



# TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, July 25, 2011

CITY COUNCIL CHAMBERS  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

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

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**Mayor Lou Ogden**

<b>Councilor Monique Beikman</b>	<b>Councilor Wade Brooksby</b>
<b>Councilor Frank Bubenik</b>	<b>Councilor Joelle Davis</b>
<b>Councilor Nancy Grimes</b>	<b>Councilor Ed Truax</b>

**Welcome!** By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at [www.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm), the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at [www.tvctv.org](http://www.tvctv.org). Council meetings can also be viewed by *streaming video* on the City's website the day of the meeting at [www.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm).

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

### PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

### PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

### TIME LIMITS FOR PUBLIC HEARINGS

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

### EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR JULY 25, 2011

**A. CALL TO ORDER**  
Pledge of Allegiance

**B. ANNOUNCEMENTS**

1. National Night Out Announcement
2. Introduction of New Employees - *Shelly Helgersen, Operations Department*  
*William Worthey, Community Services Department, Library*

**C. CITIZEN COMMENTS**

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

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

1. Approval of the Minutes for the Work Session and Meeting of July 11, 2011
2. Resolution No. **5053-11** Authorizing an Intergovernmental Agreement with Metro for a Construction Excise Tax Grant for the Tualatin High Capacity Transit Land Use Plan
3. Resolution No. **5054-11** Authorizing the Mayor to Sign a Cooperative Improvement Agreement with Oregon Department of Transportation and the Tualatin Development Commission for Improvements Associated with the SW Leveton Drive Project
4. Resolution No. **5055-11** Authorizing Changes to the Adopted 2011-2012 Budget
5. Resolution No. **5056-11** Awarding the Bid for the Outfalls and Trails Retrofit Project at Dakota Chieftain Greenway
6. Resolution No. **5057-11** Awarding the Bid for Construction of the Juanita Pohl Center Addition and Renovation Project
7. Community Involvement Committee Appointments

**E. SPECIAL REPORTS**

1. Update on the Renovation of the North Area of Community Park
2. Transportation System Plan Update

**F. PUBLIC HEARINGS – Legislative or Other**

- 1. REQUEST FOR CONTINUANCE** - Amending the Sign Regulations to Allow Additional Types of Building Signs in the Central Design District; and Amending Tualatin Development Code Chapters 38.110 Sign Types, 38.220 Central Commercial and General Commercial Planning District Sign Standards and 31.060 Definitions Plan Text Amendment (PTA-11-08)

**G. PUBLIC HEARINGS – Quasi-Judicial**

- 1. A Conditional Use Permit for Integrated Metal Components, Light Metal Fabrication (of Semi-finished or Finished Metals) in the Light Manufacturing Planning District at 18355 SW Teton Avenue (Tax Map 2S1 23BB, Tax Lot 501) (CUP-11-02)**

**H. GENERAL BUSINESS**

- 1. Citizen Involvement Organization Program Proposal**

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

**K. EXECUTIVE SESSION**

**L. ADJOURNMENT**

**City Council Meeting**

**Item #: B. 1.**

**Date:** 07/25/2011

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**Information**

**ANNOUNCEMENTS**

National Night Out Announcement

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**Attachments**

PowerPoint - National Night Out



Take a Stand... Give Neighborhood  
Crime & Drugs a Going Away Party



**Tuesday, August 2, 2011**  
**28th Annual National Night Out**

From 4 to 9 p.m., residents in neighborhoods throughout Tualatin and across the nation, are asked to lock their doors, turn on outside lights and spend the evening outside with neighbors and police. Many neighborhoods throughout Tualatin will be hosting a variety of special events such as block parties, cookouts, parades, visits from police, flashlight walks, contests, youth activities and anticrime rallies.

Please register your neighborhood celebration with the Tualatin Police Department and we will have an officer and McGruff the Crime Fighting Dog stop by for a visit.

**Contact:** Jennifer Massey, Tualatin Police Department Program

Coordinator/P.I.O., (503) 691-4846, or email [jmassey@ci.tualatin.or.us](mailto:jmassey@ci.tualatin.or.us)

**City Council Meeting**

**Item #: B. 2.**

**Date:** 07/25/2011

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**Information**

**ANNOUNCEMENTS**

Introduction of New Employees - *Shelly Helgersen, Operations Department*

*William Worthey, Community Services Department, Library*

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City of Tualatin

Speaking together

# City Council

## SPEAKER REQUEST FORM

**IMPORTANT:** Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Jan G & Mike R DATE 7/25/2011

STREET ADDRESS 17655 SW Shaveru Trail

STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL \_\_\_\_\_

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject CTO Program

I wish to speak on **PUBLIC HEARING ITEM No.** 112 (TESTIMONY TIME MAY BE LIMITED)

IN FAVOR                      \_\_\_\_\_ OPPOSED                      \_\_\_\_\_ NEUTRAL

**NOTE:** IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

# City Council SPEAKER REQUEST FORM

**IMPORTANT:** Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Cathy Holland DATE 7/25/11  
STREET ADDRESS 10740 SW Lucas Dr Tualatin  
STATE OR ZIP 97062 E-MAIL coholland73@comcast.net

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. (3-minute time limit per speaker)

Subject \_\_\_\_\_

I wish to speak on **PUBLIC HEARING ITEM NO.** General Business/Citizen Unrest C10 (TESTIMONY TIME MAY BE LIMITED)

IN FAVOR Amendments by Riley  OPPOSED  NEUTRAL

**NOTE:** IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

# City Council SPEAKER REQUEST FORM

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NAME Linda Monoff DATE 7/25/11

STREET ADDRESS 18791 SW. Martinazzi

STATE OR ZIP 97062 E-MAIL Linda@tualatinchamber.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject Crawfish Festival

I wish to speak on **PUBLIC HEARING ITEM No.** \_\_\_\_\_ (TESTIMONY TIME MAY BE LIMITED)

\_\_\_\_\_ IN FAVOR                      \_\_\_\_\_ OPPOSED                      \_\_\_\_\_ NEUTRAL

**NOTE:** IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



City of Tualatin

# City Council SPEAKER REQUEST FORM

**IMPORTANT:** Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Toni Anderson DATE 7/25/11  
STREET ADDRESS 17790 SW Cheyenne Way  
STATE \_\_\_\_\_ ZIP 97062 E-MAIL tfanderson@teachone.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. **(3-minute time limit per speaker)**

Subject \_\_\_\_\_

I wish to speak on **PUBLIC HEARING ITEM No.** H 1 (TESTIMONY TIME MAY BE LIMITED)  
\_\_\_\_\_ IN FAVOR CIO \_\_\_\_\_ OPPOSED \_\_\_\_\_ NEUTRAL

**NOTE:** IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Executive Assistant

**DATE:** 07/25/2011

**SUBJECT:** Approval of the Minutes for the Work Session and Meeting of July 11, 2011

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve the minutes of the Work Session and Meeting of July 11, 2011.

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

**FINANCIAL IMPLICATIONS:**

There are no financial impacts associated with this item.

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**Attachments:** A - Work Session Minutes of July 11, 2011  
B - Meeting Minutes of July 11, 2011



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY  
11, 2011**

Present: Mayor Lou Ogden, Councilor Monique Beikman, Councilor Wade Brooksby (arrived at 5:26 p.m.), Councilor Frank Bubenik, Councilor-elect Nancy Grimes, Councilor Joelle Davis, Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Community Development Director Alice Rouyer, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Assistant to the City Manager Sara Singer, Senior Planner William Harper, Maintenance Services Division Manager Clayton Reynolds, Executive Assistant Maureen Smith

**1. CALL TO ORDER**

Mayor Ogden called the work session to order at 5:02 p.m.

**2. ITEMS FOR DISCUSSION**

**A. *Regional Parks, Trails & Natural Areas*** - Discussion on this item was not held.

**B. *Police Contract with the City of Durham***

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This item was moved to this portion of the agenda for discussion.

Police Chief Kent Barker gave a PowerPoint presentation and background on the contract the Police Department has with the City of Durham and what services the department provides. Currently, Durham pays the cost of one mid-range police officer. Options were reviewed - Option 1, stop providing police services to Durham and they contract with another agency, which still requires Tualatin to be dispatched to Priority One calls (if closest available unit) and provide backup; Option 2, Durham pays for one full-time top-step officer; and Option 3 is a model used by Newberg/Dundee reviewed with Council a few years back that uses a formula based on percentage of service calls. Council reviewed what would be reasonable, and Chief Barker mentioned other options that could be considered would be a property tax rate, or to go back to charging at an hourly rate, which is not preferred by staff.

Next steps for Council to consider were then reviewed. Discussion followed. Councilor Truax noted this has been an issue for him since he's been on Council and does not want to subsidize Durham, but recognized it may take a few budget cycles to get to an acceptable contract amount. Staffing levels and levels of service were discussed. Chief Barker said his recommendation is to go with the Newberg-Dundee model. Discussion followed. Council directed that staff negotiate

with Durham and as quickly as possible get to a fully absorbed rate.

**C. Core Area Parking District Options and Policies**

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Community Development Director Alice Rouyer began the discussion regarding the core area parking district and addressing the current gap in revenue and operations/maintenance costs, and parking management issues. Recommendations from the Core Area Parking District Board will also be reviewed. Development Manager Eric Underwood, and consultant Rick Williams were present, and Core Area Parking District Board member Bill Jordan.

Rick Williams started with a brief history and background of the Core Area Parking District and Board, established in 1979. The impact fee for new development in the district was also established for capital improvement costs. Urban renewal funds were identified then to pay a large percentage of costs to construct public parking lots. To accommodate new development in the district during the mid-90s, the Core Area Parking District Board reviewed options for addressing parking in the rapidly-growing downtown area, resulting in a developer being required to provide at least 75% of the Tualatin Development Code-required parking. An additional 25% reduction from the initial 25% discount was provided, with urban renewal funding available to supplement the impact fee revenue and supply additional parking.

An assessment of the district revenue and operating cost trends, analysis of parking supply, parking demand/lot occupancy counts, and the City's past and future role in constructing public parking was reviewed and discussed with Council.

Considerable discussion followed on parking space supply and demand and reduction allowance in the Code. Director Rouyer further explained when the district began in the late 70's, no off-street parking was required, and the policy that was further addressed in the 90's, in light of Measure 5, required a developer to provide parking. Historically it worked because there was urban renewal funding, which is now not available. Mr. Williams went on to summarize the highlights and points made and reviewed the recommendations from the Board. If the issue is not addressed by 2014-15 the gap will increase and dip below the recommended reserves, with an increasing gap thereafter. The technical report and recommendations were reviewed to address the gap, and the reevaluation of the City's role in supplying parking in the core area.

As representation on the Board, Councilor Beikman reviewed the board's recommendations. She believes Council needs to address the issue as a whole, and went on to explain how the reserves were arrived at over the years, with charge backs and a cost study done to reflect the true costs of the district. Discussion followed on the parking formulation and how the percentages are arrived at. How to provide additional parking spaces with limited availability was discussed and was explained about the "Hanegan" site (former gas station) that could provide additional parking spaces.

How to move forward with addressing the district's future was discussed and the question of whether the City should continue to be in the business of parking or to turn it over to the private sector. Discussion turned to parking enforcement and the notion of whether to continue or move the costs of enforcement to the General Fund. The current fiscal year is budgeted for and Council discussed what next steps could be taken. Core Area Parking Board Member Jordan suggested continuing doing what's been done, and talk to businesses/neighbors about the district.

Council suggested to continue working with the Board to do a more formal outreach with the businesses and find out what's actually happening in the district, and to move forward to look at the costs associated with paving the "Hanegan" parcel, and continuing status quo.

Staff summarized the discussion and will develop some parking management strategies and return to Council at a future date.

**D. *Amending the Sign Code to Allow Additional Types of Building Signs in Downtown/Central Design District***

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Planning Manager Aquilla Hurd-Ravich and Senior Planner Will Harper gave a PowerPoint presentation regarding amending the sign code to allow new options in the downtown central design district.

Senior Planner Harper said the downtown is evolving and mention has been made about the limitation of the current signs allowed in the downtown district. The request came from tenants, buildings owners, and developers to take a look at signs and re-evaluate how the City's current sign code works for today's situation.

The proposal is to change the rules in the Central Design District to accommodate a variety of signage for businesses by amending the Sign Standards to allow additional building sign options that can provide better identification for commercial tenants of the existing and planned for multi-story, multi-tenant and pedestrian-oriented buildings. Senior Planner Harper reviewed the currently allowed wall signs and the proposed new sign options. The PowerPoint displayed examples of the current wall sign standards, and other types that are used at Bridgeport Village that could be used such as shingle, blade, directory-style, etc. Public outreach that's been done was also reviewed and Senior Planner Harper said the proposal has been reviewed and recommended approval by the Tualatin Planning Advisory Committee. If Council agrees, staff will schedule the plan map amendment for the July 25, 2011 Council meeting.

Discussion followed and questions were asked and explained about how the different types of signage could be used. Council also discussed and suggested extending the sign options to other planning districts, but to first see how it works with the central district. At conclusion of the discussion it was determined that staff will bring the Plan Map Amendment 11-08 as a public hearing at the July 25, 2011 Council meeting.



**E. Council Committee Assignments**

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Council reviewed the Committee assignments list and made updates to committees or boards that were held by former Councilor Chris Barhyte.

**3. Council Meeting Agenda Review, Communications & Roundtable**

Council reviewed the Consent Agenda with no comments or changes.

**4. ADJOURNMENT**

The work session adjourned at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
JULY 11, 2011

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Present: Mayor Lou Ogden, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor-elect Nancy Grimes, Councilor Ed Truax, Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Services Director Paul Hennon, Community Development Director Alice Rouyer, Finance Director Don Hudson, Assistant to the City Manager Sara Singer, Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was led by Councilor Beikman.

**B. ANNOUNCEMENTS**

1. Swearing-in of Councilor-elect Nancy Grimes

City Manager Sherilyn Lombos swore-in Nancy Grimes as City Councilor.

2. Election of Council President

The Council discussed the process of election of a Council President, due to former Council President Barhyte's resignation from Council. Mayor Ogden noted a suggestion that was made by Councilor Truax to rotate the Council President position giving all councilors an opportunity to serve during their term, which would be approximately every eight months. Review of what is specified in the City's Charter was discussed. City Attorney Brenda Braden said she will need time to review and determine how the process could be handled. Discussion followed and it was suggested to move forward to refill the remainder of the term and revisit the issue at a future time.

It was proposed to make a motion to address the Council President process.

MOTION by Councilor Ed Truax, SECONDED by Councilor Wade Brooksby to bring back election of Council President at the next meeting and direct staff to prepare an analysis of changing the method in which a Council President is elected in light of the City Code.

Friendly amendment was proposed by Mayor Ogden to put the issue out thirty days to give staff time to review at the August 22, 2011 Council meeting.

**Vote:** 4 - 3 CARRIED.

Nay: Mayor Lou Ogden  
Councilor Joelle Davis  
Councilor Frank Bubenik

3. Youth Advisory Council Update

Representatives of the Youth Advisory Council presented a PowerPoint and gave an update on activities and events happening over the summer and the coming months.

4. Friends of the Tualatin Library Book Sale

Nan Bogdan of "Friends of the Library" was present and gave a PowerPoint. The Friends of the Tualatin Public Library is a nonprofit organization made up of members and volunteers in support of the library. How the "Friends" support the library was mentioned with events and book sales. July 23-24, 2011 is the next annual book sale with all proceeds going to support the library.

5. ArtSplash Art Show & Sale Announcement

A short PowerPoint was presented by Councilor Frank Bubenik announcing the 16th annual ArtSplash Show and Sale with more than 50 local artists, to be held on the Commons Friday, July 22 through July 24, 2011. The event is sponsored by the Tualatin Arts Advisory Committee.

6. National Night Out Announcement

Police Chief Kent Barker presented a PowerPoint on the 28th annual "National Night Out" on August 2, 2011 from 4:00 p.m. to 9:00 p.m. This is the seventh year for Tualatin, and participation has increased every year. Chief Barker welcomed all to participate and to contact the Police Department to register your event to have an officer and "McGruff" the Crime Dog stop by for a visit.

7. New Employee Introductions - *Denise Taplin, Police Department*  
*Tom Steiger, Operations Department*  
*Matt Scheidegger, Engineering & Building*
- 

Police Chief Barker introduced new Police Department employee Denise Taplin and gave a brief background. Council welcomed Ms. Taplin to the City.

Operations Director Dan Boss introduced new Parks Maintenance Manager Tom Steiger and gave a brief background. Council welcomed Mr. Steiger to the City.

City Engineer Mike McKillip introduced new Engineering Technician Matt Scheidegger and gave a brief background. Council welcomed Mr. Scheidegger to the City.

**C. CITIZEN COMMENTS**

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

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

MOTION by Councilor Monique Beikman, SECONDED by Councilor Joelle Davis to adopt the Consent Agenda as read.

**Vote:** 7 - 0 CARRIED.

1. Approval of the Minutes for the Work Session and Meeting of June 27, 2011
2. Resolution No. **5052-11** Approving Amendment No. 3 to a Contract with Washington County for a Community Development Block Grant to Expand and Renovate the Juanita Pohl Center

**E. SPECIAL REPORTS**

**F. PUBLIC HEARINGS – Legislative or Other**

**G. PUBLIC HEARINGS – Quasi-Judicial**

**H. GENERAL BUSINESS**

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

*None.*


**K. EXECUTIVE SESSION**

*None.*

**L. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 7:41 p.m.

Sherilyn Lombos, City Manager

  
Maureen Smith Maureen Smith / Recording Secretary



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 7-25-11  
Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Cindy Hahn, Associate Planner  
Alice Rouyer, Community Development Director

**DATE:** 07/25/2011

**SUBJECT:** Resolution Authorizing an Intergovernmental Agreement with Metro for a Construction Excise Tax Grant for the Tualatin High Capacity Transit Land Use Plan

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### ISSUE BEFORE THE COUNCIL:

The City Council will consider an Intergovernmental Agreement with Metro to execute a Construction Excise Tax Grant for the Tualatin High Capacity Transit Land Use Plan project (a.k.a. Highway 99W Corridor Plan project). The grant is for \$181,000.

### RECOMMENDATION:

Staff recommends that the City Council approve the attached resolution, authorizing the Mayor to sign the proposed Intergovernmental Agreement with Metro.

### EXECUTIVE SUMMARY:

On January 25, 2010, City Council adopted Resolution No. 4953-10 approving submittal of a Construction Excise Tax (CET) planning grant application for the Highway 99W Corridor Plan. Subsequently on January 29, 2010, City staff submitted an application to Metro for a CET Planning Grant for this project.

On June 21, 2010, the City received notification from Metro that the Construction Excise Tax (CET) Planning Grant for the Highway 99W Corridor Plan had been approved by the Metro Council for the full requested amount of \$181,000. Approval was conditioned on the City's ability to coordinate project products and milestones with the regional process to develop the Southwest Corridor as the region's next priority for High Capacity Transit and to incorporate sustainability best practices. The award letter included information about a lawsuit filed against Metro challenging its authority to collect the CET, and noted that negotiation of the Intergovernmental Agreement (IGA) for the Highway 99W Corridor Plan project would be delayed until a decision was reached in the lawsuit.

A meeting was held with Construction Excise Tax Grant awardees on November 1, 2010, to discuss next steps toward providing funding for local projects that had been conditionally awarded grants. Then on December 17, 2010, Metro distributed a draft IGA that included risk-sharing provisions to allow some projects to move forward.

Since notice of the grant award and lawsuit and subsequent receipt of the draft Intergovernmental Agreement (IGA), City staff has collaborated with Metro to fine-tune the IGA and the project scope of

work (Attachment E: Exhibit A). Rather than limit the study to the Highway 99W Corridor area, a larger study of the entire City appeared timely, within the context of regional efforts to analyze the Southwest Corridor area. Meetings with Metro staff and internal City staff discussion led to the conclusion that the scope of the project, renamed the Tualatin High Capacity Transit Land Use Plan project (referred to as the High Capacity Transit Study) could include the entire City while keeping within the original budget funded by the Construction Excise Tax Grant for the Highway 99W Corridor Plan project (\$181,000). (Attachment A contains the minutes of the April 25, 2011 Council work session at which the project and scope were discussed.)

At the June 27, 2011 City Council work session, staff provided an update on the status of the High Capacity Transit Study and asked Council to review and comment on the project scope of work (Attachment B). The resolution would authorize the Mayor to sign the Intergovernmental Agreement (Attachment C).

**OUTCOMES OF DECISION:**

If approved, the City will receive \$181,000 in Construction Excise Tax (CET) Grant funding from Metro to complete High Capacity Transit land use planning for the City over the next two years as milestones are completed. The City will be able to coordinate project products and milestones with the regional process to develop the Southwest Corridor as the region's next priority for High Capacity Transit and to incorporate sustainability best practices into High Capacity Transit land use planning for the City. The High Capacity Transit Study will enable the City to use limited regional funding to plan for land uses that support potential regional transit decisions, and will help inform regional decisions for future High Capacity Transit in the Southwest Corridor area.

If not approved, the City will not receive \$181,000 in Construction Excise Tax (CET) Grant funding and will not be able to complete the High Capacity Transit Study.

**ALTERNATIVES TO RECOMMENDATION:**

Alternatives to authorizing the proposed Intergovernmental Agreement (IGA) include:

1. Defer authorization and acceptance of the Construction Excise Tax (CET) Grant funds to a later date.
2. Decline authorization and acceptance of the CET Grant funds.
3. Revise the IGA or scope of work and bring back to Council.

**FINANCIAL IMPLICATIONS:**

Approval of the Intergovernmental Agreement (IGA) and acceptance of the Construction Excise Tax (CET) Grant funds will result in \$181,000 in revenue to the City General Fund between July 2011 and anticipated conclusion of the project in September 2013. These funds will be expended for consultant services on the High Capacity Transit Study. City staff time has been allocated for this project in the Fiscal Year 2011/12 budget and will be allocated in the FY 2012/13 budget.

- 
- Attachments:**
- A. City Council Work Session Minutes of April 25, 2011
  - B. City Council Work Session Minutes of June 27, 2011
  - C. Resolution
  - D. Intergovernmental Agreement
  - E. Exhibit A to IGA: Milestones and Deliverables Schedule
  - F. Exhibit B to IGA: City's CET Grant Request



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION FOR APRIL 25, 2011

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**Present:** Mayor Lou Ogden, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax

**Absent:** Council President Chris Barhyte

**Staff Present:** City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Community Services Director Paul Hennon, Community Development Director Alice Rouyer, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Senior Planner William Harper, Associate Planner Cindy Hahn, Assistant to the City Manager Sara Singer, Management Intern Ben Bryant, Executive Assistant Maureen Smith

### 1. **CALL TO ORDER**

The work session was called to order by Mayor Ogden at 5:02 p.m.

### 2. **ITEMS FOR DISCUSSION**

Agenda Item 174 has been deleted. Please remove this line from the minutes.

City Manager Sherilyn Lombos introduced Yvonne Addington, Larry McClure, and consultant Bill Baker, along with Community Services Director Paul Hennon. They were present to discuss the grant the Tualatin Historical Society received from the Washington County Visitors Association (WCVA) to prepare a basic Tourism Development Plan, to enable Tualatin to participate in the recently announced National Ice Age Trail, administered by the National Parks Service. Looking at possible roles the business community and City could undertake in support of this plan. It identifying opportunities for Tualatin to develop its heritage sites and specimen exhibits to inform visitors about the prehistoric bones and early settler relics found in Tualatin.

The plan was prepared by Bill Baker, world renowned on the subject of branding and marketing destinations for dozens of locations. Mr. Baker presented a Power Point overview of the plan, including maps of the identified Ice Age Trail, current Tualatin Ice Age Heritage resources, and recommendations that Tualatin could establish such as a discovery walk, etc. Mr. Baker said the Ice Age Floods Institute is a non-profit, volunteer-based agency committed to the recognition and presentation of the Ice Age Floods as significant part of the nation and world's natural heritage, and is taking the lead on this project. There are local chapters in each state and the Institute will link directly with the National Park Service. Mr. Baker concluded the PowerPoint with review of the actions currently underway and actions sought from the City.

Discussion followed and whether Tualatin could be recognized as an "ice age center" and how tourism would actually be attracted and generated. Recommended steps and the role of the City was discussed and Mr. Baker said the project has moved fast and a need for an organization of people to come together, and Ms. Addington added the Historical Society felt the plan needed to be brought to the City first.

It was asked and City Manager Lombos said the City clearly will have involvement and continue to work with the Historical Society and Chamber, etc.

#### B. Tualatin Centennial Celebration

Management Intern Ben Bryant gave a presentation on the upcoming centennial of Tualatin's 1913 incorporation, to begin a discussion about if, how, and with what resources should the City engage the community to plan for this monumental milestone.

Discussion on what other cities have done for their centennial celebrations. It was mentioned what Tualatin is currently doing and could "rebrand" what is already being done. Community Services Director Paul Hennon said the Chamber will likely get involved somehow in the planning, but staff wanted to bring this before Council at this point to note that the centennial is around the corner.

It was acknowledged that the City should be the "lead" on the celebration, but noted budgetary constraints, and what could be done to achieve results. City Manager Lombos said staff can put together some type of "working group" and bring back ideas to Council, and more information in the near future.



C. Highway 99W Land Use/High Capacity Transit Study Modifications

City Engineer Mike McKillip and Associate Planner Cindy Hahn presented information on the Highway 99W Land Use/High Capacity Transit Study modifications.

Associate Planner Hahn explained in 2010 Tualatin received two Metro Construction Excise Tax (CET) grants. The first was to fund a review of land uses along 99W in Tualatin to better inform the regional discussion relating to High Capacity Transit (HCT) in the 99W Corridor. The second was to fund the exploration of creating an urban renewal district in the Southwest Concept Plan area to fund the construction of 124th and other infrastructure in this area. Maps were displayed showing all of Tualatin and a map outlining the 99W corridor itself. Another map was displayed indicating the expanded project scope of the area.

Staff said it is an opportunity for Council to determine what they want to have planned where, and whether Council wants to keep the scope of the grant to just the 99W corridor or if it could be expanded to look at a larger area for high capacity transit. And whether Council would want to reallocate the funds awarded from both CET grants. It was asked and explained what type of high capacity transit could end up in a particular area based on demographics. It was asked and answered that Sherwood is keeping apprised of the issues but has not taken on the efforts that Tualatin has. Discussion followed about what is being done by other cities.

The alignment and other possible alignments were discussed and what could end up being part of the study. It was explained how the one grant was specifically to look at the feasibility of an urban renewal district, which is not happening now. Density was also discussed and how it would work in an industrial zone in relation to high capacity transit. Some concern was expressed about taking funds away from the Southwest Concept Plan, Staff said ultimately it is a policy decision but transit capacity may be closer than the Southwest Concept Plan, which is a buildout of 20-50 years.

Discussion followed and Council asked if the scope could be narrowed of the proposed area and staff replied they haven't narrowed the scope as yet, but will bring it back to Council when it is done. Consensus of all Council present was to reallocating all the grant funds to what is proposed by staff.

D. Basalt Creek / West Railroad Planning Update

Management Intern Ben Bryant presented an update on the Basalt Creek/West Railroad Planning area. A joint meeting of Tualatin and Wilsonville City Councils was held recently and it became clear there were mutual interests of both cities. An agreement is proposed to plan the area, and an analysis scope of 124th Avenue, etc. Mr. Bryant explained the agreement with Washington County is not ready as yet, and explained the purpose of the agreement, which is now an Intergovernmental Agreement (IGA), instead of a Memorandum of Understanding (MOU). The IGA works better for all agencies concerned. The transportation study is beginning, concluding in six months. The next steps will focus on staff efforts in participating in that study and also doing public outreach.

3. **COMMUNICATIONS FROM COUNCILORS**

Council briefly discussed the process of the vacancy that will be created due to Council President Barhyte's resignation as he is moving out of the city limits.

4. **REVIEW OF MEETING AGENDA**

H. **GENERAL BUSINESS**

Ordinances Adopting a Comprehensive Plan Implementing the Southwest Tualatin Concept Plan; Amending TDC Chapters 1,2,4,7,9,11,12,13,14,37,73, and 75; Adding a New Chapter 64 Manufacturing Business Park (MBP) Planning District; and Amending the Community Plan Map 9-1 (PTA-10-04 and PMA-10-02)

MOTION by Councilor Davis, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Davis, SECONDED by Councilor Beikman for a second reading by title only. MOTION CARRIED . The poll was unanimous. [Barhyte absent.] MOTION by Councilor Beikman, SECONDED by Councilor Davis to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED .

5. **EXECUTIVE SESSION**

None.

6. **ADJOURNMENT**

The Work Session adjourned at 6:56 p.m.

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



Present: Mayor Lou Ogden (arrived at 5:15 p.m.), Council President Chris Barhyte, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Frank Bubenik, Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Community Development Director Alice Rouyer, Community Services Director Paul Hennon, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Assistant to the City Manager Sara Singer, Project Engineer Dayna Webb, Police Captain Larry Braaksma, Management Intern Ben Bryant, Executive Assistant Maureen Smith

## CALL TO ORDER

Council President Barhyte called the work session to order at 5:05 p.m.

### 1. ***High Capacity Transit Study Scope of Work***

Community Development Director Alice Rouyer and Planning Manager Aquilla Hurd-Ravich gave an update on the status of the High Capacity Transit Study and the proposed project scope of work.

Planning Manager Hurd-Ravich presented a PowerPoint and gave a brief background on the discussions to date, and noted the prior approval of Council to combine the \$181,000 funded in the High Capacity Transit Study with the \$70,000 funded in the Southwest Concept Plan grant, giving \$251,000 in total funding to the High Capacity Transit Study, which would be expanded to include a much larger study area. Planning staff has discussed both grant projects with Metro staff and at this time is going to continue to pursue both projects.

The draft scope of work uses two related and relevant scopes for reference, request for proposals for the Barbur Corridor Concept Plan, and City of Tigard High Capacity Transit Land Use Plan, Transportation Growth Management Agreement Scope of Work. Council actions and project milestones were reviewed. A public outreach plan will be done and final action will be adoption of an ordinance, depending on the final outcome. It was asked and explained by Community Development Director Rouyer why this would be a plan text or map amendment and how the regional issue plays into this. Director Rouyer also discussed the Southwest Corridor Public Involvement structure and how Tualatin can participate. Mayor Ogden volunteered to be the City's representative in the process.

Brief discussion followed.

## **2. *Transportation System Plan "On the Road" Presentation***

City Manager Sherilyn Lombos prefaced the discussion by noting the work to the Transportation System Plan and public outreach that is being done.

