

RESOLUTION NO. 2135

A RESOLUTION GRANTING A SPECIFIC EXCEPTION TO THE CONSTRUCTION STANDARDS FOR PUBLIC WORKS FACILITIES FOR THE TOYO TANSO PARKING LOT EXPANSION PROJECT AT 2575 NW GRAHAM CIRCLE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Toyo Tanso USA applied for and received a land use approval, with conditions, to construct the Toyo Tanso Parking Lot Expansion project. A condition of the approval is to complete half-street improvements on NW Graham Circle, including sidewalks.
2. Toyo Tanso USA has requested relief from the requirement to construct sidewalks.
3. An existing deed restriction on the subject property obligates Toyo Tanso USA to construct the sidewalks but does not provide a date certain. There are additional parties to the deed restriction other than the City; therefore, the City cannot unilaterally eliminate the requirement in perpetuity. The City can, however, defer the requirement by granting an exception to the sidewalk requirement specifically for this project.
4. The City Council finds there are compelling reasons to grant this exception, specifically:
 - A. NW Graham Circle is a cul-de-sac that intersects with only one other street (Sundial Road) in an industrial zone.
 - B. Construction of the sidewalks is not currently necessary, as there is presently no sidewalk on the intervening property to the east and, as a result, connectivity to Sundial Road would not be achieved in the near term by construction of sidewalk on the Toyo Tanso USA frontage.
 - C. Pedestrian traffic on NW Graham Circle is presently low and the City has not received any complaints regarding the lack of pedestrian facilities on NW Graham Circle.
 - D. There has been no request from any other party to the deed restriction to require Toyo Tanso USA to proceed with sidewalk construction at this time.
 - E. The deed restriction will remain in effect and the sidewalk will be constructed by the property owner in the future, when deemed timely by the City or other parties to the deed restriction, resulting in no loss to the public pedestrian system in the long term.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Troutdale City Council hereby grants a specific exception to the *Construction Standards for Public Works Facilities* requirement to construct sidewalks on industrial street frontages for the Toyo Tanso USA property at 2575 NW Graham Circle.

Section 2. This exception is applicable specifically to sidewalks required by the Conditions of Approval for the Toyo Tanso USA Parking Lot Expansion project that received Site and Design Review approval (Notice of Decision) on July 14, 2011.

Section 3. The City of Troutdale reserves all of its rights provided in the Declaration of Deed Restrictions dated March 9, 1992 recorded on the Toyo Tanso USA property in Multnomah County Records Book 2520 Page 524.

Section 4. This resolution is effective upon adoption.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Mayor Jim Kight

Date December 15, 2011



Sarah Skroch, Deputy City Recorder

Adopted: December 13, 2011