff, at the behest of TPAC, spoke with pastors from three local churches in an effort to gather information regarding development-related issues pertaining to existing churches in Tualatin. Their responses to staff's questions are attached (see Attachment 4).

Notice of the proposed PTA was mailed to the Oregon Department of Land Conservation and Development (DLCD) and to the Metropolitan Service District (METRO) on April 25, 2006. As of the date of staff report submittal, no comments have been received.

Public comment on the proposed PTA was solicited through notice published in the Times newspaper on June 22, 2006. Additionally, on June 15, 2006, two copies of the notice of public hearing were posted in conspicuous locations, and notice was mailed to partner agencies, including the Tigard-Tualatin School District 23J, to the Hazelbrook Neighborhood Association, the Hedges Creek Neighborhood Association, and to the Tualatin Association of Neighbors. As of the date of staff report submittal, no comments have been received.

TUALATIN PLANNING ADVISORY COMMITTEE RECOMMENDATION (TPAC)

TPAC recommends (3-0) that the City Council approve PTA 06-04 as recommended by staff, and direct staff to prepare an ordinance, with the following two modifications:

1. Revise the proposed language in TDC 49.020 to include non-commercial sportsfields, tennis courts, and swimming pools as permitted uses; and
2. Revise the proposed language in TDC 49.080 to increase the maximum permitted structure height to 50 feet.

RECOMMENDATION

Staff recommends the City Council adopt the staff report and direct staff to prepare an ordinance granting PTA 06-04.

Respectfully submitted,



Melissa Hardy,
Assistant Planner

Approved By Tualatin City Council

Date 7-10-06

Recording Secretary 

- Attachments
1. Existing Planning District Development Standard Matrix
 2. Matrix of Permitted/Conditional Uses in Existing Planning Districts
 3. Draft TDC Amendments
 4. Input From Local Religious Institutions
 5. Draft Ordinance

file: PTA 06-04