Project Engineer Dayna Webb presented a PowerPoint and reviewed the public involvement piece and multiple ways for citizens to get involved and provide input. Staff will also be attending many events, such as the concerts, farmers market, etc. to spread the word about the Plan. A task force will be formed, and the length of the process was reviewed. Project Engineer Webb said this is a brief preview of what is available on the website at [www.tualatintsp.org](http://www.tualatintsp.org). The video contest is currently underway, and the website is work in progress and items will be added on a regular basis.

City Manager Lombos said this is the big "push" to raise awareness and updates will be provided on a regular basis to Council. Staff will be working on the criteria for the task force, and the setting up of the working group is next on the agenda. Discussion followed on utilizing all types of venues to make the information available. Discussion followed. It was asked and answered by City Manager Lombos about doing a community-wide survey of some type is being discussed in a future phase. Mention was made of the importance of drawing in the public early on. Discussion concluded.

## **3. *Update on Road Projects***

City Manager Lombos began by noting the PowerPoint being presented is the same as what is on the Council meeting agenda for this evening, giving Council a preview before the regular meeting presentation.

City Engineer Mike McKillip presented a PowerPoint on the Basalt Creek area planning and various road projects on the horizon. Discussion on what or how the road improvements could be done, and how the Basalt Creek planning area would be addressed.

## **4. *Citizen Involvement Program Code Development Update***

Councilor Truax reported on the subcommittee that was formed, which included himself and Councilors Brooksby and Davis, members of the Citizen Involvement Ad Hoc Committee, City Attorney Brenda Braden, and Assistant to the City Manager Sara Singer. The subcommittee reviewed the citizen involvement program proposed code language, line by line, and arrived at a mutual agreement at the conclusion of the meeting.

Discussion continued and Ms. Singer explained what the next steps could be, and going about getting the information out to all available media outlets. Ad Hoc Committee member Jan Giunta mentioned she had some substantive changes and if those should be addressed beforehand. It was mentioned by subcommittee members Davis and Truax that all present at the meeting left in agreement on what

was reviewed.

Discussion followed and Council decided to put the current version out for public review and hold a hearing at the second Council meeting in July. Any comments received before the hearing can be collected and reviewed before the Council meeting. Discussion concluded.

## 5. **Council Meeting Agenda Review, Communications & Roundtable**

Councilor Beikman mentioned the Core Area Parking District, and the tax being the same as last year. The plan is to come back to Council to thoroughly discuss the district funding and related issues can addressed for next fiscal year. Councilor Beikman noted the tax is sustainable for this year, but want to address it now to not continue to deplete the reserves.

### **D. CONSENT AGENDA**

Council reviewed the Consent Agenda.

### **H. GENERAL BUSINESS**

2. Ordinance No. **1325-11** Adopting the Core Area Parking District Tax Rate and Credit For Fiscal Year 2011-2012

MOTION by Councilor Truax, SECONDED by Councilor Barhyte for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Barhyte for a second reading by title only. **MOTION CARRIED** . The poll was unanimous. *[Brooksby absent.]* MOTION by Councilor Truax, SECONDED by Councilor Barhyte to place adoption of the ordinance on the Consent Agenda. **MOTION CARRIED** .

3. Ordinance No. **1326-11** Granting a Non-Exclusive Telecommunications Franchise to Electric Lightwave LLC

MOTION by Councilor Truax, SECONDED by Councilor Barhyte for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Beikman for a second reading by title only. **MOTION CARRIED** . The poll was unanimous. *[Brooksby absent.]* MOTION by Councilor Truax, SECONDED by Councilor Beikman to place adoption of the ordinance on the Consent Agenda. **MOTION CARRIED** .

4. Ordinance No. **1327-11** Allowing Regional Public Facilities to Treat Private Development's Stormwater; and Amending TDC 74.650 (PTA-11-04)

MOTION by Councilor Truax, SECONDED by Councilor Davis for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Beikman for a second reading by title only. **MOTION CARRIED** . The poll was unanimous. *[Brooksby absent.]* MOTION by Councilor Truax, SECONDED by Councilor Beikman to place adoption of the ordinance on the Consent Agenda. **MOTION CARRIED** .

City Manager Lombos noted on the Council meeting agenda, under *Special Reports* Item E-3 is removed as it is a duplicate of Item H-1, *Council Update on Transportation Activities in the Basalt Creek Area*, under General Business.

## ADJOURNMENT

The work session adjourned at 6:35 p.m.

Sherilyn Lombos, City Manager



Maureen Smith Maureen Smith, Recording Secretary

RESOLUTION NO. 5053-11

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO FOR A CONSTRUCTION EXCISE TAX GRANT FOR TUALALTIN HIGH CAPACITY TRANSIT LAND USE PLAN

WHEREAS the City of Tualatin has submitted a Construction Excise Tax (CET) Grant Request to Metro for One Hundred Eighty One Thousand Dollars (\$181,000) for the Tualatin High Capacity Transit Land Use Plan project (aka Highway 99W Corridor Plan project) (the "Project"); and

WHEREAS Metro has agreed to provide CET Grant funding for the Project of One Hundred Eighty One Thousand Dollars (\$181,000) subject to the terms and conditions, including risk sharing/limitation of liability related to the legal challenge currently pending in the Oregon Court of Appeals, set forth in the Construction Excise Tax Grant Intergovernmental Agreement between the City and Metro; and

WHEREAS the parties wish to set forth the funding amounts, timing, procedures and conditions for receiving grant funding from the CET fund for the Project.

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

Section 1. The Mayor is hereby authorized to execute the attached Construction Excise Tax Grant Intergovernmental Agreement between the City of Tualatin and Metro for the Tualatin High Capacity Transit Land Use Plan project (aka Highway 99W Corridor Plan project).

INTRODUCED AND ADOPTED this 25<sup>th</sup> day of July 2011.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_

Mayor

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:

BY \_\_\_\_\_

City Recorder

**CONSTRUCTION EXCISE TAX GRANT  
INTERGOVERNMENTAL AGREEMENT  
Metro – City of Tualatin  
High Capacity Transit Land Use Plan  
(aka Highway 99W Corridor Plan Project)**

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is entered into by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and the City of Tualatin (“the City”), located at 18880 Martinazzi Avenue, Tualatin, OR 97062, collectively referred to as “Parties.”

WHEREAS, Metro has established a Construction Excise Tax (“CET”), Metro Code Chapter 7.04, which imposes an excise tax throughout the Metro regional jurisdiction to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary; and

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax (“CET Collection IGAs”) entered into separately between Metro and the local collecting jurisdictions; and

WHEREAS, the Metro CET is the subject of a legal challenge filed in Oregon (“HBA Lawsuit”); Metro prevailed in the Oregon Circuit Court action *Homebuilders Association of Metropolitan Portland, Eastview Development Inc., and Matrix Development Corp. dba Legend Homes v Metro*, Case No. 0908-11067 and the plaintiffs’ lawsuit against Metro was dismissed; however plaintiffs have appealed that dismissal to the Court of Appeals, Appeal No. A146059, which appeal is currently pending; and

WHEREAS, the City has submitted a CET Grant Request (“Grant Request”) to Metro for One Hundred Eighty One Thousand Dollars (\$181,000) for the Highway 99W Corridor Plan Project (“Project”), and the Grant Request addressed Metro’s CET Grant Evaluation Criteria drawn from the Urban Growth Management Functional Plan, including the Project’s regional significance as expressed in the 2040 Growth Concept and the six Desired Outcomes adopted by the region, the Project’s expected development outcomes, equity, best practices, leveraging potential, and Project location; and

WHEREAS the City will coordinate this Project with the associated Southwest Corridor planning project, and the products and funding from this CET Grant for this Project shall be part of the local match for the Alternatives Analysis and Corridor Refinement planning; and

WHEREAS Metro has agreed to provide CET Grant funding for One Hundred Eight One Thousand Dollars (\$181,000) subject to the terms and conditions set forth herein; and

WHEREAS the parties wish to set forth the funding amounts, timing, procedures and conditions for receiving grant funding from the CET fund for the Project.

NOW THEREFORE, the Parties hereto agree as follows:

1. Metro Grant Award. Metro shall provide CET grant funding to the City for the Project as described in the City’s CET Grant Request, attached hereto as Exhibit B and incorporated herein (“Grant Request”), in the amounts and at the milestone and deliverable dates as set forth in Exhibit A attached hereto and incorporated

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**Sent for Signatures**  
By: Cindy in plan



herein ("Deliverables Schedule"), subject to the terms and conditions in this Agreement.

2. City Responsibilities. The City shall perform the Project described in the Grant Request and as specified in this Agreement and in Exhibit A, subject to the terms and conditions specified in this Agreement. The City shall obtain all applicable permits and licenses from local, state or federal agencies or governing bodies related to the Project, and the City shall use the CET funds it receives under this Agreement only for the purposes specified in the Grant Request and to achieve the deliverables and/or milestones set forth in Exhibit A.

3. Payment Procedures. Within 30 days after the completion of each deliverable/milestone as set forth in Exhibit A, the City shall submit to Metro an invoice describing in detail its expenditures as may be needed to satisfy fiscal requirements. Within 30 days of receiving the City's invoice and supporting documents, and subject to the terms and conditions in this Agreement, Metro shall reimburse the City for its eligible expenditures for the applicable deliverable as set forth in Exhibit A. Metro shall send CET payments to:

City of Tualatin  
Community Development  
Attention: Cindy L. Hahn  
18880 Martinazzi Avenue  
Tualatin, OR 97062

4. Funding Provisions.

(a) CET Funds. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds; no other funds or revenues of Metro shall be used to satisfy or pay any CET Grant funding commitments. The parties recognize and agree that if the CET is ever held to be unenforceable or invalid, or if a court orders that CET funds may no longer be disbursed, that Metro shall not be liable in any way for funding any further CET grant amounts beyond those already disbursed to the City as of the effective date of the court order. In such case the City shall not be liable to Metro for completing any further Project deliverables as of the date of the court order or for reimbursement of CET funds previously disbursed except as provided in Paragraph 4 (b). If the order prohibits only collection, but permits disbursement of funds previously collected, Metro shall be obligated to pay the City its proportionate percentage (along with other CET Grantees) of outstanding unpaid invoices not to exceed Metro's available CET funds.

(b) Risk Sharing/Limitation of Liability. The parties hereby agree that if a court orders that all of the CET funds collected prior to the effective date of the court order must also be reimbursed or that restitution payments must be made, then the City shall repay Metro Fifty Per Cent (50%) of the of any CET Grant payments Metro has made to the City prior to the court's order. If the reimbursement or restitution ordered is less than 100% of the amount collected, the amount to be repaid by City shall be proportionally reduced. Therefore the City's maximum liability under this Section 4(b) is Ninety Thousand and Five Hundred Dollars (\$90,500), which is 50% of the total CET Grant Award amount.

(c) Waiver. The parties hereby waive and release one another for and from any and all claims, liabilities, or damages of any kind relating to this Agreement in excess of the liability limitations set forth herein.

5. Project Records. The City shall maintain all records and documentation relating to the expenditure of CET Grant funds disbursed by Metro under this Agreement. The City shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The City shall establish and maintain books, records, documents, and other evidence in accordance with generally accepted accounting

principles, in sufficient detail to permit Metro or its auditor to verify how the CET Grant funds were expended. Metro and its auditor shall have access to the books, documents, papers and records of the City that are directly related to this Agreement, the CET grant moneys provided hereunder, or the Project for the purpose of making audits and examinations.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all City records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by the City and all of their contractors for three years from the date of completion of the project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

7. Term. This Agreement shall be effective on the date it is executed by both parties, and shall be in effect until all deliverables/milestones have been achieved, all required documentation has been delivered, and all payments have been made as set forth in Exhibit A, unless terminated earlier pursuant to this Agreement.

8. Amendment. This CET Grant IGA may be amended only by mutual written agreement of the Parties.

9. Other Agreements. This CET Grant IGA does not affect or alter any other agreements between Metro and the City.

Metro

City of Tualatin

By: Daniel B. Cooper

By: Lou Ogden

Title: Metro Acting Chief Operating Officer

Title: Mayor

Date:

Date: 7-25-2011

Attachments:

Exhibit A – Milestones and Deliverables Schedule

Exhibit B – City's Grant Request

APPROVED AS TO LEGAL FORM

Brenda L. Braden  
CITY ATTORNEY

**EXHIBIT A**

**CET GRANT IGA  
City of Tualatin High Capacity Transit Land Use Plan  
(aka Highway 99W Corridor Plan)  
Milestones and Deliverables Schedule**

<b>Mile-stone</b>	<b>Deliverables</b>	<b>Due Date</b>	<b>Grant Amount</b>
1.	<p>Execution of CET Grant IGA</p> <p>a) City Council Resolution to Execute CET Grant IGA b) Two copies of signed CET Grant IGA to Metro</p>	July 25, 2011	\$ 4,525 [2.5%]
2.	<p>City and Metro Sign a Chartering Agreement</p> <p>a) Signed Chartering Agreement between Metro and City to integrate the City CET (Highway 99W Corridor Plan) work processes and products with the Southwest Corridor Plan. The Chartering Agreement shall define a process to prioritize and implement projects and priorities resulting from the Southwest Corridor Plan and Implementation Strategy; and shall require agreements to implement products and deliverables from the CET project (Highway 99W Corridor Plan) and the Southwest Corridor Plan Alternative Analysis.</p>	September 26, 2011	\$ 4,525 [2.5%]
3.	<p>City Council Resolution to Execute Consultant Contract</p> <p>a) Request for Proposals b) Consultant Contract and Scope of Services, incorporating sustainability best practices c) Detailed work program, schedule and budget d) Progress Report for milestone</p>	December 12, 2011	\$ 9,050 [ 5%]
4.	<p>City Council Work Session to Present Public Outreach Plan, Project Goals and Objectives, and Existing Conditions Report</p> <p>a) Public Outreach Plan b) Roster for Project Task Force (including community, technical, and agency representatives and other interested parties) c) Project Goals and Objectives</p> <p>(continued on next page)</p>	February 27, 2012	\$ 9,050 [ 5%]

Sent for Signatures

By. \_\_\_\_\_

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	<ul style="list-style-type: none"> <li>d) Technical Memoranda on Existing Conditions (e.g., Transportation, Land Use, Natural Resources, Public Infrastructure)</li> <li>e) Existing Conditions Report</li> <li>f) Community Forum, as developed in Public Outreach Plan, to review and discuss Existing Conditions Report</li> <li>g) Agenda and minutes of Project Task Force meetings</li> <li>h) Progress Report for milestone</li> </ul>		
5.	<p>City Council Work Session to Review and Discuss Station Area Selection Criteria, Typologies, and Needs, Opportunities and Constraints Analysis</p> <ul style="list-style-type: none"> <li>a) Station Area Selection Criteria</li> <li>b) Market and Development Feasibility Study</li> <li>c) Station Area Typologies Memo</li> <li>d) Needs, Opportunities and Constraints Analysis</li> <li>e) Community Forum, as developed in Public Outreach Plan, to review and discuss Station Area Selection Criteria, Typologies, and Needs, Opportunities and Constraints Analysis</li> <li>f) Agenda and minutes of Project Task Force meetings</li> <li>g) Copies of Public Outreach materials</li> <li>h) Progress Report for milestone</li> </ul>	May 28, 2012	\$ 54,300 [30%]
6.	<p>City Council Work Session to Review and Discuss Development, Analysis, and Evaluation of Conceptual Alternatives</p> <ul style="list-style-type: none"> <li>a) Potential Station Locations Memo</li> <li>b) Conceptual Station Area Land Use Alternatives Memo and Map</li> <li>c) Memo Evaluating Transportation Impacts of Conceptual Station Area Land Use Alternatives</li> <li>d) Preferred Conceptual High Capacity Transit Land Use Plan</li> <li>e) Outline of Actions to Support Public and Private Investment (e.g., amending land use and transportation policies and regulations in concert with the Southwest Corridor Implementation Strategy, and consideration of alternative alignments from the Southwest Corridor Alternatives Analysis)</li> </ul> <p>(continued on next page)</p>	August 27, 2012	\$ 72,400 [40%]

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	<ul style="list-style-type: none"> <li>f) Community Forum, as developed in Public Outreach Plan, to review and discuss Preferred Conceptual High Capacity Transit Land Use Plan, and Actions to Support Public and Private Investment</li> <li>g) Agenda and minutes of Project Task Force meetings</li> <li>h) Copies of public outreach materials</li> <li>i) Progress Report for milestone</li> </ul>		
7.	<p>City Council Resolution to Accept the Conceptual City of Tualatin High Capacity Transit Land Use Plan</p> <ul style="list-style-type: none"> <li>a) Recommendation from Tualatin Planning Advisory Committee to City Council</li> <li>b) Final Conceptual High Capacity Transit Land Use Plan</li> <li>c) Outline of Proposed Changes to the Tualatin Community Plan and Development Code</li> <li>d) Community Forum, as developed in Public Outreach Plan, to review and discuss the Conceptual High Capacity Transit Land Use Plan</li> <li>e) Copies of public outreach materials</li> <li>f) Progress Report for milestone</li> </ul>	October 22, 2012	\$ 18,100 [10%]
8.	<p>City Council Ordinance to Adopt the Conceptual High Capacity Transit Land Use Plan</p> <ul style="list-style-type: none"> <li>a) Council ordinance</li> <li>b) Agenda and minutes of Council meeting</li> <li>c) Copies of public outreach materials</li> <li>d) Project Completion Report, including summary of cost, location of records, and list of final deliverables</li> </ul>	<p>December 10, 2012</p> <p><u>Note:</u> Contingent upon Regional Adoption of Southwest Corridor Plan</p>	\$ 9,050 [ 5%]

**TOTAL CET GRANT AMOUNT**

**\$181,000 [100%]**

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 By: \_\_\_\_\_

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**EXHIBIT B**

**City's Grant Request**

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# City of Tualatin

www.ci.tualatin.or.us

January 29, 2010

Metro  
ATTN: Gerry Uba  
Construction Excise Tax (CET) Planning Grants  
600 NE Grand Ave.  
Portland, OR 97232

RE: CITY OF TUALATIN FULL APPLICATION: HWY 99W CORRIDOR PLAN

Dear Mr. Uba:

Please find enclosed the City Tualatin's Full Application for a 2009-2010 Construction Excise Tax Planning Grant for the Hwy 99W Corridor Plan. The package of material includes the Application Cover Sheet, Project Narrative, Budget Documents, and Supplemental Attachments. Please contact me at (503) 691-3029 or by email [chahn@ci.tualatin.or.us](mailto:chahn@ci.tualatin.or.us) if you have any questions.

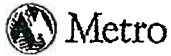
Sincerely,

A handwritten signature in black ink, appearing to read "Cindy L. Hahn".

Cindy L. Hahn, AICP  
Assistant Planner

Enclosure

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# Construction Excise Tax (CET) Planning Grants Cover Sheet

Check one:  
 Letter of Intent  
 Full Application

Project Name	Highway 99W Corridor Plan	Applicant Organization	City of Tualatin
Contact Name	Cindy L. Hahn, AICP, Assistant Planner	Address	18880 SW Martinazzi Avenue, Tualatin OR 97062
Phone	503-691-3029	Fax	503-692-0147
Email	chahn@ci.tualatin.or.us	Fed. Tax ID #	93-6002269

Fiscal Agent Organization (If different from applicant) Same as Applicant

Contact Name		Address	
Phone		Fax	
Email			

**Project Location Description (25 words or less)**

The Highway 99W Corridor is located between the UGB on the west and the Tualatin River on the north in the northwest part of Tualatin.

**Project Summary (50 words or less)**

Prepare a land use plan for the Corridor that facilitates redevelopment of industrial, commercial and residential uses to achieve a vibrant corridor community, while balancing the conflicting demands of vehicular mobility and continuous-flow operation with pedestrian and bicycle safety and transit access in this future high capacity transit corridor.

Construction Excise Tax Grant funding request	\$ 181,000	If submitting more than one proposal, please rank this proposal in order of priority	Metro Council District of Project
Total project cost	\$ 214,200		

*We, the undersigned, attest that to the best of our knowledge the information in this application is true and that all signatories have authorization to submit this grant application to Metro's Construction Excise Tax Planning Grants Program.*

<b>Applicant</b>	Organization Name	City of Tualatin	
	Printed Name	Doug Rux, AICP, Community Development Director	
	Signature		Date 1/29/2010
<b>Fiscal Agent</b>	Organization Name		
	Printed Name		
	Signature		Date

To ensure complete letter of intent or full application, please see SECTION 2 of the CET Application Handbook for a complete list of necessary documents for submittal.

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**Project Description**

The City of Tualatin is proposing to prepare a land use plan for the Highway (Hwy) 99W Corridor, which includes 176.49 gross acres of land (approximately 136.46 acres in landowner parcels and 40.03 acres of right-of-way) between the urban growth boundary (UGB) on the west and the Tualatin River on the north in the northwest part of the City. Other than the Town Center of Tualatin and the Bridgeport Village area, both located in close proximity to Interstate-5 (I-5), the Hwy 99W Corridor area is the only other part of the City intended for commercial and higher density residential development, as evidenced by the designated Planning Districts in the Corridor and the description of the "Roamer's Rest" neighborhood planning area (Area 12; TDC 9.042) in the Tualatin Community Plan.

Recent regional interest in expanding high capacity transit along the Barbur Boulevard/Hwy 99W corridor to Tigard, Tualatin and Sherwood, combined with land being available for sale and steady interest from the development community in construction and redevelopment in the Corridor, prompted the City Council to add the Hwy 99W Corridor as a focus of their Local Aspirations. Because a land use plan has never been prepared for the Corridor and the probability seems high that, with a plan in place providing more certainty and direction for the development community, development permits will be issued within two years from the date the planning work is completed, the City decided to apply for CET planning grant funding for this project. The industrially designated land in the Corridor combined with the increased density realized from residential uses in proposed vertical mixed-use should provide the critical mass of employees and residents necessary to support ground-floor service commercial expected to locate in mixed-use areas in the Corridor. During the planning process, the City may explore the possibility of having the 1.5-mile segment of Hwy 99W within the Corridor designated an Urban Business Area (UBA) by the Oregon Department of Transportation (ODOT) to balance the conflicting demands of vehicular mobility with pedestrian / bicycle safety and transit access, and may consider designating part of the Corridor a Vertical Housing Development Zone (VHDZ) in cooperation with Oregon Housing and Community Services (OHCS) to encourage mixed-use development and achieve densities that will support higher transit ridership. The City is committed to working with both ODOT and OHCS in exploring these possibilities.

CET grant funds will be used to hire consultants to facilitate public involvement, assist with formulating design concepts and preparing the plan, conduct transportation and infrastructure analyses, and provide assistance in coordinating with ODOT and OHCS related to UBA and VHDZ designations. The planning process will occur over a 12-14 month period. The Hwy 99W Corridor Plan will then be presented to the City Council for their adoption and implementation will begin.

**Project Site Description**

The Hwy 99W Corridor includes 176.49 gross acres of land (approximately 136.46 acres in landowner parcels and 40.03 acres of right-of-way) between the urban growth boundary (UGB) on the west and the Tualatin River on the north in the northwest part of the City of Tualatin. (Figure 1) The two principle intersections in the Corridor include SW 124<sup>th</sup> Avenue / Hwy 99W and SW Cipole Road / Hwy 99W. (Figure 2)

99W CORRIDOR - ACREAGES		
TYPE	Number of Parcels	Acres
Public Land	1	1.05
Private Land	47	135.41
Right-Of-Way	N/A	40.03

Planning District designations include Medium-High Density Residential (RMH) and High Density Residential (RH), General Commercial (CG), Recreational Commercial (CR), Light Manufacturing (ML), and General Manufacturing (MG). (Figure 3) Residential and commercial designations are located north of Hwy 99W and south of the highway east of SW 124<sup>th</sup> Avenue, while industrially designated land is located west of SW 124<sup>th</sup> Avenue south of Hwy 99W. The largest amount of land, 52.63 acres, is designated MG, and the smallest amount of land, 4.53 acres, is designated RMH. There are 37.76 acres designated commercial (CG)

99W CORRIDOR - PARCEL ACRES IN PLANNING DISTRICTS			
Planning District	Number of Parcels	Acres	Percentage of Total
CG	16	21.31	15.62%
CR	2	16.45	12.05%
MG	12	52.63	38.57%
ML	5	13.35	9.78%
RH	10	28.19	20.66%
RMH	3	4.53	3.32%
TOTAL	48	136.46	100.00%

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and CR) and 32.72 acres designated residential (RMH and RH), for a combined total of 70.48 acres. This compares with a total of 65.98 acres designated industrial (ML and MG).

Existing residential development in the Hwy 99W Corridor includes the Riverwood Assisted Living and Cedarcrest Alzheimers Care facilities, the Woodridge Apartments, and a few single-family residences. (Figure 4) The Roamer's Rest RV Park also provides seasonal recreational housing in the area, and two large residential developments, Angel Haven Mobile Home Court and the Pony Ridge small lot subdivision, are located immediately adjacent to the north Corridor boundary north of SW Pacific Drive and west of the Riverwood and Cedarcrest facilities. Existing commercial development includes RV sales, landscape services, automotive sales and repair, furniture sales, floor covering sales, and a Mexican restaurant. Businesses are clustered east of SW Cipole Road between SW Pacific Drive and Hwy 99W, and east of SW 124<sup>th</sup> Avenue north of Hwy 99W. The Bircher Office Building, a four-storey Class A office building built in July 2008, is located at the southeast corner of SW 124<sup>th</sup> Avenue and Hwy 99W. To date, no space in the building has been leased. Existing industrial development in the Corridor consists primarily of large-lot users such as Anderson Forge & Machine, Grimm's Fuel, Tri-County Sand, and G.H. McCulloch, with newer, smaller lot, light industrial uses, such as American Classic

Deck and Fence and Tualatin Storage, located west of SW 124<sup>th</sup> Avenue and north of SW Leveton Drive. Additional light industrial uses, such as NW Roller and LPFK, are located south and west of the Corridor boundary along SW 124<sup>th</sup> Avenue and SW Leveton Drive.

Several properties are for sale in the Hwy 99W Corridor, ranging in size from less than 1 acre to over 11 acres. (Figure 5) Sale prices range from approximately \$5 to over \$10 per square foot, with an approximate average of \$7.50 per square foot. Two vacant properties and two parcels with single-family residences are not listed for sale, but have total market values ranging from approximately \$375,000 to \$583,000 and taxable assessed value from approximately \$78,190 to \$286,860. There is steady interest in redevelopment of the residentially as well as the commercially designated land north of Hwy 99W, but no development applications have been submitted. Staff surmises that environmental constraints related to the required setback from the Tualatin River and access limitations

99W CORRIDOR - SAMPLE PROPERTIES FOR SALE, VACANT, OR REDEVELOPABLE					
ID	Address	Parcel Size	Planning District	Sale Price	Price per Sq. Ft.
1	18255 SW 124th Ave	2.31 AC	IML	\$450,000	\$8.45
2	18350 SW 126th Pl - Lot 6	1.83 AC	IML	\$600,000	\$8.27
3	18600 SW Pacific Dr	2.05 AC	Uninc; CG	\$876,000	\$9.80
4	18810 SW Pacific Hwy	5.95 AC	MG	\$1,944,000	\$7.50
5	17885 SW Pacific Hwy	11.61 AC (3 lots)	Uninc; CG, CR, RH	\$3,700,000	\$7.32
6	18316 SW Pacific Hwy	2.64 AC	IRH	\$895,000	\$7.78
7	Unknown; adjacent (east of) 18316 SW Pacific Hwy	1.62 AC (2.16 AC on being)	IRH	\$760,000	\$10.63
8	18205 SW Pacific Hwy	0.81 AC	Uninc; RH	\$176,000	\$6.07
9	18176 SW Pacific Hwy	0.87 AC	Uninc; RH	\$140,000	\$5.11

ID	Address	Parcel Size	Planning District	Total Market Value	Taxable Assessed Value
I	18081 SW Pacific Hwy	2.12 AC	IRH	\$465,100	\$286,860
II	18031 SW Pacific Hwy	2.16 AC	IRH	\$376,370	\$247,850
III	17726 SW Pacific Hwy	0.92 AC (1.26 AC per WashCo)	CG	\$510,200	\$177,230
IV	18889 SW Cipole Rd	3.13 AC (3.97 AC per WashCo)	IMG	\$683,650	\$78,190

Sources: CoStar International, 2010; City of Tualatin GIS database, 2010; Internet search, 2010.

99W CORRIDOR - PLANNED AND ASPIRATIONAL CAPACITY									
PLANNING DISTRICT	NET DEVELOPABLE ACRES (PLANNED CAPACITY) <sup>1</sup>	REMAINING GROSS ACRES (ASPIRATIONAL CAPACITY) <sup>2</sup>	PLANNED + ASPIRATIONAL CAPACITY <sup>3</sup>						
			JOBS	UNITS (NEW + EXISTING)	PEOPLE PER HOUSEHOLD <sup>4</sup>	RESIDENTS (NEW + EXISTING)			
NORTH OF HWY 99W	CG	2.92	31 jobs/acre	90.52	Jobs				
	CG		10.75 31 jobs/acre	333.25	Jobs				
	CR		16.44 31 jobs/acre	509.64	Jobs				
	<b>TOTAL</b>			933.41	Jobs				
	RH	3.72	20-25 du/acre	74.40	93.00 units				
	RH		11.04 20-25 du/acre	220.80	276.00 units				
SOUTH OF HWY 99W	MG		7.56 31 jobs/acre	234.36	Jobs				
	MG	6.70	12.5 jobs/acre	89.75	Jobs				
	MG		46.45 16 jobs/acre	743.20	Jobs				
	ML	3.34	14.4 jobs/acre	56.74	Jobs				
	ML		9.40 16 jobs/acre	150.40	Jobs				
	<b>TOTAL</b>			1,184.35	1,505.98	Jobs			
HWY 99W CORRIDOR	NET DEVELOPABLE ACRES (PLANNED CAPACITY)	17.28		231.01	74.40	93.00	2.62	194.93	243.66
	REMAINING GROSS ACRES (ASPIRATIONAL CAPACITY)	119.85		1,970.85	574.80	690.00	2.62	1,505.98	1,650.60
<b>TOTAL</b>				2,201.86	1,149.20	1,323.00	2.62	1,700.91	1,894.26

<sup>1</sup> Net developable acres are vacant acres upon which development is assumed to occur in the future under existing Planning District regulations and densities, or as it is currently planned.  
<sup>2</sup> Remaining gross acres are acres within each Planning District less net developable acres; these acres are used to calculate Aspirational Capacity, or development that could occur in the future if density were maximized to achieve more compact development within the corridor.  
<sup>3</sup> Jobs per acre is an estimate based on 2007 Business Licenses data increased by 33% to represent 2007 CED data.  
<sup>4</sup> ASPIRATIONAL HOUSEHOLDS: Metro Local Aspirations 2009; Local Aspirations (Industrial, Commercial, TC & Station Employment & Land Analysis, Inc.)  
<sup>5</sup> US 2000 Census

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related to Hwy 99W affecting these properties make their redevelopment financially challenging, hence development proposals have been slow to materialize. (Figure 6)

Industrially designated properties on the south side of Hwy 99W, west of SW 124<sup>th</sup> Avenue, have benefitted in recent years from increased access provided by the extension of SW Leveton Drive and construction of SW 126<sup>th</sup> Place. Further extension of SW Leveton Drive to SW 130<sup>th</sup> Avenue, construction of right-in/right-out access to Hwy 99W at SW 130<sup>th</sup> Avenue, and construction of SW 128<sup>th</sup> Avenue south of SW Leveton Drive to the future SW Cummins Drive, planned to begin in spring 2010, will make these properties both accessible and appealing for redevelopment in the future. With the certainty provided by a Hwy 99W Corridor Plan, there is a high probability that development permits would be issued within two years from the date the proposed land use planning work in the Hwy 99W Corridor is completed.

Based on business license data maintained by the City of Tualatin, there were 24 firms and 237 employees, and a density of 4.1 employees per acre in the Hwy 99W Corridor in 2007. The Riverwood Assisted Living and Cedarcrest Alzheimers Care facilities together provide 90 units for elderly residents, and the Woodridge Apartments includes 264 multifamily residential units within the Corridor. City staff estimates that 17.28 net developable vacant acres in the Corridor could support approximately 231 new jobs (140 on industrially designated land and 91 on commercially designated land), 74 to 93 new dwelling units, and 195 to 244 additional residents based on the existing Planning District designations, as shown in the table of Planned and Aspirational Capacity. Redevelopment of the remaining 119.85 gross acres through compact, vertical mixed-use (3-4 story buildings at an average FAR of 0.5), development could result in approximately 1,971 additional jobs (894 on industrially designated land and 1,077 on commercially designated land), 575 to 630 dwelling units, and 1,506 to 1,650 additional residents.

#### **Project Background**

Other than the Town Center of Tualatin and the Bridgeport Village area, both located in close proximity to Interstate-5 (I-5), the Hwy 99W Corridor area is the only other part of the City intended for commercial and higher density residential development, as evidenced by the designated Planning Districts in the Corridor (described above and shown in Figure 2) and the description of the "Roamer's Rest" neighborhood planning area (Area 12; TDC 9.042) in the Tualatin Community Plan, which states in part:

"The residential area is identified as an ideal and critical location for higher density housing. The flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern. As it is necessary for the City to create the opportunity to develop a city-wide average, on vacant, buildable land, of at least eight dwelling units per acre and with a 50:50 ratio of attached to detached units, these properties are critical in meeting this goal. Their higher density pattern offsets lower density patterns for vacant lands in other parts of the community." Further "...the commercial portion of the Roamer's Rest Planning Area is an important community resource. It is important to protect it and encourage its continued use as an area that provides commercial activities relating to the Tualatin River and the Highway."

While the Tualatin Community Plan recognizes the importance of the Hwy 99W Corridor area for higher density residential and commercial development, the City has never prepared a land use plan specifically for the entire Corridor, although a plan was prepared for the Northwest Concept Plan (NWCP) area in 2005. This plan was prepared following a 2002 decision by Metro to bring the area inside the regional UGB and to condition it for industrial development as part of a strategy to balance the supply of land for job creation. The NWCP guides industrial development of a 15-acre area at the northwestern corner of the City and includes the industrially designated parcels south of Hwy 99W west of SW Cipole Road in the Hwy 99W Corridor. (Figure 3) All

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developable land within the NWCP area is designated General Manufacturing (MG) with a Special Setback for Commercial Uses.

The Tualatin City Council began discussing Local Aspirations in October 2008 when Councilor Carl Hosticka attended a work session meeting to discuss potential topics for Local Aspirations. Council then spent four work sessions, in December 2008 and February, March and April 2009, discussing Local Aspirations and on April 30, 2009, staff presented Council's ideas in a public forum at a Tualatin Tomorrow Community Event. Tualatin Tomorrow is the City's Community Visioning project, which culminated in June 2007 with a Community Vision and Strategic Action Plan (CVSAP). In May 2009, staff prepared responses to Metro's Local Aspirations questionnaire that summarized the Council's Local Aspirations for how and where they would like to see the City grow in the next 20-50 years. Areas of focus included the Town Center, Southwest Concept Plan area, Area of Interest 2 (Knife River; outside the urban growth boundary UGB), South Tualatin, and the Stafford Basin (outside the UGB). The Hwy 99W Corridor was not a focus of these initial Local Aspirations discussions, but compelling reasons subsequently emerged to prompt reconsideration of the Corridor as a focus area, as discussed below.

Identification of the Portland City Center to Sherwood Corridor, in the vicinity of the Barbur Boulevard/Hwy 99W corridor, as a Near-term Regional Priority Corridor, or Tier 1, in the Metro 2035 Regional High Capacity Transit Plan focused new interest on Hwy 99W for transit. However, the Hwy 99W Corridor poses several planning challenges to achieving the compact development pattern, high-quality pedestrian environment, and convenient transit access that is desirable in a high capacity transit corridor. The Draft 2035 RTP classifies Hwy 99W within the City as a Regional Street. The Street Design Guidelines for 2040, Creating Livable Streets (June 2002, Second edition), defines Regional Streets as major arterial streets that are primarily vehicle-oriented and provide the highest capacity facility of the street and boulevard classifications. The Oregon Hwy Plan (OHP; ODOT, 1999) classifies Hwy 99W as a Statewide Highway (NHS). Statewide Highways typically provide inter-urban and inter-regional mobility and provide connections to larger urban areas, ports, and major recreation areas that are not directly served by Interstate Highways. The management objective is to provide safe and efficient, high-speed, continuous-flow operation. In constrained and urban areas, the OHP recommends that interruptions to flow should be minimal.

In addition, as discussed earlier, numerous properties are for sale in the Hwy 99W Corridor and, while there is steady interest in redevelopment of the residentially and commercially designated land north of Hwy 99W, no development applications have been submitted. Staff surmises there are two principle reasons for development proposals being slow to materialize. There is a required 125-foot setback from the Tualatin River within which building construction is not allowed, and there are access restrictions for individual properties to Hwy 99W. Therefore, parcels north of Hwy 99W are, in effect, squeezed from both the north and south, leaving very little developable area in between and making it difficult for development proposals to pencil out.

In response to these emerging issues, Council met in a special work session on December 7, 2009, and decided to add the Hwy 99W Corridor as an area of focus in their Local Aspirations. Council also gave staff direction to pursue submittal of a Letter of Intent (LOI) to apply for CET planning grant funding to prepare a land use plan for the Hwy 99W Corridor. On December 8, 2009, staff submitted a LOI to Metro to prepare such a plan, and on January 5, 2010, staff received a letter from Metro inviting the City to submit a full application for the Hwy 99W Corridor Plan. The total project costs are approximately \$214,200 and the grant request is for \$181,000. The difference of \$33,200 is the City's in-kind contribution in the form of staff time. CET grant funds for the Hwy 99W Corridor Plan would be used to hire consultants to facilitate public involvement, assist with formulating design concepts and preparing the plan, conduct transportation and infrastructure analyses, and provide assistance in coordinating with ODOT and other affected agencies. The planning process would occur over a 12-14 month period.

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**Evaluation Criteria**

**Expected Development Outcomes:**

- a) **The expected probability that due to this planning grant, development permits will be issued within two years from the date the planning work is completed;**

A Hwy 99W Corridor Plan would facilitate the compact development pattern, high-quality pedestrian environment, and convenient transit access desirable for a corridor, and increase the City's ability to achieve desired on-the-ground development and redevelopment outcomes. As discussed above there is steady interest in development of the residentially and commercially designated land north of Hwy 99W in the Corridor, but no development applications have been submitted. Staff surmises that required setbacks from the Tualatin River and ODOT's desire to minimize the number of individual driveway access points onto Hwy 99W affecting properties in the north part of the Corridor make development financially challenging, hence development proposals have been slow to materialize. On the other hand, industrially designated properties on the south side of Hwy 99W, west of SW 124<sup>th</sup> Avenue, have benefitted from increased access provided by the extension of SW Leveton Drive and construction of SW 128<sup>th</sup> Place, and will additionally benefit from further extension of SW Leveton Drive to SW 130<sup>th</sup> Avenue, construction of right-in/right-out access to Hwy 99W at SW 130<sup>th</sup> Avenue, and construction of SW 128<sup>th</sup> Avenue south of SW Leveton Drive to the future SW Cummins Drive, planned to begin in spring 2010. The industrially designated land in the Corridor combined with the increased density realized from residential uses in proposed vertical mixed-use should provide the critical mass of employees and residents necessary to support ground-floor service commercial expected to locate in mixed-use areas in the Corridor. With the certainty provided by a Hwy 99W Corridor Plan, there is a high probability that development permits would be issued within two years from the date the proposed planning work is completed.

- b) **The expected probability that due to this planning grant, development permits will be issued within five years from the date the planning work is completed;**

As discussed above, there is high probability that development permits will be issued within two years from the date planning work is completed and additional permits are anticipated to be issued thereafter.

- c) **The level of community readiness and local commitment to the predicted development outcomes; considerations include:**

**(1) Development site/s of adequate scale to generate critical mass of activity;**

As discussed in the project site description above, several properties are for sale in the Hwy 99W Corridor, ranging in size from less than 1 acre to over 11 acres, and there is steady interest in redevelopment of the residentially as well as the commercially designated land, but much of it, particularly north of Hwy 99W, is constrained by the Tualatin River and ODOT right-of-way and access limitations. Development and redevelopment sites south of the highway are of sufficient size to accommodate light industrial flex development, and the existing amount of vacant and redevelopable parcels north of Hwy 99W offers strong redevelopment opportunities, particularly for vertical mixed-use, which can accommodate substantial square footage of residential and commercial use in a limited amount of land area.

**(2) Existing and proposed transportation infrastructure to support future development;**

Investment in high capacity transit in the Hwy 99W Corridor as proposed in the 2035 Regional High Capacity Transit Plan, which has been identified as a regional priority, would be integral to enhancing transit access. Enhanced transit access would, in turn, be critical to support future development in the Hwy 99W Corridor. The industrially designated land in the Corridor combined with the increased density realized from residential uses in proposed vertical mixed-use should provide the critical mass of employees and residents necessary to support enhanced transit service and high capacity transit in the Corridor.

**(3) Existing urban form that provides strong redevelopment opportunities;**

As discussed under criteria (1) above, there are numerous properties for sale in the Hwy 99W Corridor. There are 17.28 net developable vacant acres and 119.85 gross acres that appear redevelopable with compact,

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vertical mixed-use (3-4 story buildings at an average FAR of 0.5). Existing development is sparse, particularly north of Hwy 99W. The area offers strong redevelopment opportunity and there is steady interest from the development community to make something happen in the area.

**(4) Sound relationship to adjacent residential and employment areas;**

The Hwy 99W Corridor is immediately adjacent to both residential and employment areas. As discussed in the project site description, Angel Haven Mobile Home Court and the Pony Ridge small lot subdivision, are located immediately adjacent to the north Corridor boundary north of SW Pacific Drive and west of the Riverwood and Cedarcrest facilities. Additional residential areas are located north of Tualatin Road, just east of the Corridor, and SW 124<sup>th</sup> Avenue leads directly from Hwy 99W south into the heart of Tualatin's industrial area. In addition, Hwy 99W leads directly north into commercial and residential areas in the City of Tigard.

**(5) Compelling vision and long-term prospects.**

An important part of the Hwy 99W Corridor Plan process will be to develop a vision for the plan area, however, it can be stated that the City aspires to maintain the quality of life in Tualatin and the character of existing residential neighborhoods, and to continue that character in new neighborhoods as the City grows. Two important themes in the Hwy 99W Corridor will be incorporating the Tualatin River into the City and making this a vibrant transit corridor.

**Regionally Significant:**

**a) People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs.**

A Hwy 99W Corridor Plan would help implement sidewalk and bicycle connections, as well as greenway trails along the Tualatin River, necessary for a high-quality pedestrian environment, and the critical mass of employees and residents necessary to support service commercial expected to locate in mixed-use areas, creating a vibrant corridor community where individuals can choose to walk for pleasure and to meet their everyday needs.

**b) Current and future residents benefit from the region's sustained economic competitiveness and prosperity.**

Enhanced transit access and redevelopment in the Hwy 99W Corridor would benefit employers and residents, thus contributing to economic competitiveness and prosperity in the region, and land use that supports high capacity transit would contribute to increased ridership and help offset the regional cost of high capacity transit development and operation.

**c) People have safe and reliable transportation choices that enhance their quality of life.**

Investment in high capacity transit in the Hwy 99W Corridor within the City of Tualatin as well as throughout the larger Barbur Boulevard/Hwy 99W corridor as proposed in the 2035 Regional High Capacity Transit Plan would provide more choice for employees and residents in the region, thus enhancing their quality of life.

**d) The region is a leader in minimizing contributions to global warming.**

Improved pedestrian and bicycle connections, increased high capacity transit services, and more housing that is closer to newly created jobs would reduce reliance on motor vehicles to get from place to place. This in turn would reduce the amount of time vehicles are on the road and idling in traffic, thus helping to minimize the area's contribution to global warming.

**e) Current and future generations enjoy clean air, clean water and healthy ecosystems.**

Clean Water Services (CWS) manages water quality in the Hwy 99W area and regulates the protection of wetlands, sensitive areas, and the Tualatin River. Development would have to conform to CWS requirements.

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**f) The benefits and burdens of growth and change are distributed equitably.**

The Hwy 99W Corridor is one of several corridors throughout the region identified in the 2040 Growth Concept by Metro.

**Location:** Discuss whether and how the proposed planning grant facilitates development or redevelopment of:

**a) Centers;**

Not relevant.

**b) Corridors/Main Streets;**

As discussed in the project description and the evaluation criteria above, the proposed planning grant would facilitate redevelopment of the Hwy 99W Corridor, a Metro design type.

**c) Station Centers; and/or**

Not relevant.

**d) Employment & Industrial Areas.**

The proposed project would encourage development and redevelopment of industrial areas south of Hwy 99W, both within and outside the Hwy 99W Corridor.

**Best Practices Model**

The Hwy 99W Corridor is somewhat unique within the Portland metropolitan region because it is located on a heavily travelled segment of a Statewide Highway within a suburban city of substantial size – Tualatin has a population of 26,130 (Certified Estimate, July 1, 2009) – yet it has not developed with the dense commercial and retail use characteristic of Hwy 99W elsewhere in the region. The sparse nature of development in the Corridor, combined with the availability of property for sale and the amount of vacant and redevelopable parcels, presents an opportunity for the City to take proactive, rather than retroactive, action to create a plan that envisions a vibrant transit-oriented community that incorporates the Tualatin River and is pedestrian and bicycle-friendly. The proposed project could serve as a model in working with neighboring jurisdictions, particularly Sherwood and Tigard, and affected agencies such as ODOT, OHCS, and CWS, to plan for a community that functions within the environmental and infrastructure constraints presented by the Tualatin River and a Statewide Highway. If not in whole, certainly specific techniques and planning methods applied in this project could be replicated in other small to mid-sized cities in the region with a desire to develop vibrant corridor communities.

**Leverage/Matching Potential**

Various opportunities for matching or collaboration across jurisdictions are presented by the proposed Hwy 99W Corridor Plan project. The City will need to work with ODOT to determine whether designating the segment of Hwy 99W in Tualatin a UBA is feasible and, if so determined, to work through the designation process. There may be overlaps between the Corridor Plan required by ODOT as part of the designation process and the land use planning process proposed in this project, as well as in preparation of the required local Transportation System Plan (TSP) elements. Economies would be realized through the City working with ODOT to accomplish these tasks and avoid duplication of work effort. Designation of a VHDZ will require collaboration with the OHCS, will benefit the region by making the Hwy 99W Corridor in Tualatin a more favorable environment for high capacity transit, and will leverage private investment in the Corridor by facilitating development of vertical mixed-use through partial property tax exemption. Other examples include working with Metro to explore transit-oriented development, with TriMet on transit access and planning, and with CWS, Metro, and the City of Tigard to explore greenway trails and park development opportunities in the Hwy 99W corridor and surrounding areas.

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### Equity

The proposed planning grant will further equitable distribution of funds based on past funding distribution. In the last round of fund distribution, Tualatin received approximately 7% (\$450,000 of \$6.5 million) of funds that were allocated across the region (Metro, Construction Excise Tax Performance Review April 2009).

### Collaborations

It is our understanding that a "partner" is actively engaged in the project, either financially or with in-kind support (Application Handbook, p.7). Therefore, we have assumed that representatives of agencies or organizations who may serve on a Technical Advisory Committee for this project are not technically "partners" and have not included any financial contributions from potential partners in the proposed budget. That said, we did invite several agencies with whom we expect to collaborate to provide a letter of support for the Hwy 99W Corridor Plan project to include in this application. Letters were received from the following and are included in the supplemental attachments:

- City of Tigard
- Oregon Department of Transportation
- Tualatin Valley Fire & Rescue

### Proposed Milestones

Proposed project milestones include the following:

- Milestone 1: Vision, Goals and Objectives, Existing Conditions Report and Plan Alternatives
- Milestone 2: Technical Appendices (Transportation, Infrastructure, Market & Development Feasibility, 3-D Perspectives, etc.)
- Milestone 3: Draft Corridor Plan
- Milestone 4: Final Corridor Plan and Implementing Ordinances

### Project Management

Cindy Hahn, AICP Assistant Planner	Project Manager	chahn@ci.tualatin.or.us 503-691-3029
Aquilla Hurd-Ravich, AICP Senior Planner	Planning Support	ahurd-ravich@ci.tualatin.or.us 503-691-3028
Doug Rux, AICP Community Development Director	Supervisor	drux@ci.tualatin.or.us 503-691-3018

### City Council Approval of Submittal

Resolution No. 4953-10 approving submittal of CET planning grant applications for the Southwest Urban Renewal Plan and the Hwy 99W Corridor Plan projects is included in the supplemental attachments.

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**Budget Narrative**

**Personnel Costs- City of Tualatin Staff Time**

Staff time is estimated to cost approximately \$31,000 for work from the Community Development staff. The Community Development Director's hourly rate is \$47.32; approximately 5% of his time will be spent on the project which results in a cost of \$5,000. The Senior Planner's hourly rate is \$29.27; approximately 15% of her time will be spent on the project which results in a cost of \$9,000. The Assistant Planner's hourly rate is \$23.56; approximately 25% of her time will be spent on the project which results in a cost of \$12,500. The Office Coordinator's hourly salary is \$22.43; approximately 10% of her time will be spent on the project which results in a cost of \$4,500. (See Table 1 below)

The greatest amount of time is expected from the Assistant Planner who will manage this project. This person will work closely with the Senior Planner and the Community Development Director, as well as the consultants, to develop a public involvement strategy and land use plan, for the Highway (Hwy) 99W Corridor. The Assistant Planner also will work closely with the consultants on the project to complete other tasks including development of a Hwy 99W Corridor vision statement (less than one page), goals and objectives, an existing conditions report, plan alternatives, 3-D perspectives of development concepts and market and feasibility studies for opportunity sites, traffic and infrastructure analyses as needed, and draft and final development plans, attending meetings and working with Technical and Citizen Advisory Committees, preparing presentation materials for, and summaries of, community workshops and preparing the first draft of proposed amendments to the City's comprehensive plan and its implementing regulations.

The Senior Planner will provide input to the Assistant Planner in the area of long-range planning strategy and technique, and data analysis. The Community Development Director will be the primary liaison between city staff and the Tualatin City Council, advisory committees, citizens, and property owners. The Office Coordinator in the Planning Division will primarily assist with any administrative duties related to the project such as preparing mailings, assembling reports for meetings with City decision making bodies, and organizing materials for open houses and public involvement.

Staff time is considered an "in-kind match" because salaries will be paid from the Community Development Department's budget for fiscal year 2010-2011. This work will be additional staff duties.

Position	Hourly Rate <sup>1</sup>	Percent of time on project	Hours spent on project over 12 months <sup>2</sup>	Salary cost of the project <sup>3</sup>
Community Development Director	\$ 47.32	% 5	104	\$ 5,000
Senior Planner - Planning	\$ 29.27	%15	312	\$ 9,000
Assistant Planner - Planning	\$ 23.56	%25	520	\$ 12,500
Office Coordinator - Planning	\$ 22.43	%10	208	\$ 4,500
<b>Total</b>				<b>\$ 31,000</b>
1. Hourly rate based on mid-range step 5 from the 7/1/09 salary schedule				
2. Formula = % x 2080; The percentage of time spent on the project is based on an estimate of required staff time dedicated to this project				
3. Formula = Hourly Rate x Hours spent on project				

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**Personnel Costs - Consultants**

Consultant services are expected to cost approximately \$181,000. Expected consultant services include:

- facilitating public involvement,
- formulating a vision statement, goals and objectives,
- preparing an existing conditions report,
- assisting with formulating corridor plan alternatives,
- providing 3-D perspectives of possible development concepts,
- preparing market and development feasibility studies for opportunity sites,
- conducting transportation and infrastructure analyses,
- providing assistance in coordinating with ODOT and OHCS related to UBA and VHDZ designations,
- preparing a draft and final corridor plan,
- recommending implementation and funding options, and
- assisting with preparing first draft amendments to the Tualatin Development Code.

The cost estimate is based on the City's past planning work involving consultant services.

Costs are broken out by Milestones in the line item budget. The total request of \$181,000 is split into equal disbursements of \$45,250 for each milestone. Proposed project milestones and an estimated schedule includes the following:

Milestone	Deliverable	Date	Consultant Cost
1	Vision, Goals and Objectives, Existing Conditions Report and Plan Alternatives	October / November 2010	\$ 45,250
2	Technical Appendices (Transportation, Infrastructure, Market & Development Feasibility, 3-D Perspectives, etc.)	January / February 2011	\$ 45,250
3	Draft Corridor Plan	March / April 2011	\$ 45,250
4	Final Corridor Plan and Implementing Ordinances	July / August 2011	\$ 45,250

The City of Tualatin is requesting grant funding that will pay for the above described consultant services. As described in the Project Narrative, we believe this request meets the evaluation criteria and fits the goals of the Construction Excise Tax grant program.

**Other Costs**

Supplies for the project are included in the Overhead/Indirect Costs line. Supply costs, estimated at \$2,200, will cover materials and postage for mailings to property owners and other interested parties in the planning area. It covers materials for public meetings with the City Council, Tualatin Planning Advisory Committee, and Citizen and Technical Advisory Committees. This cost will also cover materials and printing needed for open houses and other public involvement pieces directly related to the project.

Supply costs are listed as "financial match" because the Community Development Department intends to pay for supplies directly from our budget for fiscal year 2010-2011.

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	Cost in 2007	2006-2007 CPI Increase (0.037)	Cost in 2008	2007-2008 CPI Increase (0.017)	Cost in 2009
CPI Increase		\$ 77.90		\$ 37.12	
Cost per year	\$ 2,105.35		\$ 2,183.25		\$ 2,220.37
1. Consumer Price Index Increase obtained from the Department of Labor website www.bls.gov 11/24/09					

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**Construction Excise Tax Planning Grant Program  
Project Budget Form- City of Tualatin**

**PROJECT COSTS**

1) Estimate the hours of work directly related to your project for agency personnel, consultants, and non-profit personnel. You can delete rows that do not apply and/or add more for specific descriptors.

2) Explain the tasks each is expected to complete *in the budget narrative* (i.e., design development, construction estimates, public involvement, technical research, code analysis, etc.).

Personnel Costs	Financial Match	In-Kind Match	CET Grant Request	TOTAL
City of Tualatin Staff time		\$ 31,000.00		\$ 31,000.00
Consultant: Milestone 1			\$ 45,250.00	\$ 45,250.00
Consultant: Milestone 2			\$ 45,250.00	\$ 45,250.00
Consultant: Milestone 3			\$ 45,250.00	\$ 45,250.00
Consultant: Milestone 4			\$ 45,250.00	\$ 45,250.00
Non-profit staff				
Other, please list				
<b>Total for Planning Services</b>				<b>\$ 217,000.00</b>

Other Costs				
Overhead/Indirect costs - these can only be used as match (Supplies)	\$ 2,200.00			\$ 2,200.00
<b>Total for Other Costs</b>				<b>\$ 2,200.00</b>

<b>TOTAL PROJECT COSTS</b>				<b>\$ 219,200.00</b>
----------------------------	--	--	--	----------------------

Note: See pages 8 and 9 of the CET Application Handbook for detail instructions.

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By: \_\_\_\_\_

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Construction Excise Tax Planning Grants Program  
 F2 - Match Form

Instructions: If your "Match Source" is a professional or technical service received as "In Kind," use the market average or actual salary or bid for that individual or service. Use the "Notes" field to document methodology.

Match Source	Choose One		Choose One		Amount	Notes
	Financial	In Kind	Pending	Secured		
City of Tualatin- Staff time	<input type="radio"/> Financial	<input checked="" type="radio"/> In Kind	<input type="radio"/> Pending	<input checked="" type="radio"/> Secured	\$ 31,000.00	Available at project start; from Community Development budget
City of Tualatin- Supplies	<input checked="" type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input checked="" type="radio"/> Secured	\$ 2,200.00	Available at project start; from Community Development budget
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	

Total \$ 33,200.00

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RESOLUTION NO. 4953-10

RESOLUTION APPROVING SUBMITTAL OF CONSTRUCTION EXCISE TAX  
PLANNING GRANT APPLICATIONS FOR THE SOUTHWEST URBAN  
RENEWAL PLAN AND THE HIGHWAY 99W CORRIDOR PLAN PROJECTS

WHEREAS the City of Tualatin is beginning a process to plan two areas  
including the Southwest Urban Renewal Plan and the Highway 99W Corridor Plan; and

WHEREAS Metro has funds from the Construction Excise Tax to grant to cities  
for planning purposes; and

WHEREAS it is in the best interest of the City to submit the Construction Excise  
Tax (CET) planning grant applications to prepare the Southwest Urban Renewal Plan  
and the Highway 99W Corridor Plan; and

WHEREAS the deadline for submitting the grant applications is January 29,  
2010.

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

Section 1. The City Council approves and supports the grant applications to  
Metro for planning the Southwest Urban Renewal Plan and the Highway 99W Corridor  
Plan.

INTRODUCED AND ADOPTED this 25th day of January, 2010.

CITY OF TUALATIN, OREGON

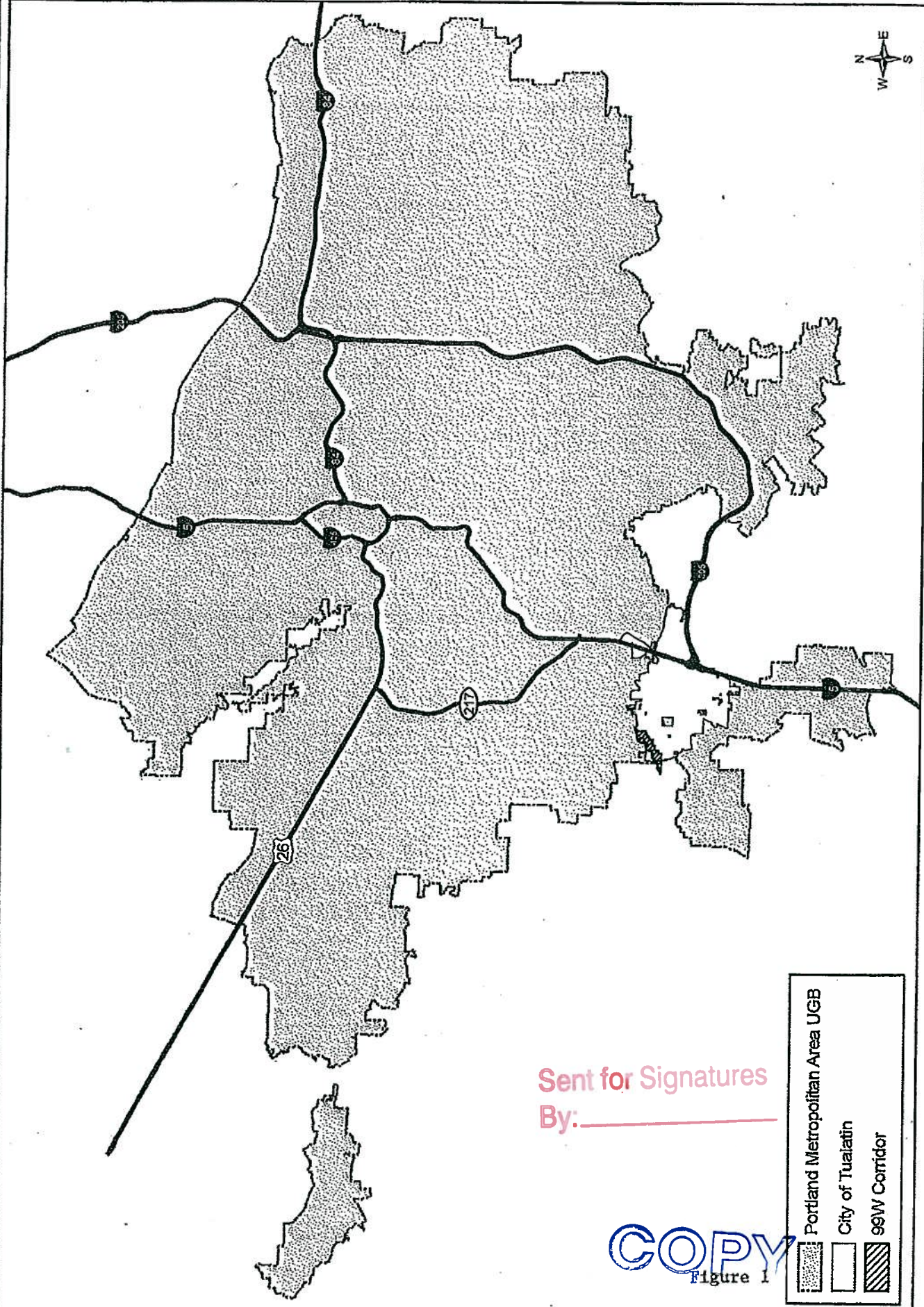
BY [Signature]  
Mayor

ATTEST:

BY [Signature]  
City Recorder

APPROVED AS TO LEGAL FORM




[Signature]  
CITY ATTORNEY



Tualatin Vicinity Map

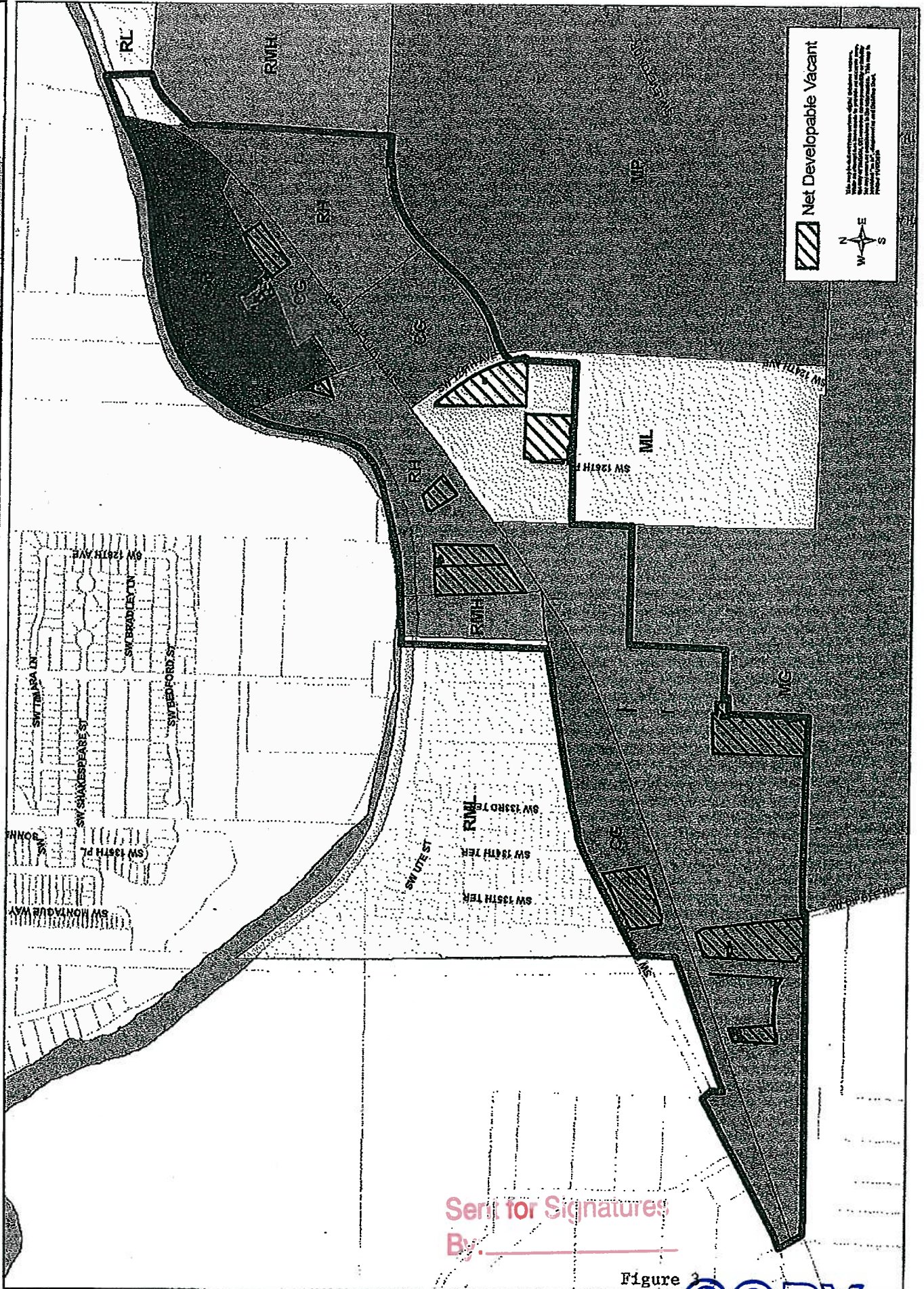
Sent for Signatures  
By: \_\_\_\_\_

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Figure 1

	Portland Metropolitan Area UGB
	City of Tualatin
	99W Corridor







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By: \_\_\_\_\_

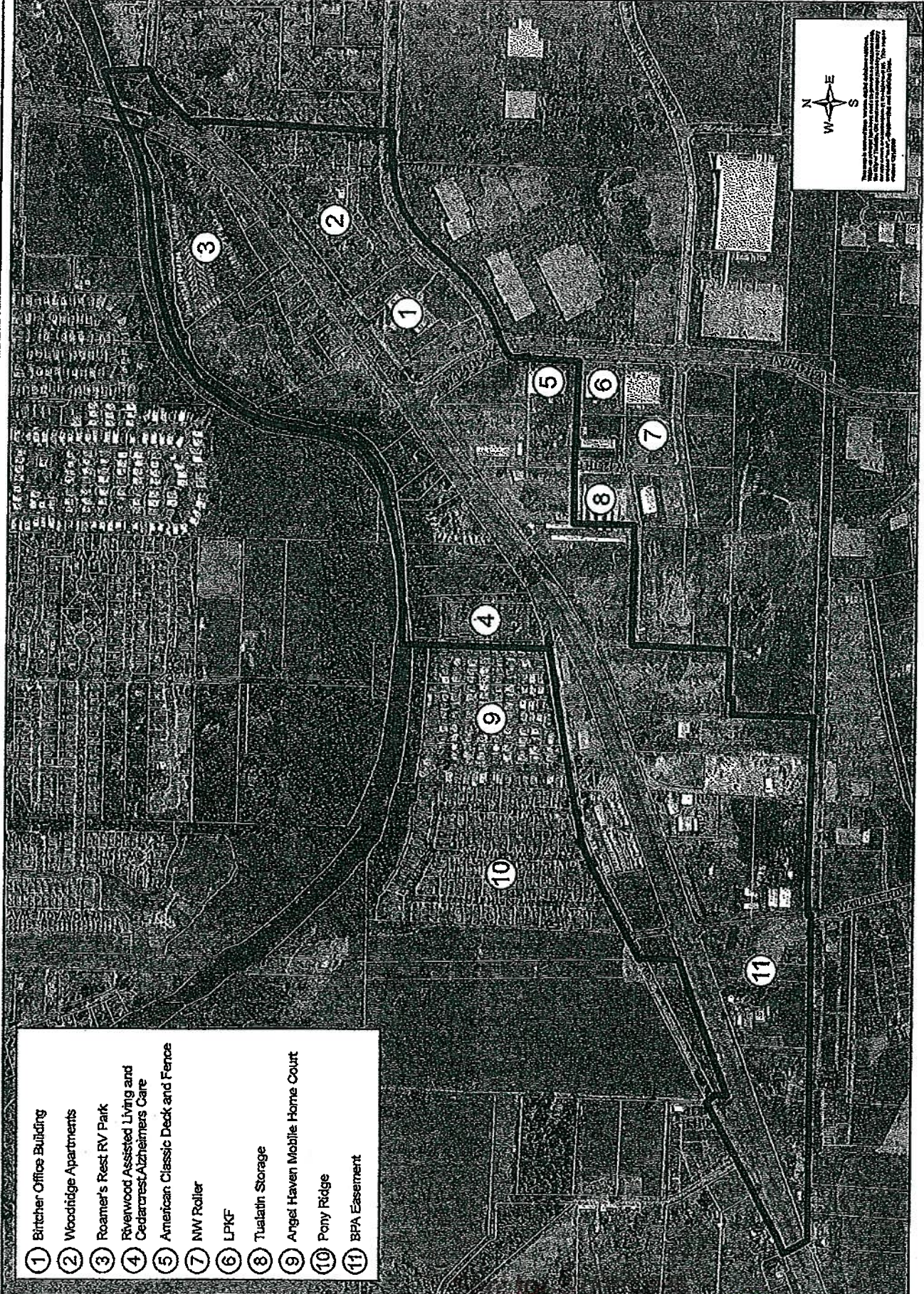
Figure 3

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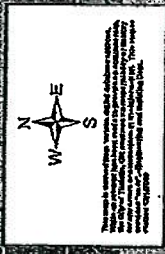
99W - Pacific Hwy Corridor

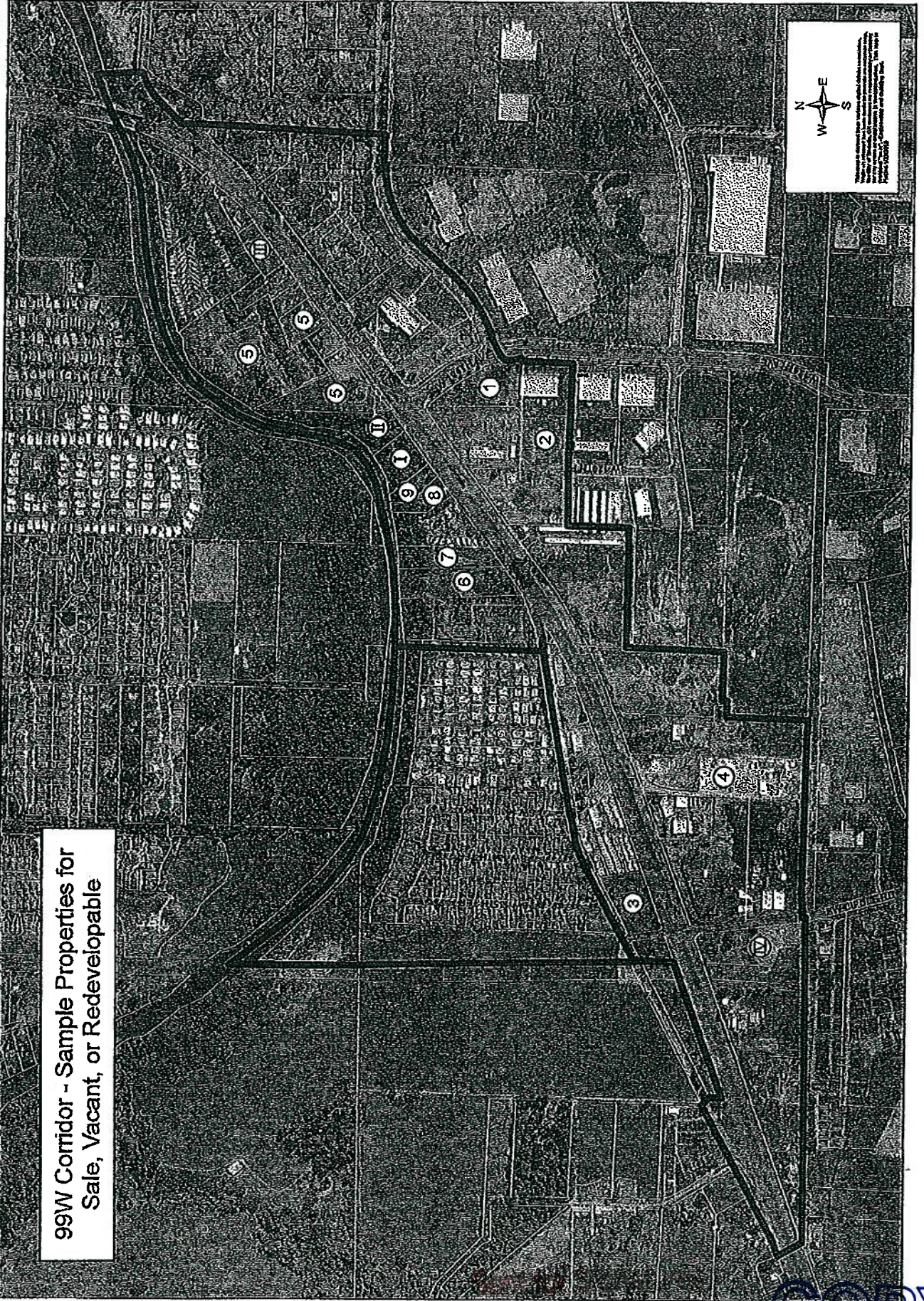
Aerial Photo: June 2008

TUALGIS



- ① Bircher Office Building
- ② Woodridge Apartments
- ③ Roamer's Rest RV Park
- ④ Riverwood Assisted Living and Cedarcrest Alzheimer's Care
- ⑤ American Classic Deck and Fence
- ⑦ NW Roller
- ⑥ LPKF
- ⑧ Tualatin Storage
- ⑨ Angel Haven Mobile Home Court
- ⑩ Pony Ridge
- ⑪ BPA Easement





99W Corridor - Sample Properties for Sale, Vacant, or Redevelopable

By: \_\_\_\_\_

Figure 3

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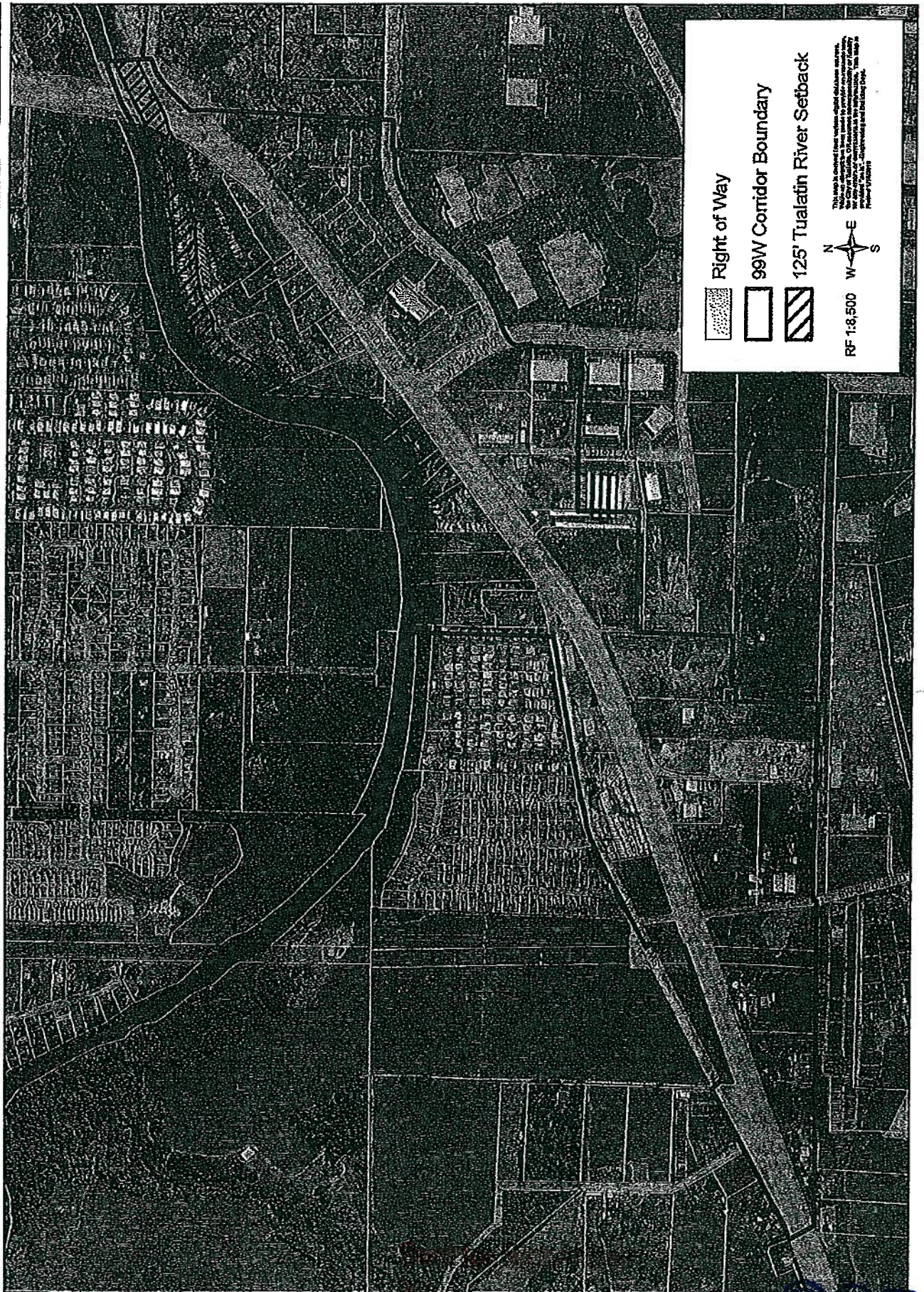
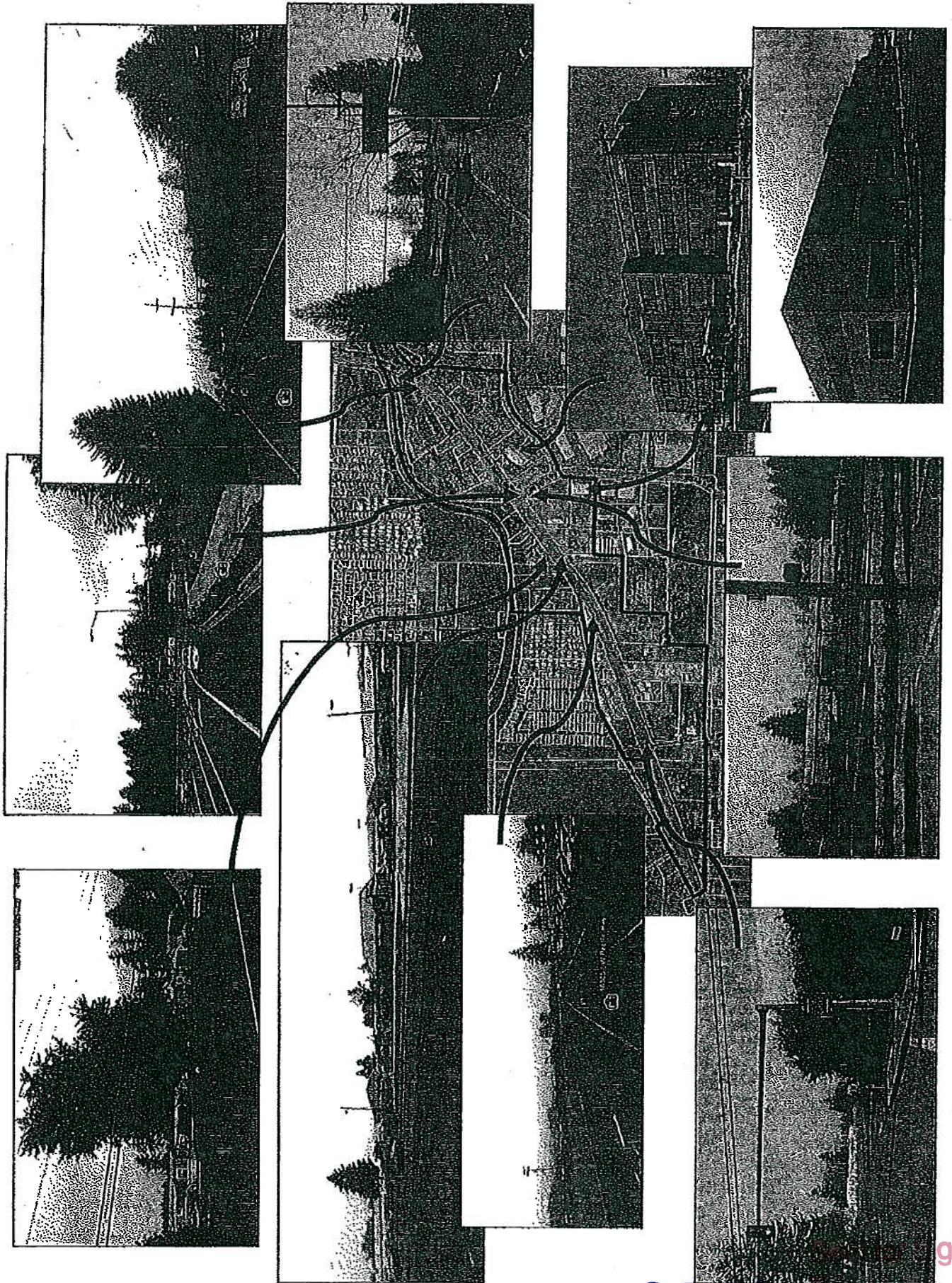


Figure 6

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By \_\_\_\_\_

Signatures

January 29, 2010



City of Tigard

Metro CET Grant Program  
600 NE Grand Avenue  
Portland, OR 97232-2736

**Re: Letter of Support for the Tualatin's CET Grant Application for the Highway 99W Land Use Plan**

Dear CET Grant Review Committee:

The City of Tigard is pleased to support the City of Tualatin's CET Grant application for the Highway 99W Land Use Plan. This effort will be an effective complement to Tigard's on-going activities in coordinated land use and transportation planning.

On January 14, JPACT endorsed the Barbur Boulevard (Portland to Sherwood) corridor as the next location for High Capacity Transit (HCT). The strong regional interest in the corridor, along with significant development potential prompted the Tualatin City Council to designate Highway 99W as a focus of their Local Aspirations. The Tualatin Highway 99W Land Use Plan will help to create a framework for realizing the local aspirations for a more compact urban form and for implementing regional priorities for HCT and multi-modal refinement.

The proposed CET grant would also create an opportunity to coordinate with a corresponding planning effort in Tigard. The City of Tigard is collaborating with Metro on a Transportation Growth Management (TGM) funded study to develop station area concepts for HCT in the corridor. The objectives of the Tualatin Highway 99W Land Use Plan are consistent with the TGM HCT Land Use study getting underway in Tigard.

Concurrent timing of the two planning effort will help to ensure continuity along the corridor in process as well as in final product. Further, early coordination between these planning activities will help foster the partnership that will be essential to successful future planning and ultimate implementation on the HCT corridor.

The City of Tigard recommends this project receive the requested CET grant.

Sincerely,

Craig E. Dirksen, Mayor  
City of Tigard

Sent for Signatures  
By: \_\_\_\_\_

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**TUALATIN VALLEY FIRE & RESCUE - SOUTH DIVISION**  
COMMUNITY SERVICES • OPERATIONS • FIRE PREVENTION

January 29, 2010

Cindy L. Hahn, AICP  
Assistant Planner  
Community Development Department, City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Re: Highway 99W Corridor Plan Support**

Dear Ms. Hahn;

Thank you for the opportunity to participate in the proposed planning of Tualatin's Highway 99W corridor. The Fire District supports your planning efforts and will readily provide input to the process surrounding the development of the Highway 99W corridor. Future development will allow for enhanced citizen safety and an improved transportation system with better emergency access to the area.

Tualatin Valley Fire & Rescue endorses the city's efforts to obtain grant funding for this planning process.

Sincerely,

*Karen Mohling*

Karen Mohling  
Deputy Fire Marshal

Sent for Signatures  
By: \_\_\_\_\_

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Support Letter will be emailed separately to Gerry Uba on January 29, 2010, from:

Marah Danielson  
Senior Planner  
ODOT Region 1 Planning  
(503)731-8258  
fax (503)731-8259  
Marah.B.DANIELSON@odot.state.or.us

Please insert the letter when it is received.

Sent for Signatures  
By: \_\_\_\_\_

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# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-25-11

Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kaaren Hofmann, Civil Engineer  
Michael McKillip, City Engineer

**DATE:** 07/25/2011

**SUBJECT:** Resolution Authorizing the Mayor to Sign a Cooperative Improvement Agreement with Oregon Department of Transportation and the Tualatin Development Commission for Improvements Associated with the SW Leveton Drive Project

---

### ISSUE BEFORE THE COUNCIL:

To consider entering into a cooperative agreement with the Oregon Department of Transportation and the Tualatin Development Commission to allow the construction of the SW 130th Avenue/SW Pacific Highway intersection as a part of the SW Leveton Drive project.

### RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution directing the Mayor to sign the intergovernmental agreement between the Tualatin Development Commission and the Oregon Department of Transportation dealing with the improvements that will be constructed as a part of the SW Leveton Drive project.

### EXECUTIVE SUMMARY:

In the current Leveton Tax Increment Fund adopted budget, there is a project to construct SW Leveton Drive from the current terminus to SW 130th Avenue; SW 130th Avenue to a new intersection on SW Pacific Highway, and SW 128th Avenue south to SW Cummins Drive.

As a part of the SW Leveton Drive project, the Commission will be constructing improvements on SW Pacific Highway which is under the Oregon Department of Transportation's jurisdiction. They require that a cooperative agreement is signed for construction in their right-of-way and on-going maintenance of the improvements prior to issuing a permit for the work.

This agreement is between the Oregon Department of Transportation, the Tualatin Development Commission and the City. By this agreement the City agrees to maintain the irrigation systems, landscaping and power costs associated with the new street lights being installed. This is a minimal obligation for future Road Fund commitments. The Development Commission is considering the same agreement for construction responsibilities.

### OUTCOMES OF DECISION:

If the agreement isn't signed, the SW Leveton project will not be able to be constructed as designed.

**FINANCIAL IMPLICATIONS:**

There are adequate funds in the Leveton Tax Increment Fund to construct the improvements. There will be a minimal cost to the Operations Fund for ongoing maintenance of the street lights and landscaping.

---

**Attachments:**     Resolution  
                          Agreement

RESOLUTION NO. 5054-11

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
COOPERATIVE IMPROVEMENT AGREEMENT WITH THE  
OREGON DEPARTMENT OF TRANSPORTATION AND THE  
TUALATIN DEVELOPMENT COMMISSION FOR SW LEVETON  
DRIVE PROJECT

WHEREAS this agreement will allow the installation of roadway, street lights, sidewalk and landscape improvements on the south side of SW Pacific Highway as a part of the Tualatin Development Commission's SW Leveton Drive project; and

WHEREAS the Tualatin Development Commission will construct said improvements; and

WHEREAS the City will maintain the landscaping and irrigation to the area and be responsible for the power costs; and

WHEREAS the Mayor and City Recorder are authorized to enter into the Cooperative Improvement Agreement.

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

Section 1. The attached Cooperative Improvement Agreement Pacific Highway West at SW 130<sup>th</sup> Avenue Intersection Improvements Mile Point 12.97 to Mile Point 13.09 is for the purpose of allowing the construction of improvements associated with the SW Leveton Drive project.

Section 2. The Mayor and City Recorder are authorized to sign the attached Cooperative Improvement Agreement.

ADOPTED AND APPROVED this 25th day of July, 2011.

CITY OF TUALATIN, OREGON

By  \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY

ATTEST:

By  \_\_\_\_\_  
City Recorder

**COOPERATIVE IMPROVEMENT AGREEMENT**  
**Pacific Highway West at SW 130<sup>th</sup> Avenue Intersection Improvements**  
**Mile Point 12.97 to Mile Point 13.09**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," the City of Tualatin acting by and through its elected officials, hereinafter referred to as "CITY," and acting by and through its Tualatin Development Commission, hereinafter referred to as "COMMISSION," all herein referred to individually or collectively as "Party" or "Parties".

**RECITALS**

1. Pacific Highway West (OR 99W) and the intersection at SW 130<sup>th</sup> Avenue are part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). The intersection of said roadways falls within the city limits of the City of Tualatin.
2. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572, and 366.576, ODOT may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. ODOT, by ORS, is vested with complete jurisdiction and control over roadways of other jurisdictions taken for state highway purposes. By authority granted by ORS 373.020, such jurisdiction extends from curb to curb, or if there is no regular established curb, then control extends over such portion of the right of way as may be utilized by the department for highway purposes. Responsibility for and jurisdiction over all other portions of a city street remains with the respective city.

**NOW THEREFORE**, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

**TERMS OF AGREEMENT**

1. Under such authority, ODOT and COMMISSION agree to COMMISSION constructing right turn channelization improvements from northbound (NB) Pacific Highway West (OR99W) to southbound (SB) SW 130<sup>th</sup> Avenue at the intersection of 99W and SW 130<sup>th</sup> Avenue, hereinafter referred to as "Project." The Project shall be constructed by COMMISSION or its contractors. Ongoing maintenance activities for the Project shall be the responsibility of and performed by the CITY. The Project

COMMISSION/CITY/ODOT  
Agreement No. 27831

consists of a right turn lane on NB Pacific Highway West (OR99W) onto SW 130<sup>th</sup> Avenue, roadway drainage, pedestrian improvements, sidewalks, landscaping, and bike lanes. The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. The Project limits on 99W are from MP12.97 to MP 13.09.

2. The Project total estimated cost is \$162,000 in COMMISSION funds. The estimate for the total Project cost is subject to change. The COMMISSION shall be responsible for all Project costs to complete the Project.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance and power responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within ten (10) calendar years following the date of final execution of this Agreement by both Parties.

**COMMISSION OBLIGATIONS**

1. COMMISSION shall obtain a permit to "Occupy or Perform Operations upon a State Highway" from assigned ODOT District 2A Project Manager as well as land use permits, building permits, and engineering design review approval from ODOT. COMMISSION agrees to comply with all provisions of said permit(s), and shall require its developers, contractors, subcontractors, or consultants performing such work to comply with such permit and review provisions.
2. COMMISSION shall conduct the necessary field surveys, environmental studies, acquire all necessary right of way, identify and obtain required permits, arrange for relocation or reconstruction of any conflicting utility facilities, and perform all preliminary engineering and design work required to produce plans, specifications, and cost estimates.
3. COMMISSION shall, prior to its advertisement for construction bid proposals, provide the Project preliminary and final plans and specifications to ODOT's District 2A office for review and written concurrence. The plans and specification must be approved by the ODOT Office of the State Traffic Engineer. ODOT District 2A office shall coordinate all such review.
4. If COMMISSION chooses to use a contractor to construct the Project, COMMISSION shall, upon ODOT's written review and concurrence of final plans, prepare the contract and bidding documents, advertise for construction bid proposals, award all contracts, pay all contractor costs, furnish all construction engineering, field testing of materials, technical inspection (except as described in

COMMISSION/CITY/ODOT  
Agreement No. 27831

ODOT OBLIGATIONS) and project manager services for administration of the contract.

5. COMMISSION shall cause the Project to be designed and constructed in accordance with ODOT standards.
6. COMMISSION shall be the current permitting authority at locations where right of way is obtained by the COMMISSION for the Project, utility installations, relocations, and reconstructions. COMMISSION shall retain ownership or control of acquired right of way until it becomes ODOT right of way upon Project completion or property transfer by the COMMISSION to ODOT. COMMISSION shall, through its permit process, assign the rights, including signing authority, associated with its utility permit to ODOT and indicate in the permit that ODOT shall be the governing body that will manage and control the permitting authority over such areas of right of way transition. Additionally in such situations, ODOT shall also issue a separate permit to the utility at the same time as the COMMISSION permit.
7. COMMISSION certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within COMMISSION's current appropriation or limitation of current annual budget.
8. COMMISSION shall construct the Project in accordance with the requirements of ORS 276.071 including the public contracting laws within ORS Chapters 279A, 279B and 279C.
9. If COMMISSION chooses to assign its contracting responsibilities to a consultant or contractor, COMMISSION shall inform the consultant or contractor of the requirements of ORS 276.071 to ensure that the public contracting laws within ORS Chapters 279A, 279B and 279C are followed.
10. Pursuant to the statutory requirements of ORS 279C.380, COMMISSION shall require their contractor to submit a performance bond to COMMISSION for an amount equal to or greater than the estimated cost of the Project.
11. All employers, including COMMISSION, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. COMMISSION shall ensure that each of its contractors complies with these requirements.
12. COMMISSION shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including,

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but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.

13. COMMISSION acknowledges and agrees that ODOT, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of COMMISSION which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project -- if applicable.) Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.
14. COMMISSION shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of COMMISSION's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that ODOT shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of ODOT, be indemnified by the contractor and subcontractor from and against any and all Claims.
15. Any such indemnification shall also provide that neither the COMMISSIONS's contractor and subcontractor nor any attorney engaged by COMMISSIONS contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that COMMISSION's contractor is prohibited from defending the State of Oregon, or that COMMISSION's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against COMMISSION's contractor if the State of Oregon elects to assume its own defense.
16. If COMMISSION enters into a construction contract for performance of work on the Project, then COMMISSION will require its contractor to provide the following:
  - a. Contractor shall indemnify, defend and hold harmless ODOT from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of

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Contractor or its officers, employees, subcontractors, or agents under the resulting contract.

- b. Contractor and COMMISSION shall name ODOT as a third party beneficiary of the resulting contract.
  - c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to ODOT. This insurance will include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence will not be less than \$ 1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$ 2,000,000.
  - d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000.
  - e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the resulting contract will include ODOT and its divisions, officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under the resulting contract. Coverage will be primary and non-contributory with any other insurance and self-insurance.
  - f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from Contractor's or its insurer(s) to ODOT. Any failure to comply with the reporting provisions of this clause will constitute a material breach of the resulting contract and will be grounds for immediate termination of the resulting contract and this Agreement.
21. COMMISSION shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of [ORS 279C.505](#), [279C.515](#), [279C.520](#), [279C.530](#) and [279B.270](#) incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, COMMISSION expressly agrees to comply with (i) [Title VI of Civil Rights Act of 1964](#); (ii) [Title V and Section 504 of the Rehabilitation Act of 1973](#); (iii) the [Americans with Disabilities Act of 1990](#) and [ORS 659A.142](#); (iv) all regulations and administrative rules established pursuant to the



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- foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
22. COMMISSION shall lay out and paint the necessary lane lines and erect the required directional and traffic control signing for the Project.
  23. COMMISSION or its contractor shall follow the Oregon Locate Laws (ORS 757 and OAR 952).
  24. COMMISSION is responsible for and ensures that all survey monuments recorded with a county and within or adjacent to the highway right-of-way shall be preserved in accordance with ORS 209.140 and 209.150. Any such monumentation that is damaged or removed during the course of the Project must be replaced in compliance with ORS Chapter 209 stipulations, the ODOT Right of Way Monumentation Policy, and at COMMISSION'S own expense.
  25. COMMISSION is also responsible, at its own expense, for replacement of any additional ODOT survey marks or other monumentation not recorded with a county that are damaged or removed during the course of the Project. In the event of such replacement, COMMISSION shall contact ODOT's Geometronics Unit for replacement procedures.
  26. COMMISSION shall ensure that landscape water systems shall be constructed on separate systems from any ODOT systems.
  27. COMMISSION shall provide to ODOT permanent mylar "as constructed" plans for work on state highways. If COMMISSION redrafts the plans, done in Computer Aided Design and Drafting (CADD) or Microstation, to get the "as constructed" set, and they follow the most current version of the "Contract Plans Development Guide, Volume 1 Chapter 16" [http://www.oregon.gov/State/HWY/ENGSERVICES/docs/dev\\_guide/vol\\_1/V1-16.pdf](http://www.oregon.gov/State/HWY/ENGSERVICES/docs/dev_guide/vol_1/V1-16.pdf), COMMISSION shall provide to State a Portable Document Format (PDF) file and a paper copy of the plan set.
  28. COMMISSION certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of COMMISSION, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind COMMISSION.
  29. COMMISSION's Project Manager for this Project is Kaaren Hofmann, Civil Engineer, City of Tualatin, 18876 SW Martinazzi Avenue, Tualatin, Oregon 97062, phone: 503-691-3034, email: [khofmann@ci.tualatin.or.us](mailto:khofmann@ci.tualatin.or.us), or assigned designee upon individual's absence. COMMISSION shall notify the other Party in writing of any contact information changes during the term of this Agreement.

### **CITY OBLIGATIONS**

1. CITY shall ensure that landscape water systems shall be on separate systems from any ODOT systems.
2. CITY shall, at its own expense, be responsible for a two (2) year establishment period for landscape plantings for the Project.
3. CITY shall be responsible for 100 percent of maintenance, water, irrigation, power costs associated with the landscape and illumination installed as part of this Project. CITY shall require the water and power companies send invoices directly to CITY.
4. CITY may require the adjacent property owners to fund or perform maintenance of improvements, as permitted by CITY ordinance. CITY shall remain responsible for compliance with the terms of this Agreement, and shall be responsible for the performance of maintenance, even when maintenance is performed by CITY contractors or property owners.
5. CITY certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within CITY's current appropriation or limitation of current annual budget.
6. CITY certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of CITY, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind CITY.
7. CITY's Project Manager for this Project is Kaaren Hofmann, Civil Engineer, City of Tualatin, 18876 SW Martinazzi Avenue, Tualatin, Oregon 97062, phone: 503-691-3034, email: khofmann@ci.tualatin.or.us, or assigned designee upon individual's absence. CITY shall notify the other Party in writing of any contact information changes during the term of this Agreement.

### **ODOT OBLIGATIONS**

1. ODOT grants authority to CITY and COMMISSION and their contractor(s), to enter upon ODOT right of way for the performance of necessary preliminary engineering, inspection, construction, and maintenance of this Project, as provided for in a miscellaneous permit to be issued to COMMISSION for construction of the Project and a miscellaneous permit to be issued to CITY for the maintenance of the Project by ODOT District Office. Miscellaneous permits shall be issued by ODOT District Office separately to COMMISSION and to CITY.

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2. ODOT's District Maintenance Manager shall assign a Project Manager for technical inspection to ensure ODOT standards are met, to monitor the roadway work performed by the COMMISSION, or its contractors, within the boundaries of the ODOT right of way, and for any necessary Right of Way services. ODOT's Project Manager will provide general oversight of such roadwork but the COMMISSION or its contractors shall perform all roadwork and contractor coordination.
3. ODOT's District Maintenance Manager or designee shall issue the required permits and review and concur with the Project plans and specifications. ODOT shall review and must concur with the plans before the Project is advertised for a construction contract or before construction begins.
4. ODOT, for purposes of performance of COMMISSION Obligation paragraph 6, hereby grants COMMISSION the ability to act on its behalf for relocation of the utilities, including issuance of conflict letters, on right of way purchased for the Project that shall become ODOT's on completion of the Project and property transfer by the COMMISSION.
5. Upon completion of the Project, ODOT shall retain ownership and complete jurisdiction and control of the roadway improvements from face of curb to face of curb. ODOT shall be responsible for all maintenance of Project improvements within ODOT right of way following completion, except for items expressly allocated to COMMISSION in this Agreement.
6. ODOT shall retain all utility and access permit-issuing authority along the state highway.
7. ODOT's Project Manager for this Project is Steven Schalk, District Engineering Coordinator, 6000 SW Raab Road, Portland, OR 97221; phone: 503-229-5002, email: steven.b.schalk@odot.state.or.us, or assigned designee upon individual's absence. ODOT shall notify the other Party in writing of any contact information changes during the term of this Agreement.

**GENERAL PROVISIONS**

1. This Agreement may be terminated by mutual written consent of the Parties.
2. CITY or COMMISSION may terminate this Agreement effective upon delivery of written notice to ODOT, or at such later date as may be established by CITY or COMMISSION, under any of the following conditions:
  - a. If ODOT fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

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- b. If ODOT fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from CITY or COMMISSION fails to correct such failures within ten (10) days or such longer period as CITY or COMMISSION may authorize.
    - c. If ODOT fails to provide payment of its share of the cost of the Project.
  3. ODOT may terminate this Agreement effective upon delivery of written notice to CITY or COMMISSION, or at such later date as may be established by ODOT, under any of the following conditions:
    - a. If CITY or COMMISSION fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
    - b. If CITY or COMMISSION fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within ten (10) days or such longer period as ODOT may authorize.
    - c. If CITY or COMMISSION fails to provide payment of its share of the cost of the Project.
    - d. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
    - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source.
  4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
  5. If CITY fails to maintain facilities in accordance with the terms of this Agreement, ODOT, at its option, may maintain the facility and bill CITY, seek an injunction to enforce the duties and obligations of this Agreement or take any other action allowed by law.
  6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
  7. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODOT

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or COMMISSION with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

8. With respect to a Third Party Claim for which ODOT is jointly liable with COMMISSION (or would be if joined in the Third Party Claim), ODOT shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by COMMISSION in such proportion as is appropriate to reflect the relative fault of ODOT on the one hand and of COMMISSION on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of ODOT on the one hand and of COMMISSION on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. ODOT's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if ODOT had sole liability in the proceeding.
9. With respect to a Third Party Claim for which COMMISSION is jointly liable with ODOT (or would be if joined in the Third Party Claim), COMMISSION shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by ODOT in such proportion as is appropriate to reflect the relative fault of COMMISSION on the one hand and of ODOT on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of COMMISSION on the one hand and of ODOT on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. COMMISSION's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
10. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

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11. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one Agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
12. This Agreement and attached exhibits constitute the entire Agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

**THE PARTIES**, by execution of this Agreement, hereby individually acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

**SIGNATURE PAGE TO FOLLOW**

COMMISSION/CITY/ODOT  
Agreement No. 27831

**CITY OF TUALATIN**, by and through its  
Tualatin Development Commission

By   
Mayor

Date 7-25-2011

By   
Recorder

Date 7-25-2011

**APPROVED AS TO LEGAL SUFFICIENCY**

By   
CITY/COMMISSION Counsel

Date 7/27/2011

**CITY and COMMISSION Contact:**

City of Tualatin  
Kaaren Hofmann, Civil Engineer,  
18876 SW Martinazzi Avenue  
Tualatin, Oregon 97062  
Phone: 503-691-3034  
Email: khofmann@ci.tualatin.or.us

**ODOT Contact:**

Steven Schalk, District Engineering  
Coordinator  
6000 SW Raab Road  
Portland, OR 97221  
Phone: 503-229-5002  
email: steven.b.schalk@odot.state.or.us,

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Region 1 Manager

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
State Traffic Engineer

Date \_\_\_\_\_

By \_\_\_\_\_  
District 2A Manager

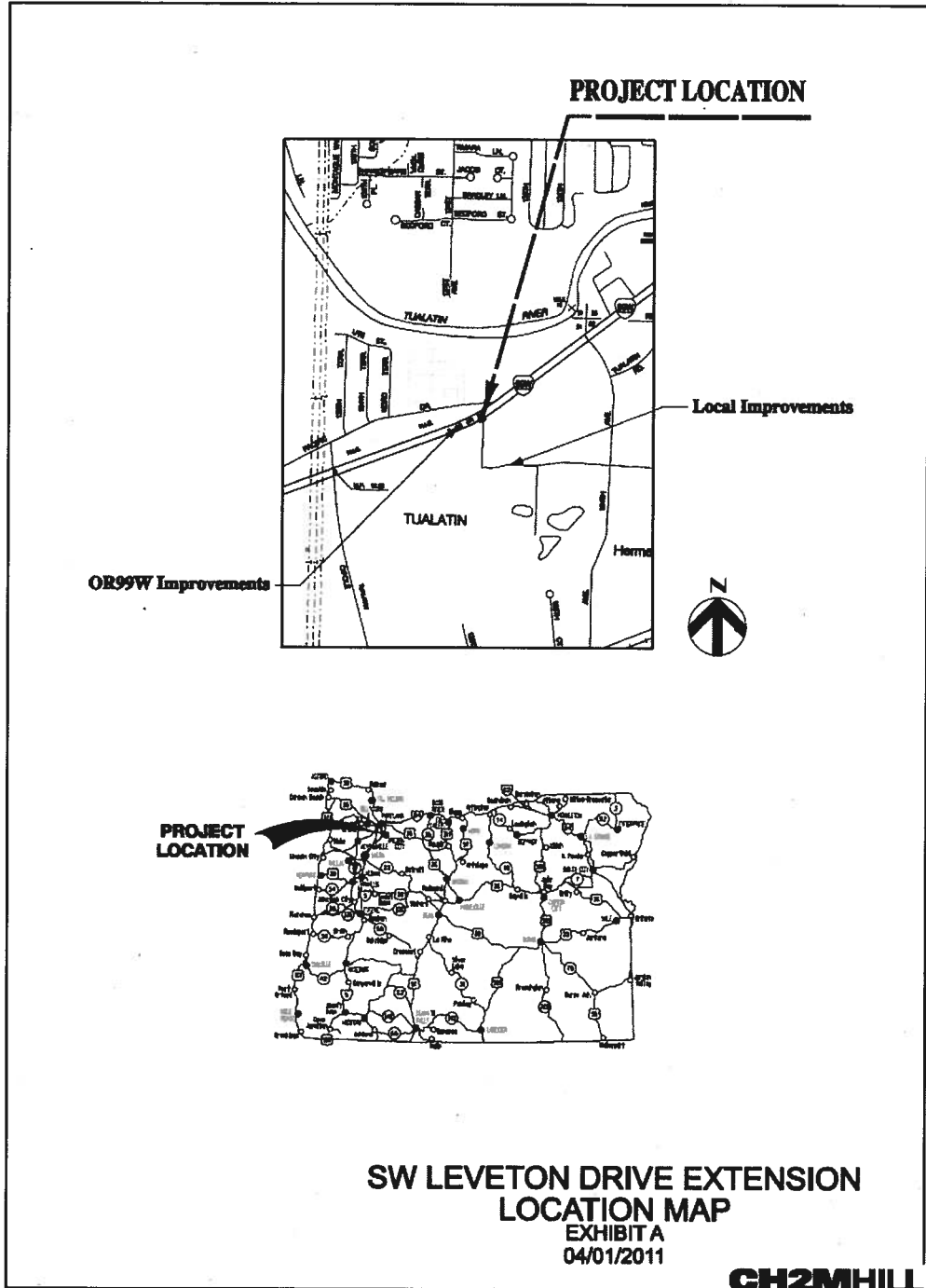
Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Assistant Attorney General

Date: \_\_\_\_\_

EXHIBIT A – Project Location Map



SW LEVETON DRIVE EXTENSION  
LOCATION MAP  
EXHIBIT A  
04/01/2011

**CH2MHILL**





# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-25-11

Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Don Hudson, Finance Director

**DATE:** 07/25/2011

**SUBJECT:** Resolution Authorizing Changes to the Adopted 2011-2012 Budget

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### ISSUE BEFORE THE COUNCIL:

Whether or not to approve changes to the adopted 2011-2012 budget.

### RECOMMENDATION:

Staff recommends adopting the attached Resolution.

### EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a category within a fund. Oregon Revised Statutes (ORS) 294.480 dictates the process for a supplemental budget when an occurrence or condition which had not been ascertained at the time of the preparation of the current budget requires a change in financial planning. Additionally, ORS 294.326(3) allows for expenditures in the year of receipt of grants for a specific purpose to be made after an enactment of a resolution authorizing the expenditure.

In the Park Development Fund, we have two such situations which require a change to the adopted 2011-2012 budget. The City delayed constructing a section of the connecting pathway to the Kia-Kuts Pedestrian Bridge until after Clean Water Services completed the Lower Tualatin Pump Station Project and the renovation of the north end of Community Park. As part of the renovation work, Clean Water Services is completing the pathway for the City. It was estimated to be completed prior to June 30th, but the pathway was not constructed until early July, therefore causing it to be a current year expenditure. The beginning cash balance in the fund will be higher than projected due to the delay in the expenditure. Additionally, since the budget was adopted, the City has received word that the Community Development Block Grant amount for the renovation of the Juanita Pohl Center has been increased. Local Budget Law allows for the increase of expenditures for specific purpose grants received during the fiscal year by passage of a resolution of the Council.

All proposed changes to the adopted budget are included in Exhibit A, attached to the Resolution that follows.

### OUTCOMES OF DECISION:

Failure to pass the resolution puts the City in danger of not complying with Local Budget Law.

### FINANCIAL IMPLICATIONS:

The net effect to the affected funds is zero, as the proposed increase in expenditures is offset by additional funds being available to spend.

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**Attachments:**     Resolution Authorizing Changes to Adopted Budget

RESOLUTION NO. 5055-11

RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2011 - 2012  
BUDGET

WHEREAS after the budget process for the 2011-2012 fiscal year was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation; and

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, increases in budgeted resources and requirements are necessary; and

WHEREAS Oregon Revised Statutes (ORS) 294.480 allows for the preparation and adoption of a supplemental budget.

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

Section 1. The City Council wishes to comply with Local Budget Law, and authorize spending of additional resources; and

Section 2. Increased resources and requirements should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 25th day of July, 2011.

CITY OF TUALATIN, OREGON

BY  \_\_\_\_\_

Mayor

ATTEST:

BY  \_\_\_\_\_

City Recorder

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

**Exhibit A-Resolution July 2011**

**City of Tualatin  
Fiscal Year 2011 - 2012  
Budget Changes, July 2011**

<u>To</u>		<u>Amount</u>	<u>From</u>		<u>Amount</u>	<u>Notes</u>
Fund Projects	036-0000-551.70-09	\$ 47,330	CDBG Grant Revenue	036-0000-442.05-15	\$ 22,330	Pohl Center Remodel Connecting Pathway to Kia-Kuts Pedestrian Bridget
			Beginning Cash Balance	036-0000-400.00-00	\$ 25,000	

Resolution No. 5055-11, Exhibit A



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kaaren Hofmann, Civil Engineer  
Michael McKillip, City Engineer

**DATE:** 07/25/2011

**SUBJECT:** Awarding the Bid for the Outfalls and Trails Retrofit Project at Dakota Chieftain Greenway

### ISSUE BEFORE THE COUNCIL:

To Consider Awarding the Outfalls and Trails Retrofit Project at Dakota Chieftain Greenway.

### RECOMMENDATION:

After evaluating all of the options, staff recommends that the contract be awarded to Brant Construction for \$319,000.00.

### EXECUTIVE SUMMARY:

The Outfalls and Trails Retrofit Project at the Dakota Chieftain Greenway is budgeted in both the Storm Drain and Sewer Operating Funds. This project was designed to:

1. Provide water quality treatment for existing subdivisions;
2. Repair a 'belly' in the existing sewer line; and
3. Repair slopes that are eroding badly and will soon impact the existing path and neighboring properties.

Two bids were received for this project on July 13, 2011 and both are over the amount currently budgeted for this project. They are:

Brant Construction	\$319,000.00
Kerr Contractors	\$398,142.00

The engineer's estimate is \$273,335.00. These types of projects are notoriously difficult to estimate construction costs for. Staff feels that even though the costs are higher than estimated, due to failing slopes, water quality concerns and sewer issues, continuing with the project is the prudent and appropriate thing to do.

In order to cover the costs for this project, staff will be proposing a budgetary change soon to cover the additional expense.

### OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. Construction of the proposed project will provide for fixing eroding slopes, an existing sewer line, and provide a more natural creek section.

Not awarding the contract will result in the following:

1. All work on the project will stop until a decision is made to re-bid or rescope the project.

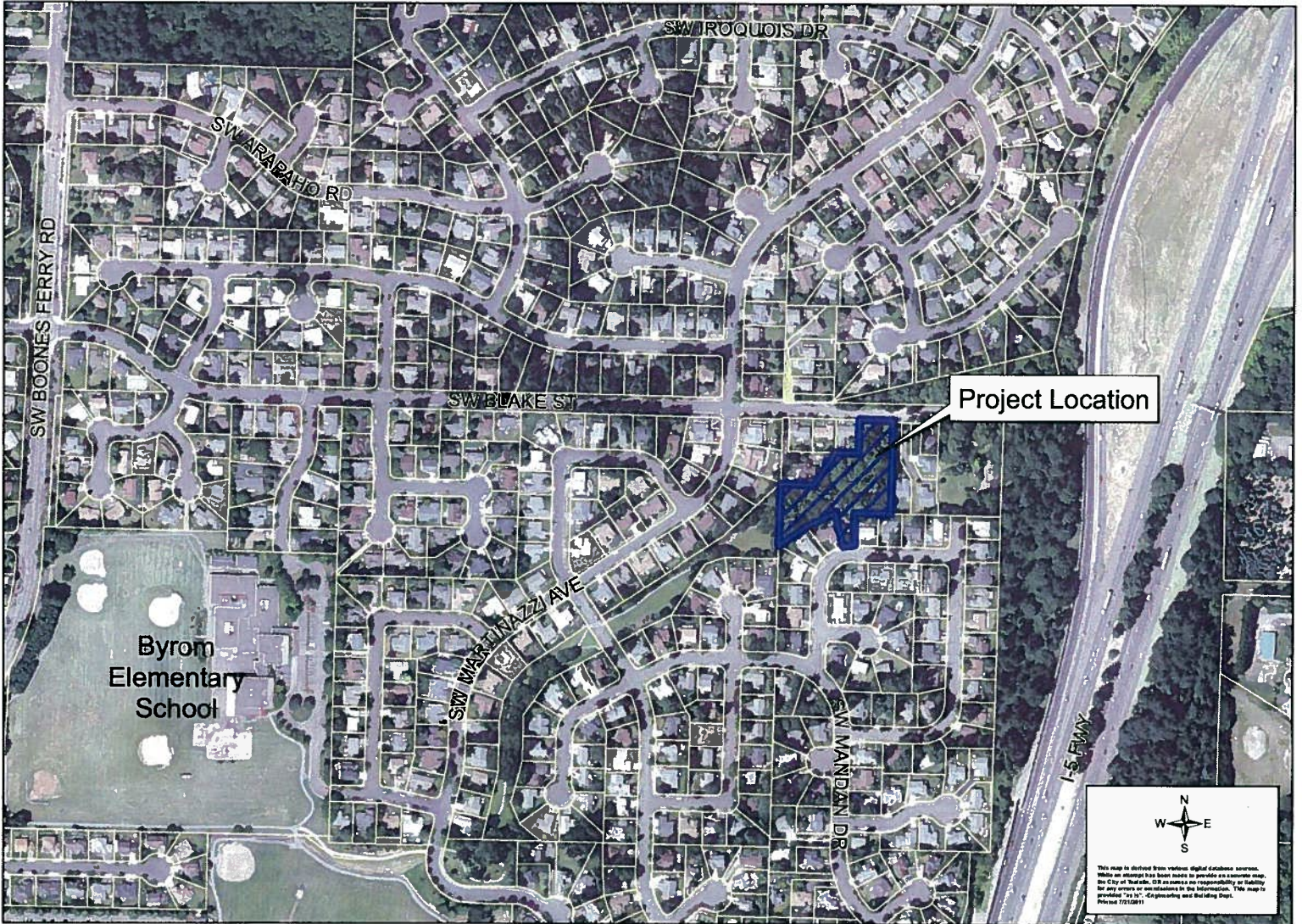
**FINANCIAL IMPLICATIONS:**

This project is budgeted in the Storm Operating Fund and the Sewer Operating Fund. A budgetary change of \$70,000 will need to be made to cover the increased cost of the project.

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**Attachments:**     Vicinity Map  
                          Resolution

# Dakota Chieftain Retrofit Project



RESOLUTION NO. 5056-11

RESOLUTION AWARDING THE BID FOR THE OUTFALLS AND  
TRAIN RETROFIT PROJECT AT DAKOTA CHIEFTAIN  
GREENWAY

WHEREAS the project was advertised in the *Daily Journal of Commerce* on June 28, and July 6, 2011; and

WHEREAS nine proposals were received prior to the close of the bid period on July 13, 2011; and

WHEREAS Brant Construction submitted the lowest responsible bid for the project in the amount of \$319,000.00; and

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

Section 1. The contract is awarded to Brant Construction.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Brant Construction in the amount of \$319,000.00

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 25<sup>th</sup> day of July, 2011.

CITY OF TUALATIN, OREGON

By  \_\_\_\_\_  
Mayor

ATTEST:

By  \_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY





# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-25-11

Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Paul Hennon, Community Services Director

**DATE:** 07/25/2011

**SUBJECT:** Resolution Awarding the Bid for Construction of the Juanita Pohl Center Addition and Renovation Project

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### ISSUE BEFORE THE COUNCIL:

The Council will consider awarding a construction contract for the Juanita Pohl Center Addition and Renovation Project.

### RECOMMENDATION:

Staff respectfully recommends that Council adopt the attached resolution awarding the Juanita Pohl Addition and Renovation project and authorizing the Mayor to execute a contract with Nomarco, Inc. of Woodburn, Oregon in the amount of \$408,205.00.

### EXECUTIVE SUMMARY:

This project includes an addition to the north side of the building and adjustable partition walls to increase capacity and functionality, alterations to the kitchen to improve food-serving options, energy efficiency improvements to lighting, heating and cooling systems, expanded recycling and trash area, installation of a grease interceptor to improve water quality and reduce maintenance requirements, power-assisted front doors to improve accessibility, bicycle parking, a building sign, an extension of the Tualatin River Greenway Trail connecting to other areas of the Community Park, and related work.

The project was advertised in the Daily Journal of Commerce on June 23, 2011 and in The Scanner on June 29, 2011.

The bids were opened on July 21, 2011 at 2:00 p.m.

Six proposals were received for work included in the Base Bid and seven alternates. One proposal was not accepted because it arrived after the close of the bid period. The results are shown on the attached Bid Tabulation Form.

Nomarco, Inc. submitted the lowest responsible bid for the project in the amount of \$408,205.00, which consists of all labor, materials, and equipment necessary to complete the work described in the Base Bid and Alternates 1, 2, 3, 6, and 7 which are consistent with the priority for alternates as defined by the Pohl Center Steering Committee. The Alternates are described on the attached Bid Tabulation Form.

The cost estimate for the Base Bid and selected alternates was \$460,064.00.

The Juanita Pohl Center Steering Committee has been closely involved with the preliminary and final design of this project. The committee has influenced which project components were included in the Base Bid and Alternates and established priorities to ensure that the limited funding is used in a manner that best reflects the needs of the current and future users of the Juanita Pohl Center.

The Tualatin Park Advisory Committee also reviewed the project at key benchmarks and was an additional forum for public involvement opportunities.

**OUTCOMES OF DECISION:**

If awarded, the project will proceed with an estimated completion schedule of December 10, 2011, and the City will utilize its full award of Community Development Block Grant funds within the designated project completion period of June 30, 2012.

**FINANCIAL IMPLICATIONS:**

Funds are available for this project in the Park Development Fund. This project is partially funded with Community Development Block Grant funds in the amount of \$447,330.

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**Attachments:**     A - Resolution - Award of Bid  
                          B - Bid Tabulation Form

RESOLUTION NO. 5057-11

RESOLUTION AWARDING BID FOR CONSTRUCTION OF JUANITA POHL CENTER ADDITION AND RENOVATION PROJECT

WHEREAS the project was advertised in the Daily Journal of Commerce on June 23, 2011 and in The Scanner on June 29, 2011; and

WHEREAS Six bids were received prior to the close of the bid period on July 20, 2011; and

WHEREAS Nomarco, Inc. submitted the lowest responsible bid for the project in the amount of \$408,205.00, which consists of all labor, materials, and equipment necessary to complete the work described in the Base Bid and Additive Alternates 1, 2, 3, 6, and 7, which are consistent with the priority for Alternates as defined by the Pohl Center Steering Committee; and

WHEREAS the low bid for the Base Bid is also the low bid for the Base Bid and selected Alternates; and

WHEREAS work on the project is scheduled for completion by December 10, 2011; and

WHEREAS there are funds available for this project in the Park Development Fund, including partial funding through the Community Development Block Grant program.

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

Section 1. The contract is awarded to Nomarco, Inc. of Woodburn, Oregon.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Nomarco, Inc. in the amount of \$408,205.00. for the Juanita Pohl Center Addition and Renovation Project.

Section 3. The Community Services Director is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 25th day of July 2011.

CITY OF TUALATIN, OREGON

BY  Mayor

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:  
BY  City Recorder

CITY OF TUALATIN BID TABULATION FORM  
**PROJECT TITLE: JUANITA POHL ADDITION AND RENOVATION PROJECT**  
 Bid Opening: July 21, 2011 at 2:00 pm

CONTRACTORS	TOTAL BASE BID	ALTERNATIVES							GRAND TOTAL BASE BID PLUS ALTERNATES	BASE AND ALTERNATES AWARDED
		AWARD 1	AWARD 2	AWARD 3	Not Award 4	Not Award 5	AWARD 6	AWARD 7		
1. Nomarco, Inc.	\$357,925.00	\$18,600.00	\$18,200.00	\$3,680.00	\$3,450.00	\$2,870.00	\$7,200.00	\$2,600.00	\$414,525.00	\$408,205.00
2. Cedar Mill Construction Company, LLC	\$359,000.00	\$12,000.00	\$11,600.00	\$6,200.00	\$5,000.00	\$4,000.00	\$15,500.00	\$6,100.00	\$419,400.00	\$410,400.00
3. Russell Construction Inc.	\$376,056.00	\$20,499.00	\$19,096.00	\$7,140.00	\$4,934.00	\$3,127.00	\$7,476.00	\$1,602.00	\$439,930.00	\$431,869.00
4. Skyward Construction, Inc.	\$438,450.00	\$15,627.00	\$15,790.00	\$5,905.00	\$3,841.00	\$2,562.00	\$8,050.00	\$1,380.00	\$491,605.00	\$485,202.00
5. P & C Construction Company	\$442,933.00	\$15,000.00	\$14,000.00	\$7,000.00	\$5,000.00	\$3,000.00	\$8,000.00	\$2,000.00	\$496,933.00	\$488,933.00
6. Todd Construction, Inc.	\$485,000.00	\$19,000.00	\$16,000.00	\$7,000.00	\$5,000.00	\$3,000.00	\$8,000.00	\$2,000.00	\$545,000.00	\$537,000.00
7. Woodburn Construction Co.	Not accepted - arrived after bid closing									
<b>COST ESTIMATE</b>	\$387,582.00	\$14,639.00	\$14,257.00	\$8,288.00	\$4,759.00	\$5,197.00	\$30,298.00	\$5,000.00	\$470,020.00	\$460,064.00

DESCRIPTION OF ALTERNATES

Alternate 1 - Award

Accoustic Partition 1 and Casework in room 16 (East Lounge)

Alternate 2 - Award

Accoustic Partition 2 in room 15 (West Lounge)

Alternate 3 - Award

Casework in room 16 (East Lounge)

Alternate 4 - Not Awarded

New windows on East elevation

Alternate 5 - Not Awarded

New Storefront at entry

Alternate 6 - Award

Additional 2x4 light fixtures

Alternate 7 - Award

Added pendant fixtures at food service area



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos  
**FROM:** Maureen Smith, Executive Assistant  
**DATE:** 07/25/2011  
**SUBJECT:** Community Involvement Committee Appointments

---

### ISSUE BEFORE THE COUNCIL:

The City Council approve appointments to various Advisory Committees and Boards.

### RECOMMENDATION:

Staff recommends the City Council approve the Community Involvement Committee (CIC) recommendations and appoint the below listed individuals.

### EXECUTIVE SUMMARY:

The Community Involvement Committee met and interviewed citizens interested in participating on City committees and boards. The Committee recommends appointing the following individuals:

<b>Individuals</b>	<b>Committee / Board</b>	<b>Term</b>
Sean Neary	Library Advisory Committee	Partial Term Expiring 10/31/2013
Marcus Young	Library Advisory Committee	Partial Term Expiring 10/31/2013
Chris Goodell	Architectural Review Board - Reappointment	Term Expiring 06/30/2013
John Howorth	Architectural Review Board - Reappointment	Term Expiring 06/30/2013
Terry Novak	Architectural Review Board - Reappointment	Term Expiring 06/30/2013
Skip Stanaway	Architectural Review Board - Reappointment	Term Expiring 06/30/2013

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### Attachments:

**City Council Meeting**

**Item #: E. 1.**

**Date:** 07/25/2011

**SPECIAL REPORTS:** Update on the Renovation of the North Area of Community Park

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**Information**

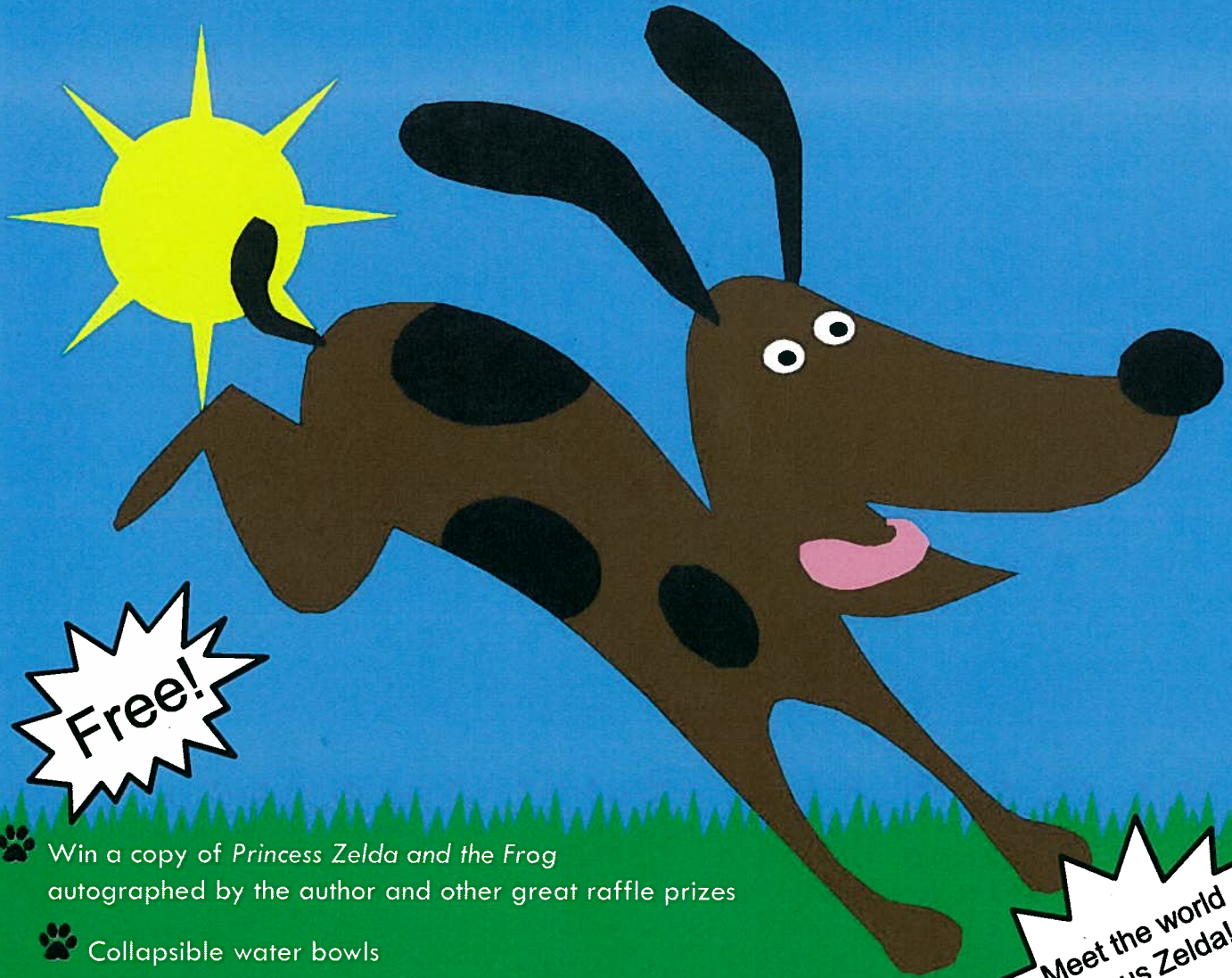
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**Attachments**

A - Renovation of North Area of Community Park

# Tualatin Dog Park Grand Opening

Saturday, August 13, 2011 🐾 Ribbon Cutting at 1:30 p.m. 🐾 Tualatin Community Park



Free!

Meet the world famous Zelda!

- 🐾 Win a copy of *Princess Zelda and the Frog* autographed by the author and other great raffle prizes
- 🐾 Collapsible water bowls
- 🐾 Yummy dog treats
- 🐾 Dove Lewis "Ask-a-Vet" and information station



City of Tualatin



DoveLewis

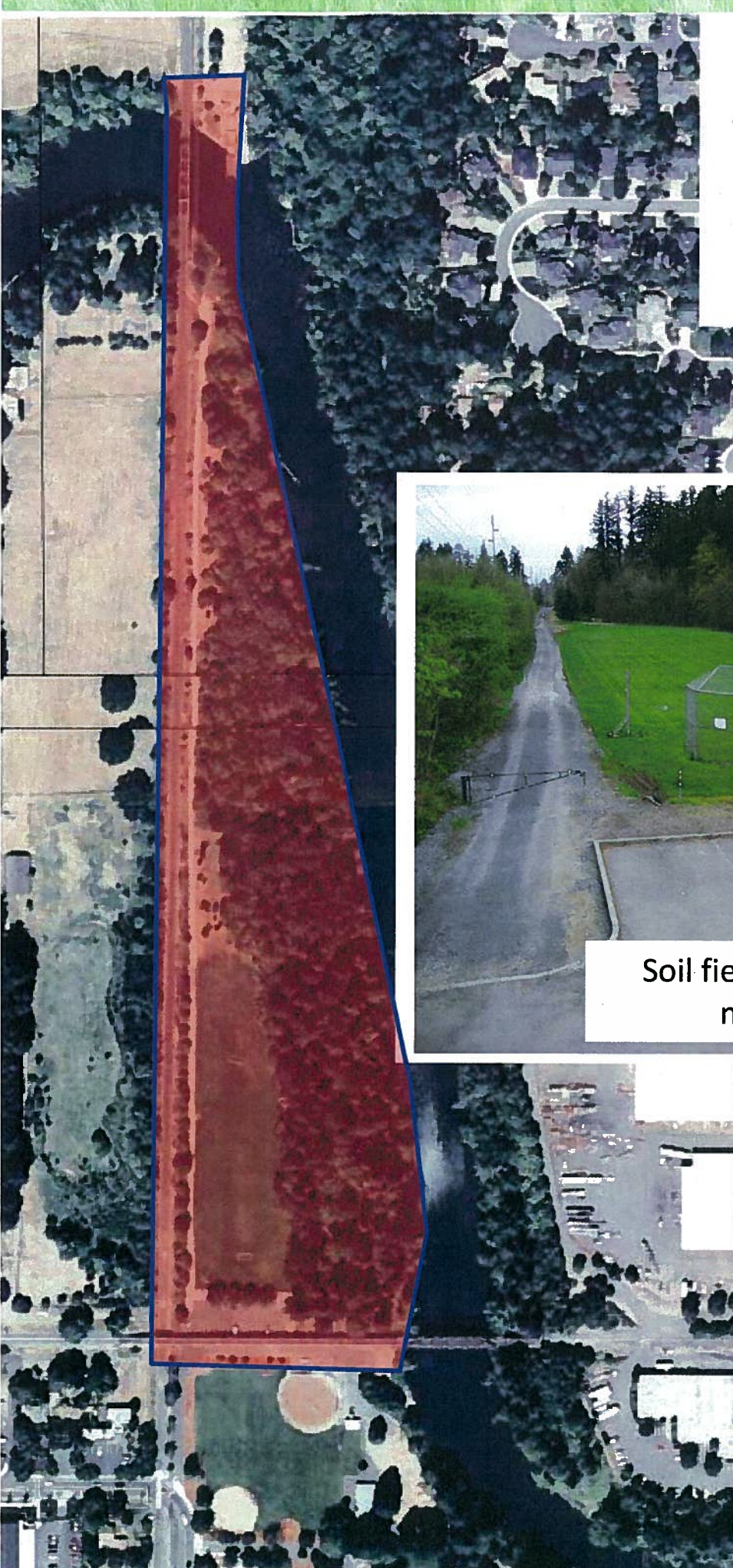


Questions? Call 503.691.3061

# Renovation of the North Area of Community Park



Soil field, no safe river crossing,  
not many amenities.







## **Major renovation : 2006 – 2011**

- New Bicycle and Pedestrian Bridge over the river
- New park pathways
- New picnic shelter
- New parking lot
- Riparian area restoration and enhancements
- New arcade with Tualatin sign



**Tualatin Dog Park**  
•Open late July



**Renovated sports field**  
•Construction completed  
in late July  
•Open for play spring  
2012

**City Council Meeting**

**Item #: E. 2.**

**Date:**

07/25/2011

**SPECIAL REPORTS:**

Transportation System Plan Update

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**Information**

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## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** William Harper, Senior Planner  
Alice Rouyer, Community Development Director

**DATE:** 07/25/2011

**SUBJECT:** **REQUEST FOR CONTINUANCE** - Amending the Sign Regulations to Allow Additional Types of Building Signs in the Central Design District; and Amending Tualatin Development Code Chapters 38.110 Sign Types, 38.220 Central Commercial and General Commercial Planning District Sign Standards and 31.060 Definitions Plan Text Amendment (PTA-11-08)

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### ISSUE BEFORE THE COUNCIL:

Council consideration of a request for a Plan Text Amendment (PTA-11-08) to the Tualatin Development Code (TDC), Chapter 38 Sign Regulations to:

- Amend TDC 38.220 to allow additional building sign options in the Central Design District;
- Amend 38.110, 38.220 and 31.060-Definitions to provide standards and definitions for the proposed additional sign options.

The Community Development Department requests the public hearing scheduled for July 25, 2011 be continued to October 24, 2011. The continuance will allow additional time to receive information and concerns by Barrington Development regarding the proposed building sign standards.

### RECOMMENDATION:

Staff recommends the noticed public hearing for Plan Text Amendment PTA-11-08 be continued to October 24, 2011 at 7:00 p.m.

### EXECUTIVE SUMMARY:

- This matter is a Plan Text Amendment to the Tualatin Development Code and a decision by the City Council is a legislative action.
- The applicant is the Community Development Department.
- The request is to amend the Sign Regulations in the Tualatin Development Code Chapter 38 to allow additional building sign options in the Central Design District portion of downtown Tualatin. The amendment was initiated by the Community Development Department in response to concerns by downtown building owners and tenants about the limitations of current wall sign standards for new and existing multistory, multi-tenant buildings that are located next to public sidewalks and streets such as Aspen Place and Robinson Crossing II.

- Following the July 11, 2011 Council worksession on the proposed Downtown Building Sign amendment, the downtown developer and property owner, Barrington Development raised concerns about the proposed amendment and objected to the number and kinds of signs allowed and the proposed size of building signs. To allow time to discuss the concerns, the Community Development Department is requesting a continuance of the hearing.
- A Notice of Hearing for the July 25, 2011 public hearing for PTA-11-08 was sent to property owners in the Central Design District downtown area of Tualatin and to persons who have participated in the process or requested notice. A courtesy letter was sent on July 15, 2011 informing the persons on the PTA-11-08 mailing list of the request for a continuance of the July 25, 2011 hearing date.
- Because the amendment is a legislative action, the 120-day rule codified in Oregon Revised Statutes (ORS) 227.178(2) is not applicable.

**OUTCOMES OF DECISION:**

If granted, the public hearing for Plan Text Amendment PTA-11-08 will be continued to October 24, 2011.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation to continue the public hearing to October 24, 2011 are:

Deny the request for a continuance and conduct the public hearing.

Continue the public hearing to another date.

**FINANCIAL IMPLICATIONS:**

The Fiscal Year 2011/2012 budgets account for the cost of City-initiated plan amendment applications.

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**Attachments:**



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date

7-25-11

Recording Secretary

*[Signature]*

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Colin Cortes, Assistant Planner  
Alice Rouyer, Community Development Director

**DATE:** 07/25/2011

**SUBJECT:** A Conditional Use Permit for Integrated Metal Components, Light Metal Fabrication (of Semi-finished or Finished Metals) in the Light Manufacturing Planning District at 18355 SW Teton Avenue (Tax Map 2S1 23BB, Tax Lot 501) (CUP-11-02)

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### ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for Conditional Use Permit 11-02 for light metal fabrication (of semi-finished or finished metals) by Integrated Metal Components within the Light Manufacturing Planning District at 18355 SW Teton Avenue (Tax Map 2S1 23BB, Tax Lot 501).

### RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-02.

### EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 3.25 acres at 18355 SW Teton Avenue on Tax Lot 2S1 23BB 501, north of SW Herman Road and south of SW Tualatin Road.
- A Vicinity Map is included as Attachment A.
- The applicant is Integrated Metal Components, Inc. (IMC), the applicant's representative is Dorothy S. Cofield, Attorney at Law, Cofield Law Office, and the owner is Kambara USA, Inc.
- The applicant conducted a neighborhood/developer meeting on May 26, 2011 at 6 p.m. to explain the proposal to neighboring property owners and to receive comments. Besides the company president, four persons attended. Staff and the applicant had a pre-application meeting on April 15, 2011.
- Intergrated Metal Components (IMC) is a precision light sheet metal shop currently located in Wilsonville that manufactures and fabricates sheet metal for original equipment manufacturers such as Xerox. It mainly uses steel and aluminum, frequently works with other metals such as copper, brass and galvanized steel, handles non-metal materials such as insulators, gaskets and casters, and also does powder coating and silk screening. IMC produces light aluminum and steel for customers in the Pacific Northwest for culinary, medical, dental, fiber

optics, musical, optical, military, security, truck and transportation. Metal products range in size from very small to as large as outdoor grills.

- The subject property is within the Light Manufacturing (ML) Planning District.
- "Light metal fabrication (of semi-finished or finished metals)" is a conditional use within the ML Planning District pursuant to Tualatin Development Code (TDC) 60.040(1)(j).
- The City approved the existing site development via Architectural Reviews AR-87-09, AR-89-11, and AR-97-29. The applicant seeks to lease approximately 40,000 square feet of vacant tenant space within the existing building.
- The applicant is not proposing to change the building exterior or site development such that Architectural Review would be required pursuant to TDC 73.040.
- The area around the subject property includes a mix of light industrial businesses such as Fleet Safety Systems, Pacific Cargo Control, Pacific Industries, Precision Graphics of Oregon, Jana's Classics, Helser Industries, M&I Air Systems Engineering, and Schulz-Clearwater Sanitation.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment B).
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). An Engineering Division Memorandum addressing transportation and other public facilities associated with the proposed CUP is included (Attachment D).
- The Engineering Division memorandum dated June 28, 2011 regarding the transportation analysis does not identify vehicle trip generation as a concern. Further information is available in the Engineering Division Memorandum (Attachment D).
- The applicable policies and regulations that apply to the proposed conditional use in the ML Planning District include: TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives;" Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria; and Chapter 60 "Light Manufacturing Planning District (ML)," Section 60.041 "Restrictions on Conditional Uses." The attached analysis and findings (Attachment C) consider the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the ML Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
- Based on the application and the analysis and findings (Attachment C), light metal fabrication (of semi-finished or finished metals) by IMC (CUP-11-02) meets the criteria of TDC 32.030.
- Staff recommends no conditions of approval.
- Oregon Revised Statutes 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under Oregon Revised Statutes 227.180, within 120 days after the application is deemed complete. The date of the July 25, 2011 hearing is the 41st day following completeness.

#### **OUTCOMES OF DECISION:**

Approval of the Conditional Use Permit (CUP) request will result in the following:

1. Allows the applicant light metal fabrication (of semi-finished or finished metals) on the subject property.

Denial of the CUP request will result in the following:

1. Precludes the applicant from light metal fabrication (of semi-finished or finished metals) on the subject property.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for the Council are:

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

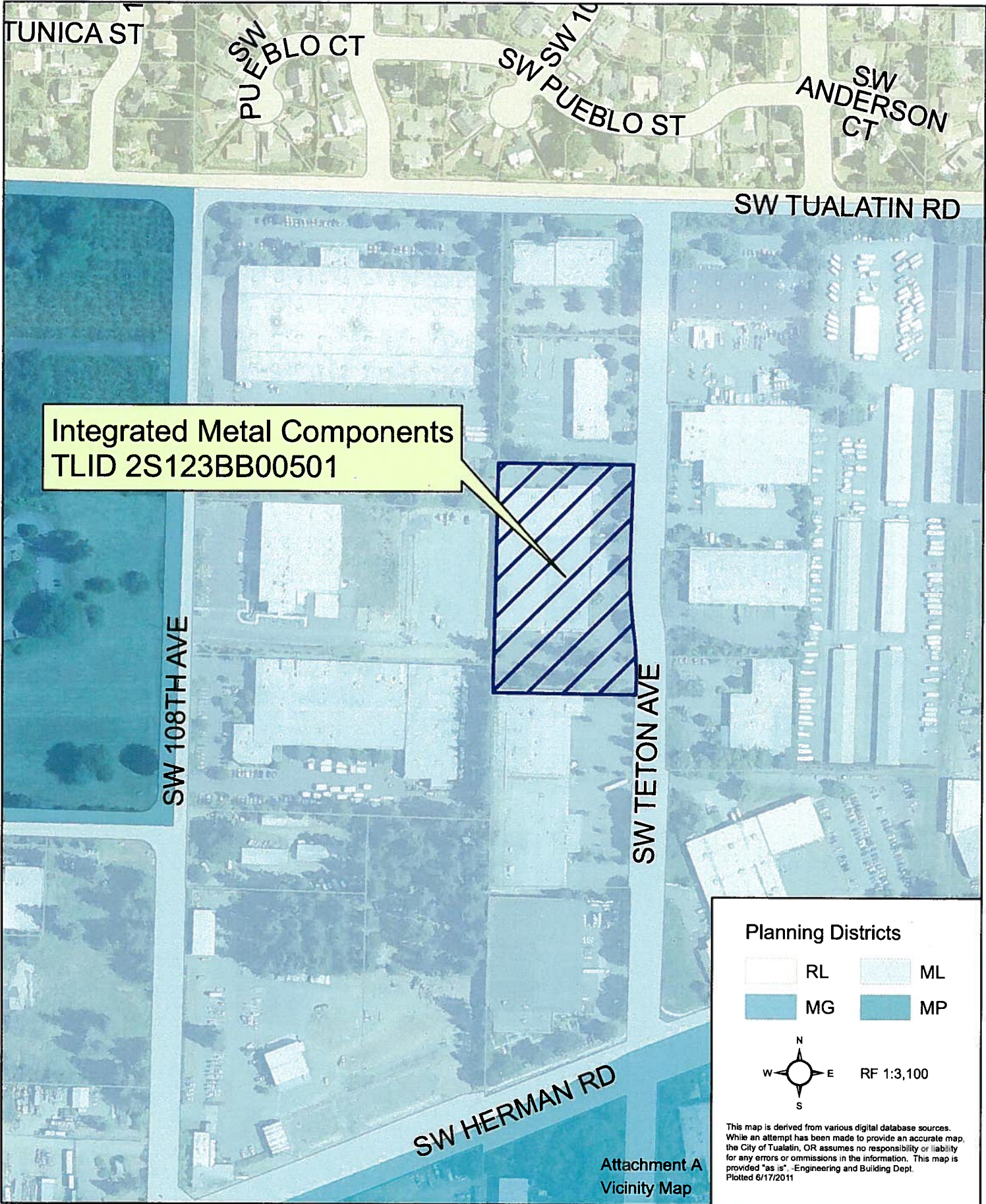
**FINANCIAL IMPLICATIONS:**

The Fiscal Year 2011/12 budget allocated revenue to process current planning applications, and the applicant submitted payment of \$1,365 per the City of Tualatin Fee Schedule to process the application.

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**Attachments:**     Attachment A - Vicinity Map  
                          Attachment B - Application Materials  
                          Attachment C - Analysis and Findings  
                          Attachment D - Engineering Division Memorandum

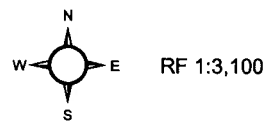




Integrated Metal Components  
TLID 2S123BB00501

Planning Districts

- RL
- MG
- ML
- MP



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". Engineering and Building Dept. Plotted 6/17/2011

Attachment A  
Vicinity Map

**COFIELD LAW OFFICE**  
Dorothy S. Cofield, Attorney at Law

9755 SW Barnes Road  
Suite 450  
Portland, Oregon 97225

Tel: 503.675.4320  
Fax: 503.595.4149  
Email: [cofield@hevanet.com](mailto:cofield@hevanet.com)  
Web: [cofieldlawoffice.com](http://cofieldlawoffice.com)

VIA HAND DELIVERY

May 31, 2011

Will Harper  
Community Development Department – Planning Division  
18880 S.W. Martinazzi Avenue  
Tualatin, OR 97062

*Re: Integrated Metal Components, Inc.  
Conditional Use Permit Application*

Dear Mr. Harper,

Enclosed you will find the original and one copy of IMC's conditional use permit application, including the application fee and signed application. We have also enclosed a copy of the application on CD Rom in PDF format.

If you have any questions about the submittal or need further information, please contact us.

Very truly yours,

COFIELD LAW OFFICE

  
Dorothy S. Cofield

DSC: dsc

cc: Client  
Brad Blythe  
Stu Peterson

Attachment B  
Application Materials



# City of Tualatin

www.ci.tualatin.or.us

## APPLICATION FOR CONDITIONAL USE

Community Development Department - Planning Division  
18880 S.W. Martinazzi Avenue  
Tualatin, OR 97062  
503-691-3026

Case No. CUP11-02  
Fee Rec'd. 1365.00  
Receipt No. \_\_\_\_\_  
Date Rec'd. 5-31-11  
By W. HARR

PLEASE PRINT IN INK OR TYPE

Code Section 32.030 Conditional Use to allow Light Sheet Metal Manufacturing

Planning District \_\_\_\_\_

Owner's Name Kambara USA Inc Phone \_\_\_\_\_

Owner's Address PO Box 747 Tualatin, OR 97062  
(street) (city) (state) (ZIP)

Owner recognition of application: Reiko Kambara

signature of owner(s)

Applicant's Name Integrated Metal Components Inc Phone 570-8560

Applicant's Address 29121 SW Kinsman Rd Wilsonville OR 97070  
(street) (city) (state) (ZIP)

Applicant is: Owner \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Developer \_\_\_\_\_ Agent \_\_\_\_\_

Other Buyer on Ernest Money

Contact person's name Dorothy COFIELD COFIELD Law <sup>Office</sup> Phone 503 675 4520

Contact person's address 9755 SW Barnes Rd Suite 450  
(street) (city) (state) (ZIP)

Assessor's Map Number 2S123B5 Tax Lot Number(s) 501

Address of Property 18355 SW Teton Ave Lot Area 3.19 acres

Existing Buildings (Number and Type) 1 - Industrial office

Current Use Vacant

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

[Signature]  
Name Celena Herold + MC Date 5/31/11 Phone (503) 572-8560  
Address 29121 SW Kinsman Rd Wilsonville, OR 97070  
(street) (city) (state) (ZIP)

Conditional Use Application

Applicant: Integrated Metal Components, Inc. (IMC)  
Glenn Heard, President  
29121 S.W. Kinsman Rd.  
Wilsonville, OR 97070

Owner: Kambara USA, Inc., an Oregon corporation  
PO Box 747  
Tualatin, OR 97062

Property Address: 18355 SW Teton Avenue, Tualatin, Oregon 97224  
Property Tax ID: R1449356  
Legal Description: 2S123BB-00501

Proposal: IMC is a precision light sheet metal shop currently located in Wilsonville, Oregon. IMC manufactures and fabricates sheet metal for original equipment manufacturers (OEM) such as Xerox. It mainly uses steel (cold rolled, hot rolled and stainless) and aluminum. It frequently works with other metals such as copper, brass and galvanized steel and handles non-metal materials such as insulators to gaskets to casters. It also does powder coating and silk screening. IMC seeks to relocate its growing business to the vacant Kambara USA Inc. building located at the above-reference address.

Background: The subject site consists of Tax Lot 501 on Tax Map 2S123BB. *See Attachment 1, Preliminary Title Report Tax Map.* The site is 3.19 acres and is located on the west side of Teton Ave between SW Herman and SW Tualatin. An existing square foot building is located on the property. It is served by all necessary public facilities including Teton Ave., with curbs, sidewalks and bike lanes; storm drainage; water, sewer, and all utilities. The site is completely landscaped with mature trees and eighty (80) parking spaces with two driveway accesses onto Teton Ave. The property is zoned Light Manufacturing Planning District (ML). It allows light sheet metal manufacturing as a conditional use. TDC 60.040(j).

The applicant is IMC, a company presently located in Wilsonville. The property owner is Kambara USA, Inc., a Japanese company. IMC is seeking to relocate their light metal fabrication operation to the subject site.

Analysis and Findings

1. Section 32.010 of the Tualatin Development Code (TDC) states that the applicant must provide “evidence substantiating that all requirements of the Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria:
  - a. The use is listed as a conditional use in the underlying planning district;

- b. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, existence of improvements and natural features.
- c. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
- e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Each of the criteria is discussed below:

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

Applicant's Response:

TDC 60.0040(j) allows light metal fabrication (of semi-finished or finished metals). As a conditional use, the application must meet the requirements of TCD Chapter 32.

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

Applicant's Response:

The subject site is a rectangle of the following dimensions: 466.46 x 316.88 sq. ft. (3.19 acres). See Attached Site Plan. It has an existing building which is approximately 61,904 square feet. As shown in the site map, it exceeds the required setbacks requirements of TDC 60.070. The property is fully landscaped and has 80 existing parking spaces. *See Attachment 2, Site Plan.*

The site and general terrain is flat. The proposed use (a light sheet metal fabricating company) will use approximately 40,000 square feet of the 61,000 square foot building. There is existing mature landscaping and eighty (80) parking places that were put in when the site was originally developed. There is no outdoor storage associated with IMC's use.

The IMC use will be in the southern portion of the building marked "main floor" which is the furthest most portion of the building considering the residential subdivisions to the north. The shape of the property is a rectangle, with access from Teton Ave. via two existing driveways. The loading docks are on the northern end of the building for handling shipping. There are no natural features on the property. There are existing trees and landscaping as shown on the site plan which provide noise, aesthetic and visual buffers from adjacent properties and Teton Ave. IMC receives deliveries from "box-band" trucks that have 12 foot to 14 foot beds. It sometimes receives deliveries from flat bed semi-trucks that will typically arrive from the south off of Tualatin Sherwood Hwy. It does not receive deliveries from tracker trailers. The hours of deliveries are during business hours. The building is concrete tilt-up thereby providing sound-proofing of uses inside the building. There are no windows in the factory portion of the building, thereby reducing sound impacts. In the summer, there are doors on the southern side of the

building, farthest away from residential neighborhoods that may be open on hot days for air flow. The property is already served with all necessary utilities including water, sewer, stormwater, electricity, telephone and cable.

The location of the site is in the middle of the Teton Industrial Park, nearly 1000 feet from the residential subdivisions to the north, and buffered by already approved industrial uses. The site is zoned light industrial and allows a variety of industrial uses that arguably have more impacts to the surrounding neighborhood than a light sheet metal company that deals in medical and dental tools and smaller fabrication. IMC's use is similar to the approved Chrystal Light Manufacturing to the southwest (no longer in business). *See Attachment 3, CUP 90-08.* IMC has some of the same previous customers as the previously approved Chrystal Light. IMC's use is less intensive than Ted Nelson Industries' sheet metal plant to the north on TL 900 which manufactures sheet metal for civil projects such as freeway overpass metal etc. IMC's use is also less intensive than Chamberlain Hare Properties which was approved in CUP 93-04 to allow light metal fabrication for woodstoves on TL 702 and 1000, directly across the street from Kambara USA and to the south. *See Attachment 4, Resolution 2846-93 and vicinity site map.*

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

#### Applicant's Response

Water: <sup>1</sup>The site and building are located in pressure level A. There is an existing 12" water line in Teton Avenue.

Sanitary Sewer: There is an existing 8" sanitary sewer line in Teton Avenue.

Storm Drainage: There is an existing storm drainage system in Teton Avenue. There is an existing 10' public storm drainage easement and a 15" diameter pipe located on this property. The storm drains are already established on the site by the front entrance and to the south. A Service Provider Letter from Clean Water Services is not required for this conditional use application because it is not defined as "development" under the CWS definitions. *See Attachment 5, Confirming Electronic Mail from Will Harper.* There is an existing stormwater connector approved as part of the Kambara USA use.

Transportation: The site and building is adjacent to SW Teton Avenue, which is designated a collector street in the TDC 11.100(2). Teton Avenue is a fully improved street. The two existing driveways allow trucks to enter the site on one driveway and exit on the other instead of having to back out onto the street. This reduces traffic congestion and safety hazards on the road. A traffic study is not required per Tony Dugan's electronic mail. *See Attachment 6.*

The following findings are in support of no traffic impacts. The previous use, a scrapbook company (Kambara USA, Inc.) had approximately 100 employees with 80 parking spaces. IMC has 50 employees, on a three shift day, thereby spreading the 50 employee vehicle trips over a three eight hour periods. The evening shifts will be during non-peak traffic hours (typically

---

<sup>1</sup> The following information about public facilities was taken from the findings in 90-08, Attachment 3, supra.

8:00 a.m. to 5:00 p.m. are peak traffic periods). Because IMC will have 50% less employees than the Kambara use, there will not be additional traffic impacts associated with this conditional use application. IMC has less employees and the CUP is not being used to provide for more intensive use of the building, therefore the quantity of trips can be expected to be less than past Kambara use.

*d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.*

#### Applicant's Response

Surrounding land uses as shown in Attachment 14 are:

- N: ML, Helser Industries, a heavy fabrication company  
Lifetime Gate, a fencing fabrication and distribution company
- E: ML, Eurobest, Vision Plastics, a plastics manufacturing company, AIRFECO  
Distribution
- S: ML, DOT Storage, City of Tualatin Operations Yard
- W: ML, Oki Oregon, public street entrance to the Leveton Tax Increment District  
Engineered Industries, a sheet metal manufacturer
- SE: ML, Kershaw Knives, knife manufacturing and machine shop

The proposed use is light metal fabrication. IMC produces light aluminum and steel for customers in the Pacific Northwest for culinary, medical, dental, fiber optics, musical, optical, military, security, truck and transportation. Metal products range in size from very small to as large as outdoor grills. The processes for production include shearing, bending, punching, powder coating and welding materials up to 1/8" in thickness. Typically, IMC works on thicknesses of .125 to .0032. Although IMC has a powerful shearing machine that can cut pieces as large as 1/4" x 8' by 4', IMC cannot cut this size material because it is too heavy to lift. IMC uses its oversized shearing machine because it has outlasted other smaller machines. In other words, it provides more capacity than IMC uses, but is a strong machine that can cut its typical orders.

The machinery IMC uses on a day-to-day basis (1810 Cincinnati Shear, Strippit Global 20 1215 CNC Turret, Amada Pulsar Laser, Armada Fab III 8025 80 Ton 8foot 8 axis, Amada Fab 50 Ton 5 foot 3 axis, Cosen band saw, Amada 80KVA Spotwelder, Powder Coating and Silk Screening) produce low noise and vibration with the largest tool as mentioned above being the Shear which is relatively quiet when cutting thickness of .125. (The noise is when the maximum sized metal cut pieces drop onto the floor after cutting). The etched plating is sent out to other sub-contractors or plating shops, and the remaining powder coating is allowed by law to be disposed of with general waste. In IMC, Wilsonville, IMC has disposed of its pre-treatment water in the

sewer which is then cleaned in the city sewer treatment plant. The applicant anticipates the same process for the subject property's waste water associated with the powder coating cleaning process.

The plant presently operates three shifts of 50 employees and has an office staff of eight. Products will be shipped from the site in a large van-type truck. Deliveries of materials generally arrive on pallets on 40-foot flatbed trucks to the plant. The materials will be stored for protection within the existing building. In the ML, Planning District, TDC 60.080(5)(a & b) requires that loading areas and outdoor storage of materials be screened from the view of any adjacent street.

As a collector street, SW Teton is adequate to accommodate the employee and truck traffic expected from the proposed use without conflict with the existing and future development in the area.

The nearest residential planning district is approximately 900 feet to the north of the subject site across Tualatin Road. The land rises in elevation 20 feet from the northwest site corner to SW Tualatin Road. In a direct northerly line from the site is a large manufacturing building (Ted Nelson Company), numerous smaller buildings and several groves of trees. TDC 60.085 requires that manufacturing uses within 450 feet of a straight line lateral path to a residential property within a residential planning district shall have sound barrier construction. The proposed site is further than 450 feet from the nearest residential planning district properties. Considering the code has codified 450' as needing sound barriers, it correspondingly can be concluded that sites further than 450' from residential planning districts provide an adequate noise buffer from noise impacts. With the factors of distance, the rise in ground elevation, and the presence of buildings and landscaping that serve to diminish noise impacts, the proposed use will not alter residential character in the vicinity of the proposed site.

The character of the area surrounding the site is primarily light industrial buildings and land uses.

The light metal fabrication use on the subject site are compatible and similar to the existing character of the manufacturing district in the Teton area.

*e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.*

#### Applicant's Response

This proposal is consistent with plan policies. The proposed conditional use is consistent with the following objectives listed in the Tualatin Community Plan.

- a. *Encourage new industrial development [7.030(1), TDC].* The IMC CUP approval will allow the City to gain a new light industrial uses which has been sited in Wilsonville. IMC's proposed move to Tualatin will allow IMC to house its growing business which has outgrown its current rented premises. IMC's use of the Kambara vacant building will encourage a new business in Tualatin and it is consistent with Plan policy.



- b. *Provide increased local employment opportunity... making the city, and in particular the Western Industrial District, a major regional employment center [7.030(2)].* IMC currently has fifty employees. The relocation of IMC to Tualatin will encourage additional employment in the Western Industrial District which was previously in Wilsonville and is consistent with Plan policy. Sub-letting of portions of the building in the future will provide more employment opportunities for the city.
- c. *Preserve ... the City's existing industrial land [7.030(4)].* This project is located in the light manufacturing planning district and its siting in the vacant Kambara building serves to fulfill the Plan policy of using the City's industrial land for that purpose.
- d. ML is suitable for light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration or smoke. As a fabricator of metal (primarily steel and aluminum) IMC does not create dust (beyond the normal amount generated by welding), odor, vibration or smoke. Phosphates associated with its waste water (as is typical of the other sheet metal fabricator's in the general vicinity) will be taken care of by a permit to Clean Water Services (CWS) as a condition of approval.

#### Procedural Submittals & Findings

Pursuant to TDC 31.063, the applicant posted a Notice of Neighborhood Meeting sign and mailed notice as required by TDC 31.064. The held a noticed Neighborhood/Developer meeting on May 26, 2011, at least three weeks before submission of this application on May 31, 2011. The date of the Neighborhood meeting is within 180 days of submission of the conditional use application (May 31, 2011). There were two neighbors that attended (Rose and Don Petersen). After asking questions to the developer and owner, Glenn Hears, about their primary concerns (noise, traffic, pollutants, school capacity), the Petersens said they had no problems with IMC's proposed conditional use and would let their neighbors know about the meeting result. *See Attachment 7 Notice of Posting Affidavit; Attachment 8, Sign-In Sheet, Attachment 9, Meeting Notes.*

The fee in the amount of \$1,365 is included with this application. *See IMC Check.*

The pre-application conference was held on April 20, 2011. *See Attachment 10, Confirming Electronic Mail from Will Harper to Attorney Bradley Blythe.*

The correct names and addresses of all owners of property within 1,000 feet of the subject property are included with this application. A blue line copy of the Clackamas County Assessor's Map is included with the application. *See Attachment 11, from Fidelity Title Company.*

A copy of the legal description as it appears on the deed is attached to this application. *See Attachment 12, Preliminary Title Report, Fidelity Title Company.*

A signed and completed copy of the affidavit of Notice of Conditional Use Permit Application sign posting will be submitted after this application is filed and a CU Permit number is assigned for the application. *See Attachment 13.*

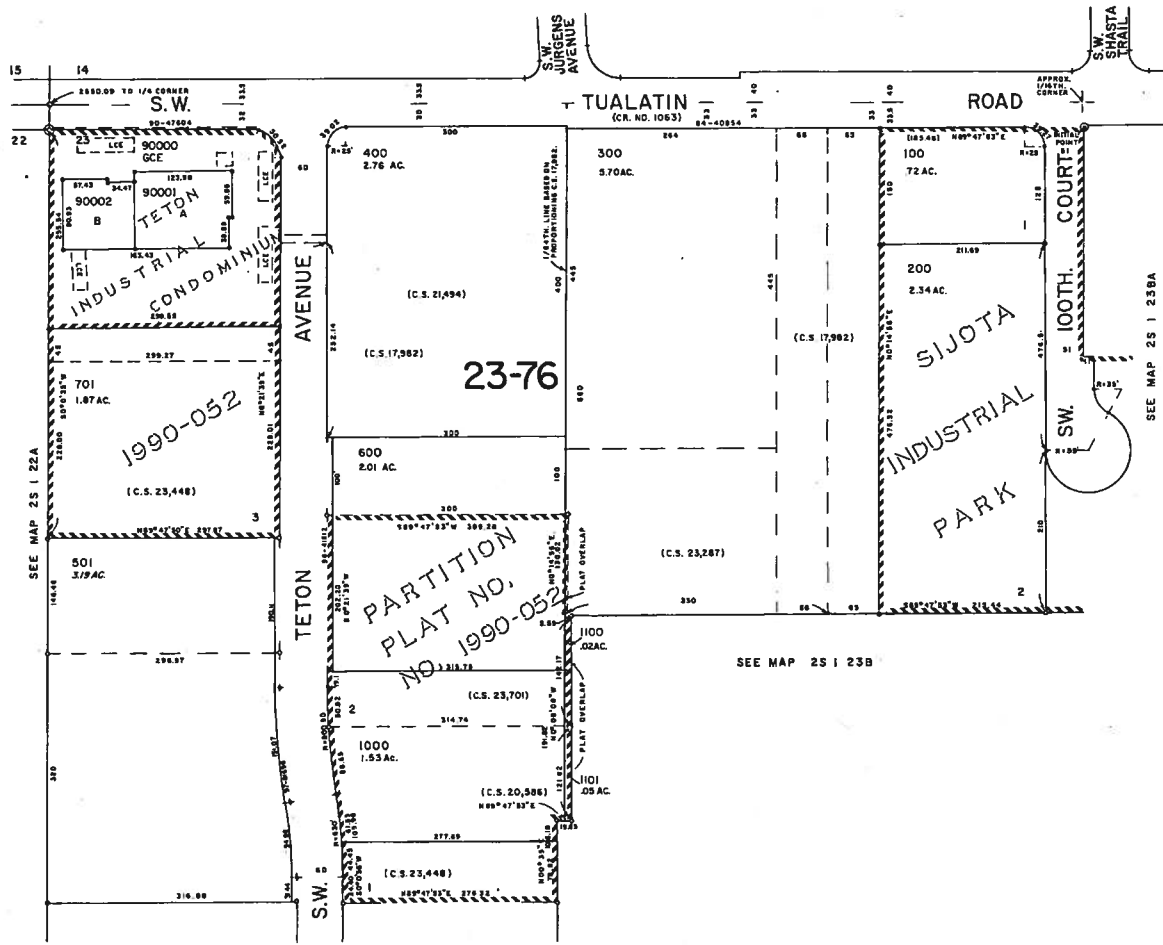
FOR ASSESSMENT PURPOSES ONLY  
DO NOT RELY ON FOR ANY OTHER USE

NW 1/4 NW 1/4 SECTION 23 T 2 S R 1 W W.M.  
WASHINGTON COUNTY

2S | 23BB  
TUALATIN

SCALE 1"=100'

SEE MAP 2S | 14CC



CANCELLED NUMBERS  
502  
500  
800  
700  
908  
702

APPROX. 1/8TH CORNER

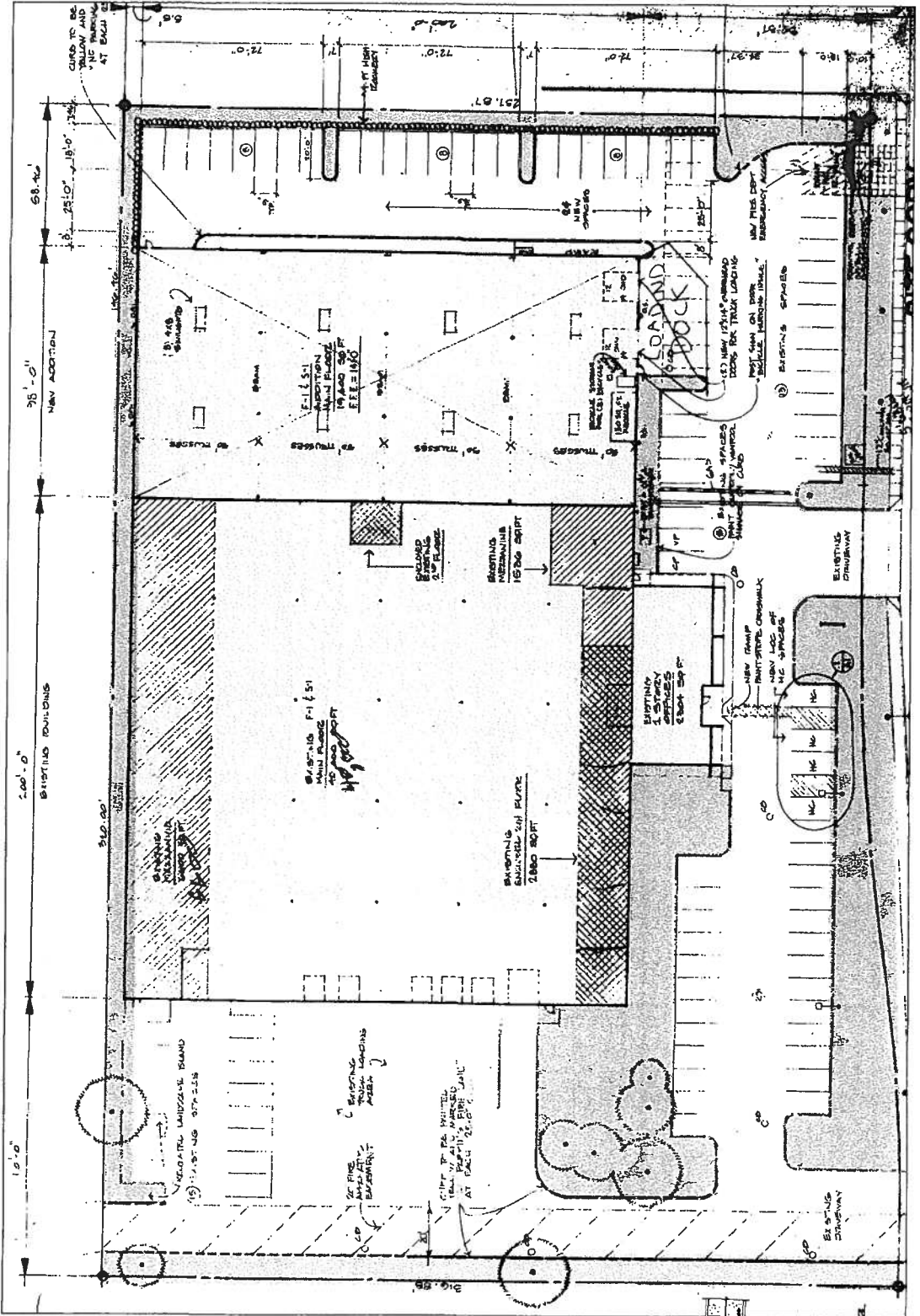
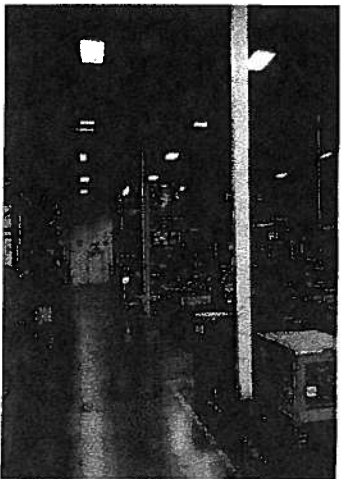
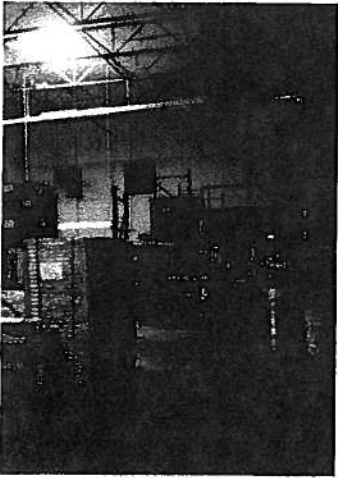
APPROX. 1/8TH CORNER

TUALATIN  
2S | 23BB

# FREESTANDING INDUSTRIAL FACILITY

10355 SW TETC N AVENUE :: TUALATIN, OR 97062

## SITE PLAN



**Dorothy Cofield**

---

**From:** Will Harper [WHARPER@ci.tualatin.or.us]  
**Sent:** Thursday, May 26, 2011 4:30 PM  
**To:** Dorothy Cofield  
**Cc:** TONY DORAN  
**Subject:** RE: Heard CU application

Yes, a simple site plan showing the building location, parking, loading areas on the property. Also identify neighboring properties and the public street.

A CWS Service Provider Letter is not required for a CUP.

Contact Tony Doran (503-691-3035) for traffic information requirements. He did provide some materials to Mr. Heard and Mr. Peterson, but will be happy to let you know.

*William Harper, AICP*

Associate Planner  
City of Tualatin | Community Development Department - Planning Division  
18880 SW Martinazzi Avenue | Located at 18876 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Direct 503-691-3027 | FAX 503-692-0147  
Web Address [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)  
Email [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us)

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**From:** Dorothy Cofield [mailto:Cofield@hevanet.com]  
**Sent:** Thursday, May 26, 2011 3:06 PM  
**To:** Will Harper  
**Cc:** 'Bradley Blyth'; 'Glenn Heard'  
**Subject:** Heard CU application

Will,

Do we need a site plan since the existing building will not be changed with the IMC conditional use Light Sheet Metal application?

Do we need a Service Provider Letter from CWS since we will be using existing storm water connections?

Do we need a traffic study?

Thank you for getting back to me.

DOROTHY S. COFIELD, ATTORNEY AT LAW  
**COFIELD LAW OFFICE**

5/26/2011

5

**Dorothy Cofield**

---

**From:** Dorothy Cofield [cofield@hevanet.com]  
**Sent:** Friday, May 27, 2011 10:27 AM  
**To:** 'TONY DORAN'  
**Cc:** 'Will Harper'; 'Glenn Heard'; 'Bradley Blyth'; 'Stu Peterson'; Dorothy Cofield  
**Subject:** RE: Heard CU application

Tony,  
Thank you for the direction. We will add that to the narrative.

**Dorothy S. Cofield**  
Cofield Law Office  
9755 SW Barnes Road, Suite 450  
Portland, OREGON 97225  
(503) 675-4320  
[cofield@hevanet.com](mailto:cofield@hevanet.com)  
[www.cofieldlanduse.com](http://www.cofieldlanduse.com)

---

**From:** TONY DORAN [mailto:TDORAN@ci.tualatin.or.us]  
**Sent:** Friday, May 27, 2011 8:39 AM  
**To:** Dorothy Cofield  
**Cc:** Will Harper  
**Subject:** RE: Heard CU application

Dorothy,

Rather than the time and expense of traffic study or letter, Engineering feels we can support this CUP with a small amount of text from the applicant. In your submittal include commentary concerning the approximate quantity of employees the previous use, mention how many you have, and discuss the purpose of the CUP. We understand that you have less employees and the CUP is not being used to provide for more intensive use of the building, therefore the quantity of trips can be expected to be less than past uses.

Tony Doran  
Engineering Associate | Engineering & Building

---

**From:** Will Harper  
**Sent:** Thursday, May 26, 2011 4:30 PM  
**To:** Dorothy Cofield  
**Cc:** TONY DORAN  
**Subject:** RE: Heard CU application

Yes, a simple site plan showing the building location, parking, loading areas on the property. Also identify neighboring properties and the public street.

A CWS Service Provider Letter is not required for a CUP.

Contact Tony Doran (503-691-3035) for traffic information requirements. He did provide some materials to Mr. Heard and Mr. Peterson, but will be happy to let you know.

5/31/2011

6

**Dorothy Cofield**

---

**From:** Bradley Blyth [law@bblyth.com]  
**Sent:** Wednesday, May 04, 2011 11:29 AM  
**To:** Dorothy Cofield  
**Subject:** FW: Glenn Heard: 18355 SW Teton Avenue, Tualatin, Or 97224

Here is the email regarding the application conference being satisfied.

Brad  
Bradley C. Blyth  
Attorney at Law  
4800 SW Meadows Rd.  
Suite 300  
Lake Oswego, Or 97035  
Phone: 503-641-9000  
Facsimile: 503-534-3539  
Email: [law@bblyth.com](mailto:law@bblyth.com)

----- Forwarded Message

**From:** Will Harper <[WHARPER@ci.tualatin.or.us](mailto:WHARPER@ci.tualatin.or.us)>  
**Date:** Thu, 21 Apr 2011 20:07:11 +0000  
**To:** Bradley Blyth <[law@bblyth.com](mailto:law@bblyth.com)>  
**Cc:** AQUILLA HURD-RAVICH <[AHURD-RAVICH@ci.tualatin.or.us](mailto:AHURD-RAVICH@ci.tualatin.or.us)>, Will Harper <[WHARPER@ci.tualatin.or.us](mailto:WHARPER@ci.tualatin.or.us)>  
**Subject:** RE: Glenn Heard: 18355 SW Teton Avenue, Tualatin, Or 97224

Mr. Blyth: 1. There are three interpretations for you to look at. None of them define light metal fabrication specifically, but deal with questions surrounding LMF that are helpful. Two files and a copy of a third are available for you to view at the CDD Counter.  
2. The meeting with Mr. Heard last week and our Wednesday counter discussion on the Interpretation process are sufficient for a pre-application conference.

William Harper, AICP  
Associate Planner  
City of Tualatin | Community Development Department - Planning Division  
18880 SW Martinazzi Avenue | Located at 18876 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Direct 503-691-3027 | FAX 503-692-0147  
Web Address [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us) <<http://www.ci.tualatin.or.us>>  
Email [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us)

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**From:** Bradley Blyth [mailto:[law@bblyth.com](mailto:law@bblyth.com)]  
**Sent:** Wednesday, April 20, 2011 10:01 AM  
**To:** Will Harper

5/26/2011

**Subject:** Glenn Heard: 18355 SW Teton Avenue, Tualatin, Or 97224

Dear William:

Thank you for your time this morning in discussing the Application for Interpretation regarding my client. Glenn Heard. The information you provided me was very helpful and appreciate your courtesies in answering my questions. As we discussed:

1. Please supply me with the interpretation of light metal fabrication that you referenced; and
2. Please advise as to whether our counter discussion will satisfy the pre-application conference requirement of the Code.

Thank you for your time and courtesies.

Brad  
Bradley C. Blyth  
Attorney at Law  
4800 SW Meadows Rd.  
Suite 300  
Lake Oswego, Or 97035  
Phone: 503-641-9000  
Facsimile: 503-534-3539  
Email: [law@bblyth.com](mailto:law@bblyth.com)

----- End of Forwarded Message

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 8.5.449 / Virus Database: 271.1.1/3615 - Release Date: 05/04/11 12:52:00



# CITY OF TUALATIN

PO BOX 368  
TUALATIN, OREGON 97062-0368  
(503) 692-2000

June 14, 1993

City Council  
City of Tualatin

Members of the Council:

**CUP-93-04--CONDITIONAL USE TO ALLOW LIGHT METAL FABRICATION  
IN A LIGHT MANUFACTURING (ML) PLANNING DISTRICT  
AT 18155 SW TETON AVENUE (TAX LOT 700 & 701 ON TAX MAP 2S1 23BB)**

## REQUEST

On April 28, 1993, the City of Tualatin received an application from Chamberlain Hare Properties for a conditional use permit to allow light metal fabrication in a Light Manufacturing (ML) Planning District at 18155 SW Teton Avenue.

## APPLICANT'S REASONS

The applicant's reasons and supporting material are made a part of this staff report (Attachment 1).

## BACKGROUND

The subject site consists of Tax Lots 700 and 701 on Tax Map 2S1 23BB. The site has an area of approximately 1.87 acres.

The existing building and improvements were approved under AR-90-13. At that time light metal fabricators were permitted outright in the ML District. In late 1990 the code changed, requiring light metal fabricators to obtain conditional use permits, thus Lifetime Gate became nonconforming. Nonconforming uses or structures may not be altered or enlarged [35.030]. In order to expand, Lifetime Gate must come into conformity by obtaining a conditional use permit for both the existing use and the proposed expansion.

A request for an interpretation of the Tualatin Development Code (TDC) asked if outdoor storage was allowed within 300 feet of a residential planning district. Noise standards adopted in 1990 state that no conditional use shall be located closer than 300 feet to any residential planning district boundary, excepting building setbacks and areas for parking, circulation and landscaping [60.040(2)]. Planning staff (INT-93-05) concluded that outdoor storage is not included in this list of exceptions and is, in fact, a source of noise.

Exhibit "B"

LOCATED AT: 18880 SW Martinazzi Avenue



ANALYSIS AND FINDINGS

1. Section 32.030 of the TDC states that the applicant must provide "evidence substantiating that all requirements of the Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria:
  - a. The use is listed as a conditional use in the underlying planning district.
  - b. The characteristics of the site are suitable for the proposed use, considering the size, shape, location, topography, existence of improvements and natural features.
  - c. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
  - d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
  - e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Each of the criteria are discussed below.

2. The use is listed as a conditional use in the underlying planning district. The subject property is in the ML Planning District which lists as a conditional use light metal fabrication [60.040(1)(1)]. Lifetime Gate produces metal gates and fences from metal tubing and is a light metal fabricator. Criterion "a" is met.
3. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

The subject site is:

Size: 272' x 297' or 80,784 sf (1.87 acres)

Shape: Rectangular

Location: 18155 SW Teton Avenue

Topography: The site and the general terrain is flat, with steep slopes near the north and west property lines.

Improvements: Existing 12,600 square foot building, 12,765 sf of landscaping, and 43,472 sf of paving, with outdoor storage. The current storage complies with the 300' requirement [60.040(2)].

Natural Features: None

Approximately 10,920 square feet of paving for a new drive aisle and additional storage area is proposed for the north side of the property. New landscaping and sight-obscuring fencing may also be added along the perimeter. The applicant

states that land is available for this expansion which is already graded and flat. These items will be reviewed under the Architectural Review process.

The characteristics of the site are suitable for the proposed use. Criterion "b" is met.

4. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use. Public facilities are installed in the area of the site:

**Water:** The site is located in pressure level A. There is an existing 12" water line in Teton Avenue.

**Sanitary Sewer:** There is an existing 8" sanitary sewer line in Teton Avenue.

**Storm Drainage:** There is an existing storm drainage system in Teton Avenue. There is an existing 10' public storm drainage easement and a 15" diameter pipe located on this property. New on-site storm drains will be established.

**Transportation:** This site is adjacent to SW Teton Avenue, which is designated a collector street in the TDC [11.100(2)]. Teton Avenue is a fully improved street. The proposed drive aisle will allow trucks to enter the site on one driveway and exit on the other instead of having to back out onto the street. This reduces traffic congestion and safety hazards on the road.

The existing and planned transportation, public facilities and services available to the proposed site are adequate, and the proposed development is timely. Criterion "c" is met.

5. The proposed use will not alter the character of the neighborhood in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district. The site is in a ML Planning District. Surrounding land uses are:

N: ML, ESP & PI (under construction)  
E: ML, Arrow Mechanical, RV Storage  
S: ML, Kambara, USA  
W: ML, Helsen Industries

All of these uses are industrial. An expansion on the Lifetime Gate site will not negatively impact the surrounding industrial properties.

A residential planning district boundary is located 283 feet from Lifetime Gate's north property line. No expansion, except building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to this residential planning district boundary [60.040(2)]. The proposed drive aisle may be located closer than 300' to the RL

Planning District. The proposed outdoor storage must be set back more than 300 feet from this residential district. The current use complies with the regulations of the ML Planning District [60.060-60.090]

Criterion "d" is met.

6. The proposal is consistent with plan policies. The proposed conditional use is consistent with the following objectives listed in the Tualatin Community Plan:
- Encourage new industrial development [7.030(1), TDC]. The proposed expansion will allow Lifetime Gate to continue its use in the City and it is consistent with Plan policy.
  - Provide increased local employment opportunity...making the city, and in particular the Western Industrial District, a major regional employment center [7.030(2)]. As the proposed addition will encourage additional employment, it is consistent with Plan policy.
  - Preserve...the City's existing industrial land [7.030(4)]. This project is located in the light manufacturing planning district and its expansion serves to fulfill the Plan policy of using the City's industrial land for that purpose.
  - ML is suitable for light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration or smoke. Lifetime Gate does not create any dust, odor, vibration or smoke. Any potential noise issues have been addressed in the report above.

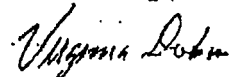
Criterion "e" is met.

7. Based on the application and the above findings and analysis, the approval criteria of TDC Section 32.030 have been met.

#### RECOMMENDATION

Staff recommends that Council direct staff to prepare a resolution granting CUP-93-04.

Cordially,



Virginia Dodson  
Assistant Planner

jb

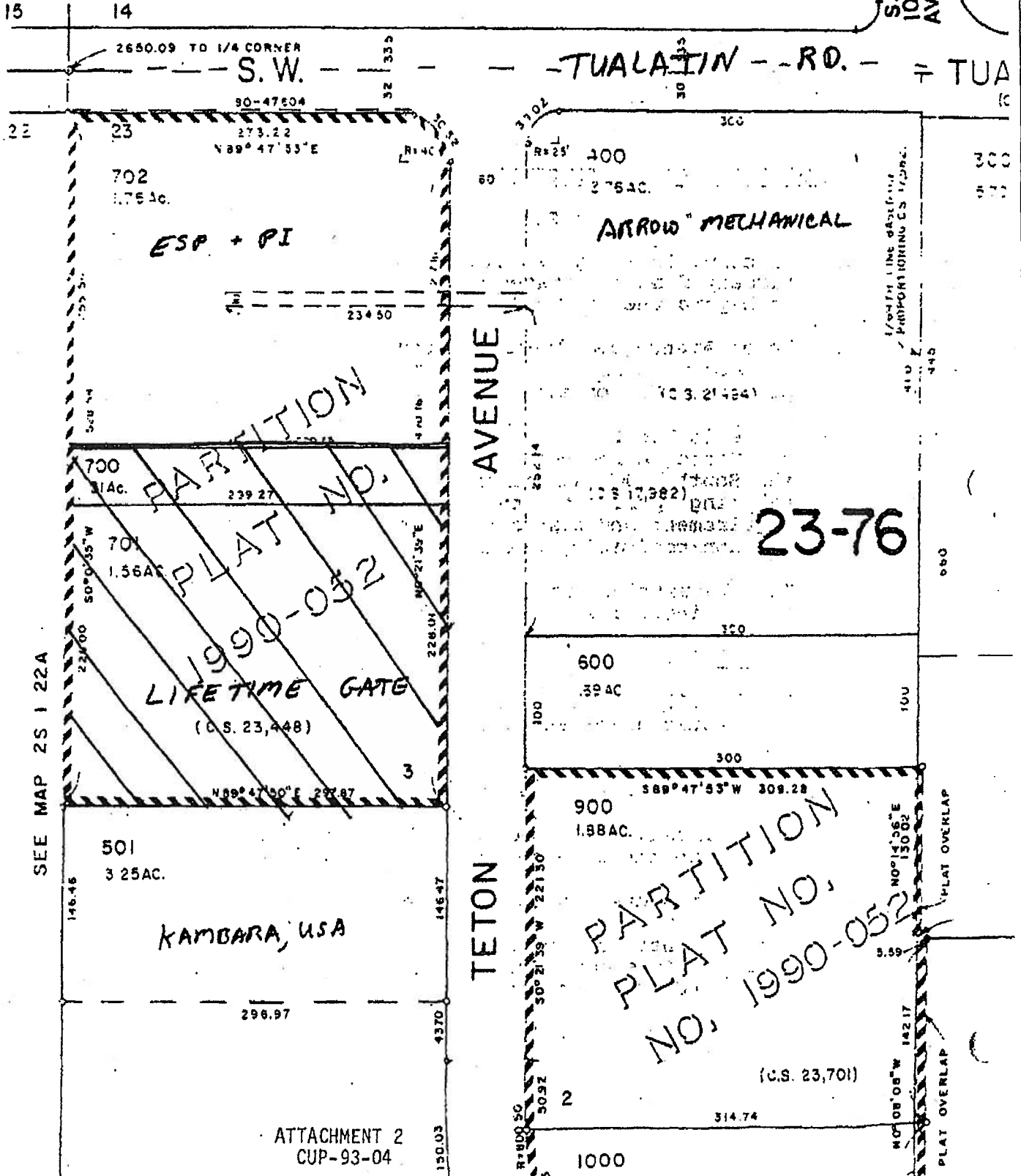
Attachments: 1. Applicant's Reasons  
2. Vicinity Map  
3. Site Plan

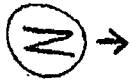
file: CUP-93-04  
18155 SW Teton Avenue

RL DISTRICT

SEE MAP 2S

S.W. 103 RD. AVENUE





SHADDO AREA IS  
NEW (LAND) ADDITION  
TO LIFETIME GATE  
COMPANY'S EXISTING  
SITE.

STORAGE

EXISTING PAVING  
BOUNDARY

EXISTING  
LIFETIME GATE COMPANY

EXISTING  
PAVING  
BOUNDARY

CURRENT  
DRI VEWAY

CURRENT

NEW PAVING  
(10' BROAD)

NEW DRIVEWAY

ESD + OI SITE

6 W TETON AVENUE

RESOLUTION NO. 2846-93

A RESOLUTION GRANTING A CONDITIONAL USE (CUP-93-04) TO ALLOW LIGHT METAL FABRICATION IN A LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 18155 SW TETON AVENUE (TAX LOT 700 & 701 ON TAX MAP 2S1 23 BB)

WHEREAS a public hearing was held before the City Council of the City of Tualatin on June 14, 1993, upon the application of Chamberlain Hare Properties, for a conditional use permit to allow light metal fabrication in a Light Manufacturing (ML) Planning District at 18155 SW Teton Avenue, upon real property described as:

Tax Lots 700 and 701 on Tax Map 2S1 23BB, Washington County, Oregon.

WHEREAS notice of public hearing was given as required under the provisions of the Tualatin Development Code by mailing a copy of said notice to property owners located within 300 feet of the property, which mailing is evidenced by that certain Affidavit of Mailing, marked "Exhibit A," attached hereto and by this reference incorporated herein; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff and those appearing at the public hearing; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes and hereby enters and adopts as its Findings of Fact the City staff report, dated June 14, 1993, which is attached as "Exhibit B," and by this reference incorporated herein; and

WHEREAS based upon the foregoing Findings of Fact the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied, and that granting the conditional use is in the best interests of the residents and inhabitants of the City, the applicant and the public generally.

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


Section 1. The applicant, Chamberlain Hare Properties, is hereby granted a conditional use permit to allow light metal fabrication in a Light Manufacturing (ML) Planning District

at 18155 SW Teton Avenue, Tax Lots 700 and 701 on Tax Map 2S1  
23BB, Washington County.

INTRODUCED AND ADOPTED this 28th day of June, 1993.

CITY OF TUALATIN, Oregon

By

  
Mayor

ATTEST:

By

  
City Recorder



## CITY OF TUALATIN

PO BOX 369  
TUALATIN, OREGON 97062-0369  
(503) 692-2000

October 22, 1990

City Council  
City of Tualatin

Members of the Council:

CUP-90-08--CONDITIONAL USE TO ALLOW LIGHT METAL FABRICATION IN A  
LIGHT MANUFACTURING PLANNING DISTRICT AT 18500 SW 108TH AVENUE  
TAX LOTS 201, 202 & 203 ON TAX MAP 2S1 22A

### REQUEST

On September 21, 1990, the City of Tualatin received an application for a conditional use permit to allow light metal fabrication in a Light Manufacturing (ML) Planning District at 18500 SW 108th Avenue.

### APPLICANT'S REASONS

The applicant's reasons and supporting material are made a part of this staff report (Attachment 1).

### BACKGROUND

The subject site consists of Tax Lots 201, 202 and 203 on Tax Map 2S1 22A. The site has an area of 4.78 acres and is located on the east side of SW 108th Avenue between SW Tualatin Road and SW Herman Road. The southwest corner of the site is directly across 108th Avenue from SW Leveton Drive, which provides access to the Leveton Tax Increment District (see Attachments 2 & 3). The site is vacant at this time.

The applicant is Crystal Lite Manufacturing, a company presently located at 11971 SW Herman Road in the city of Tualatin. The property owner is Joseph Chamberlain of Aurora, Oregon. Crystal Lite is seeking to relocate their light metal fabrication operation to the subject site. The application includes a preliminary site plan (see Attachment 3).

### ANALYSIS AND FINDINGS

1. Section 32.030 of the Tualatin Development Code (TDC) states that the applicant must provide "evidence substantiating that all requirements of the Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria:
  - a. The use is listed as a conditional use in the underlying planning district.
  - b. The characteristics of the site are suitable for the proposed use, considering the size, shape, location,



- topography, existence of improvements and natural features.
- c. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
  - d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
  - e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Each of the criteria are discussed below.

2. Based on Ordinance 812-90 (PTA 90-04) as of September 25, 1990, light metal fabrication of semi-finished or finished metals is listed as a conditional use in the ML Planning District [60.040 (1)(1.) TDC].

The Crystal Lite Manufacturing Company produces metal enclosures for the electronics industry from semi-finished and finished metal materials. This manufacturing process and product is classified as "light metal fabrication" in the Tualatin Development Ordinance.

When the application for the conditional use permit was submitted on September 21, 1990, the applicant was aware that Ordinance 812-90 would be adopted. Passage of the ordinance changed light metal fabrication from a permitted use in the ML Planning District to a conditional use.

The applicant requests this conditional use approval in order to comply with the new code provisions in the ML district. Compliance with the new code provisions will ensure that the proposed project will comply with the current list of conditional uses, thereby protecting the interests of all parties including the current property owner, the proposed user, and the project lending institutions.

Based on the above discussion, light metal fabrication is listed as a conditional use in a ML Planning District in the Tualatin Development Code.

Criterion "a" is met.

3. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features. The applicant's justification to support the request addresses this criterion.

The subject site is:

Size: 330 ft. x 660 ft. (4.78 acres)  
Shape: Rectangular, with 330 feet of frontage on SW 108th Avenue

**Location:** 18500 SW 108th Avenue. The north property line of the site is approximately 990 feet south of SW Tualatin Road

**Topography:** The site and the general terrain along 108th Avenue slopes downhill from north to south. The adjacent property to the north is elevated approximately 4 feet above the site. While the site appears lower than SW 108th Ave in the center section from east to west, there is a 4-5 foot mound on the southeast portion of the site.

**Improvements:** There are no improvements on the site.

**Natural Features:** There is a line of 40 to 80 foot douglas fir trees along the southeast and east perimeters of the site. There is a single 60 foot tall oak tree on the northwest portion of the site.

The application is for a light metal fabrication use to occupy a proposed single story building with a 2-story office wing. The development will be reviewed through the Architectural Review process. The proposed building dimension is 180 feet x 520 feet, with a proposed full development area of 101,600 square feet. Off-street parking and loading areas, and landscaping will occupy the remainder of the site. The application site plans do not indicate any site area used for outside storage or for the manufacturing operation (see Attachment 3).

The proposed site is suitable for the proposed use.

Criterion "b" is met.

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

Public facilities are installed in the area of the site:

**Water:** There is an existing 16" water line in 108th Avenue adjacent to the site. This is adequate to serve the proposed use.

**Sanitary Sewer:** An existing 10" sanitary sewer line is in 108th Avenue adjacent to this site. This is adequate to serve the proposed use.

**Storm Drainage:** There is an existing storm drainage system in this area. There are design constraints on the storm drainage system which will limit the site to 1.6 cfs of runoff from this site. A detention/retention system will be required on site. During the Architectural Review process, the developer will be required to submit a storm drainage plan.

**Transportation:** This site is adjacent to SW 108th Avenue which is designated as a collector in the TDC [11.100(13)]. Improvements for 108th are presently under construction, and the street construction is expected to

be completed by November, 1990. SW 108th will be adequate to serve the proposed use.

The existing and planned transportation, public facilities and services available to the proposed site are adequate, and the proposed development is timely.

Criterion "c" is met.

5. The proposed use will not alter the character of the neighborhood.

The site and the adjacent properties within 300 feet are in a ML Planning District. Surrounding land uses are:

- S: ML, DOT Storage, The City of Tualatin Operations yard, 2 non-conforming residences, both approximately 350 ft. south and southeast of the site.
- E: ML, On SW Teton Avenue; Kambara, Eurobest, Vision Plastics, AIRFECO, and a non-conforming single family residence approximately 275 ft. east of the site.
- N: ML, A concrete pumping business workyard, Ted Nelson Mfg., and a non-conforming single family residence located approximately 250 ft. north of the site.
- W: ML, Vacant parcels, Oki Oregon, and the public street entrance to the Leveton Tax Increment District.  
(Attachment 2)

The proposed use is light metal fabrication. Crystal Lite produces light aluminum and steel enclosures for customers in the Pacific Northwest electronics industry. An example of the enclosures are the cabinetry for small computers. Metal products range in size from very small to as large as 5-1/2' x3'x3'. The processes for production include shearing, bending, punching, plating, and welding materials up to 1/8 inch in thickness. The machinery used is considered by the applicant to produce "low noise and vibration", with the largest tool a "30 ton" press (a relatively small and quiet size of metal press). The liquid and solid wastes from the plating operations are minimized by a recovery and treatment process which is under permit by the United Sewerage Agency and the state DEQ.

The plant presently operates 2 shifts of 67 employees and has an office staff of 13. Products are shipped from the plant in a large van-type truck. Deliveries of materials generally arrive on pallets on 40-foot flatbed trucks to the plant. The applicant states that all materials are stored for protection within the plant building. In the ML Planning District, TDC 60.080 (5)(a & b) requires that loading areas and outdoor storage of materials be screened from the view of any adjacent public street.

As a collector street, SW 108th is adequate to accommodate the employee and truck traffic expected from the proposed use without conflict with the existing and future development in the area.

Crystal Lite uses manufacturing processes and practices in light metal fabrication of electronics enclosures which do not appear to cause levels of noise, vibration, fumes, or traffic which would have impacts on existing businesses and manufacturers in the vicinity of the proposed use.

The two existing residential properties to the south and southeast of the site are nonconforming and will convert to uses allowed in the ML district. For the short term prior to conversion, the factors of distance from the site and the relatively low incidence of external noise, vibration, odor, and fumes from the plant site should not present a conflict for the non-conforming residential uses and the proposed use.

The nearest residential planning district is approximately 900 feet north of the proposed site across Tualatin Road. The land rises in elevation 20 feet from the northwest site corner to SW Tualatin Road. In a direct northerly line from the site is a large manufacturing building (Ted Nelson Company), numerous smaller buildings and several groves of trees. TDC 60.085 (Amended as Ord 812-90, effective Sept. 25, 1990) requires that manufacturing uses within 450 feet of a straight line lateral path to a residential property within a residential planning district shall have sound barrier construction. The proposed site is further than 450 feet from the nearest residential planning district properties. With the factors of distance, the rise in ground elevation, and the presence of buildings that serve to diminish noise impacts, the proposed use will not alter residential character in the vicinity of the proposed site.

The character of the area surrounding the site is primarily vacant land and light industrial buildings and land uses.

The light metal fabrication use and proposed facility are compatible and similar to the existing character of the manufacturing district in the SW 108th and Teton area.

Criterion "d" is met.

6. The proposal is consistent with Plan policies.

The proposed conditional use is consistent with the following objectives in Industrial section of the Tualatin Community Plan:

- a. Encourage new industrial development [TDC 7.030 (1)]. The proposed project will allow the applicant company to enlarge their facilities and expand their production. While not a new company to the city, Crystal Lite has outgrown it's present facility. The new building construction, an increase of manufacturing building area in the city, and the additional production capacity for a resident employer qualify this project as new industrial development. The proposed use is consistent with the Plan policy.

- b. Provide increased local employment opportunity, ...making the city, and in particular the Western Industrial District, a major regional employment center [TDC 70.030 (2)]. At present, the Crystal Lite company employs 80 people in the City of Tualatin. The objective of the relocation to this new site and building is to expand their production capacity and permit a growth in sales. This would lead to increased manufacturing and office employment with the company. As the proposed use will encourage additional employment and is located within the Western Industrial District of the city, it is consistent with the Plan policy.
- c. Preserve...the City's existing industrial land [TDC 7.030 (4)]. As this project is located in a light manufacturing planning district, it serves to fulfill the Plan policy of using the City's industrial land for that purpose, and not converting it to other land uses such as commercial or residential.

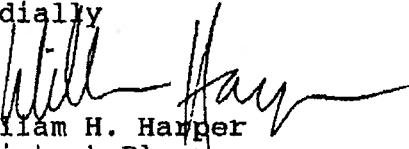
These policies of the Tualatin Community Plan are satisfied.  
Criterion "e" is met.

7. Based on the application and the above findings and analysis, the approval criteria of TDC Section 32.030 have been met.

RECOMMENDATION

Staff recommends that Council direct staff to prepare a resolution granting CUP-90-08 to allow light metal manufacturing in a ML Planning District.

Cordially

  
William H. Harper  
Assistant Planner

jb

- Attachments: 1. Applicant's Reasons  
2. Assessor's Map and Vicinity Map  
3. Site Plan

c: Brad Johnson, Crystal Lite Manufacturing, 11971 SW Herman Rd.  
Tualatin, Or. 97062.  
Joseph Chamberlain, 15770 NE Eilers Rd. Aurora, Or. 97002

file: CUP-90-08  
18500 SW 108th Avenue

9. A. Yes

- B. 1. Size and shape fit the building requirements adequately, the location has excellent truck access and has similar businesses located around it.
- 2. The proposed site is nearly flat but still lends itself to good draining.
- 3. The City of Tualatin is completing street improvements and storm drainage at this time. Sewer and water are already in.
- C. The access from the property to 99W and I-205 is good, all public facilities are in or being completed at this time. This business is compatible with surrounding uses.
- D. This is compatible and complementary with all surrounding businesses.
- E. This application meets the following objectives of Tualatin Development Code, Para 7.030, Item No. (1), (2), (3), (6).

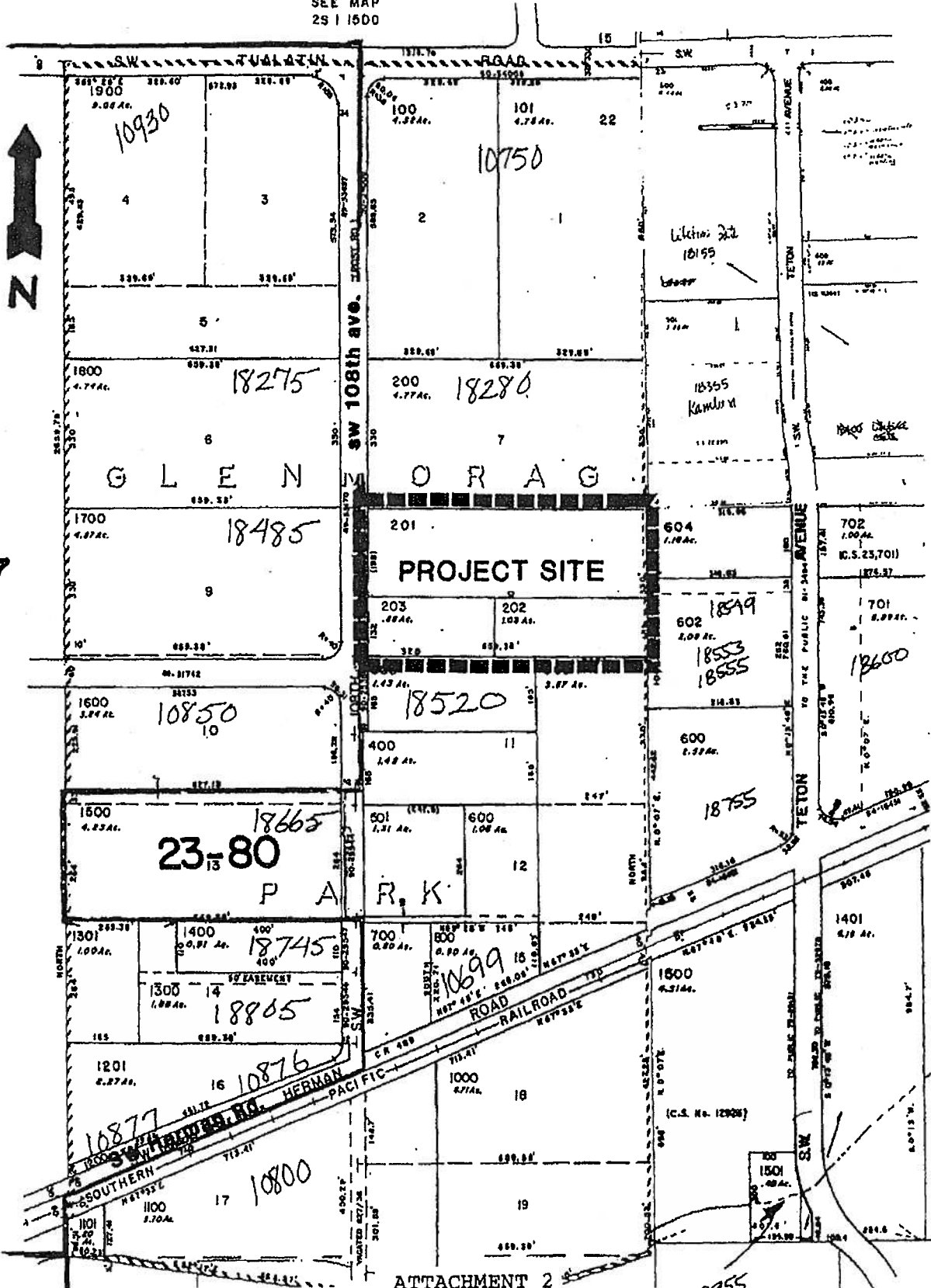
ATTACHMENT 1  
CUP-90-08

NE 1/4 SECTION 22 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

SEE MAP  
2S 1500



23-7

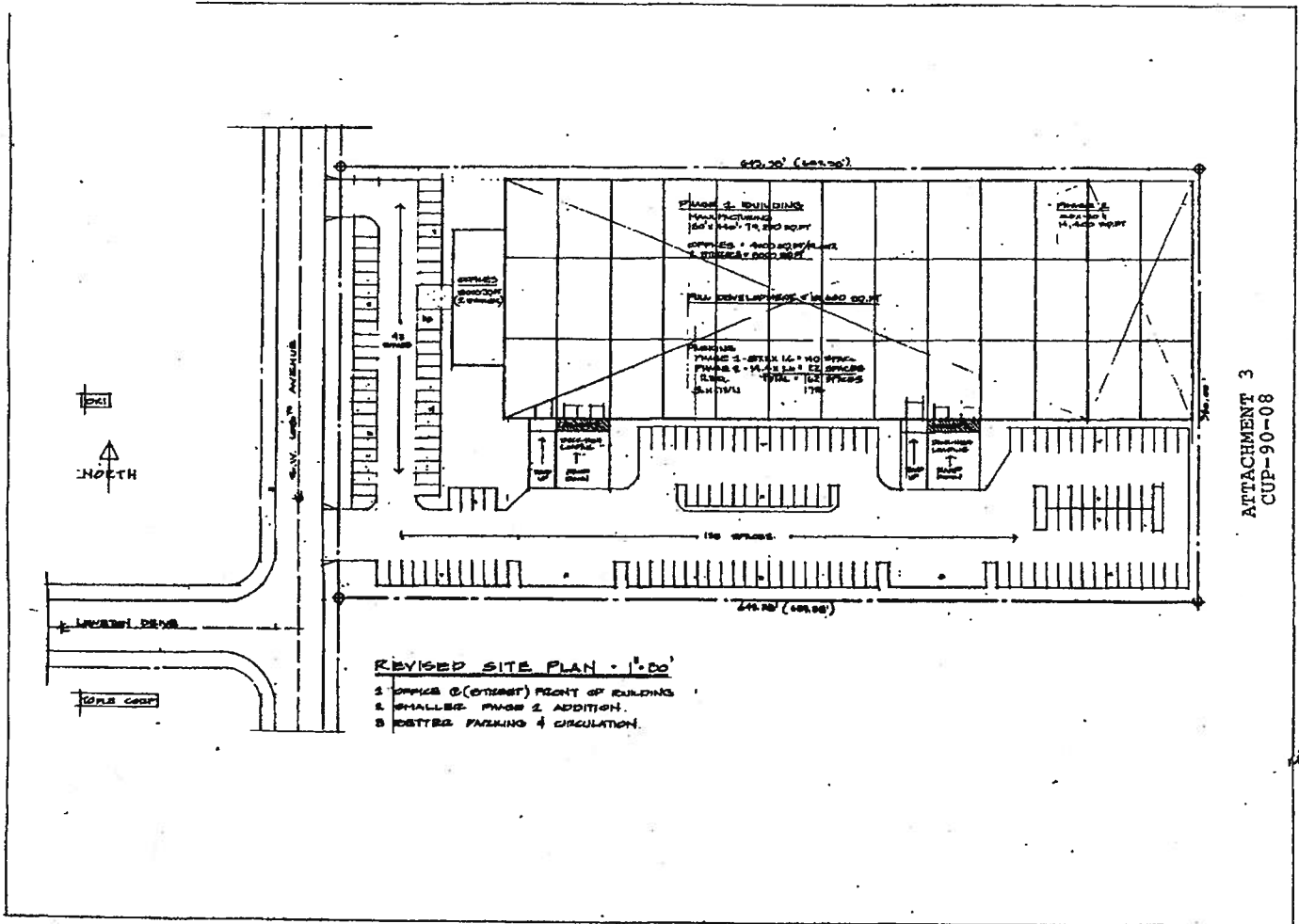
ATTACHMENT 2  
CUP-90-08

1517 E. BURNS ST. SEASIDE, OREGON  
 Robert Gray Partners Inc.  
 2120 NE 10TH ST. SEASIDE, OREGON

GRADY JOHNSON CIVIL  
 501 JOSEPH DRIVE SEASIDE, OREGON  
 TUMULTUOUS OREGON

ATTACHMENT 3  
 CUP-90-08

APPROVED AND  
 FILED OF DEED  
 8-21-90  
 2



600.00' (LONG)

PHASE 1 BUILDING  
 MANUFACTURING  
 100' x 140' 11\"/>

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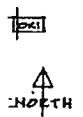
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PHASE 99  
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PHASE 100  
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REVISED SITE PLAN - 1\"/>

- 1 OFFICE @ (EXISTENT) FRONT OF BUILDING
- 2 SMALLER PHASE 2 ADDITION.
- 3 BETTER PARKING & CIRCULATION.



100' x 100'

LAUREL DRIVE

SUNNY LANE AVENUE

240.00' (WIDE)

120 SPACES

OFFICE

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PHASE 6

PHASE 7

PHASE 8

PHASE 9

PHASE 10

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RESOLUTION NO. 2546-90

A RESOLUTION GRANTING A CONDITIONAL USE (CUP-90-08) TO ALLOW LIGHT METAL FABRICATION IN A LIGHT MANUFACTURING (ML) PLANNING DISTRICT ON TAX LOTS 201, 202 AND 203 OF TAX MAP 2S1 22A, 18500 SW 108TH AVENUE.

WHEREAS a public hearing was held before the City Council of the City of Tualatin on October 22, 1990 upon the application of Brad Johnson of Crystal Lite Manufacturing and Joe Chamberlain for a conditional use permit to allow light metal fabrication in a Light Manufacturing (ML) Planning District upon real property described as:

A tract of land described on the records of the Washington County Department of Assessment and Taxation as Tax Account No. 2S1-22A--Tax Lots 201, 202 and 203 which property is generally located at 18500 SW 108th Avenue.

WHEREAS notice of public hearing was given as required under the provisions of the Tualatin Development Code by mailing to property owners located within 300 feet of the property, which mailing is evidenced by that certain Affidavit of Mailing, marked "Exhibit A," attached hereto and by this reference incorporated herein, and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the city staff and those appearing at the public hearing, and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes and hereby adopts and enters as its Findings of Fact the city staff report, dated October 22, 1990 which is attached as "Exhibit B," and by this reference incorporated herein, and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all the requirements of the Tualatin Development Code relative to a conditional use have been satisfied, and that granting the conditional use subject to certain conditions is in the best interests of the residents and inhabitants of the city, the applicant, and the public generally.

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

Section 1. Brad Johnson of Crystal Lite Manufacturing and Joe Chamberlain are hereby granted a conditional use permit to

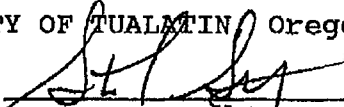
allow light metal fabrication in a Light Manufacturing (ML) Planning District upon the following described real property subject to the conditions set forth in Section 2 below:

A tract of land described on the records of the Washington County Department of Assessment and Taxation as Tax Account No. 2S1-22A--Tax Lots 201, 202 and 203 which property is generally located at 18500 SW 108th Avenue.

INTRODUCED AND ADOPTED this 13th day of November, 1990.

CITY OF TUALUMIN Oregon

BY

  
\_\_\_\_\_  
Mayor

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

**NEIGHBORHOOD/DEVELOPER MEETING  
AFFIDAVIT OF MAILING**

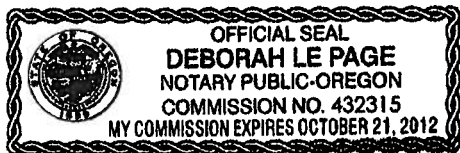
STATE OF OREGON                    )  
  ) SS  
COUNTY OF WASHINGTON        )

I, Dorothy Oofield, being first duly sworn, depose and say:

That on the 5<sup>th</sup> day of May, 2011, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

*Dorothy Oofield*  
Signature

SUBSCRIBED AND SWORN to before me this 5 day of may, 2011.



*[Signature]*  
Notary Public for Oregon  
My commission expires: 10-21-2012

RE: \_\_\_\_\_

Glenn Heard  
Integrated Metal Components, Inc.  
29121 S.W. Kinsman Rd.  
Wilsonville, OR 97070

May 5, 2011

TO THE PROPERTY OWNER  
Within 1000' of 18355 SW Teton Ave.  
Tualatin, Oregon 97062

Re: *Integrated Metal Components Inc. Conditional Use Application in the Light Manufacturing Planning District (ML) to allow a sheet metal manufacturing business in the existing Kambara U S A Inc. building located at 18355 SW Teton Ave., Tualatin, Oregon 97062*

Dear Property Owner:

You are cordially invited to attend a meeting on Thursday, May 26<sup>th</sup>, 2011 at 6:00 p.m. in the cafeteria of the Kambara U S A Inc. building located at 18355 SW Teton Ave., Tualatin, Oregon, 97062.

The proposal is to re-locate Integrated Metal Components, Inc. (IMC) from its existing building in Wilsonville to the Kambara USA building located at 18355 SW Teton Ave. IMC is a local company that manufactures precision sheet metal for a variety of uses, such as medical and dental equipment. The Kambara property is zoned light manufacturing and allows sheet metal manufacturing as a conditional use.

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

Regards,

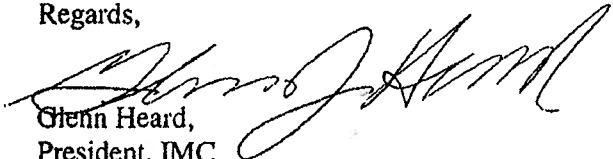
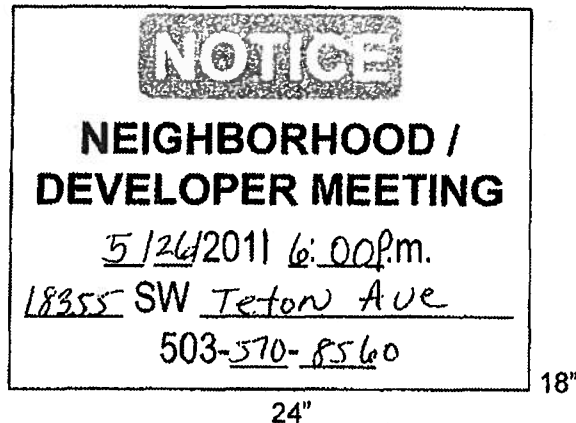
  
Glenn Heard,  
President, IMC

Exhibit "B"

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



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

As the applicant for the conditional use application to Allow  
a sheet metal manufacturing use in the <sup>ML zone</sup> project, I  
hereby certify that on this day, May 6, 2011 (sign)(s) was/were posted on the  
subject property in accordance with the requirements of the Tualatin Development Code  
and the Community Development Department - Planning Division.

Applicant's Name: Colenn Heard  
(PLEASE PRINT)

Applicant's Signature: [Handwritten Signature]

Date: 5/6/11

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

<p><b>NOTICE</b></p> <p><b>NEIGHBORHOOD / DEVELOPER MEETING</b></p> <p>__/__/2010 __:__.m.</p> <p>SW _____</p> <p>503-____-____</p>	18"
24"	

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

As the applicant for the

EMC Conditional Use application project, I

hereby certify that on this day, May 31, 2011 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Colenn Heard  
(PLEASE PRINT)

Applicant's Signature: X [Signature]

Date: May 31, 2011

**NEIGHBORHOOD/DEVELOPER MEETING  
AFFIDAVIT OF POSTING IN PUBLIC PLACES**

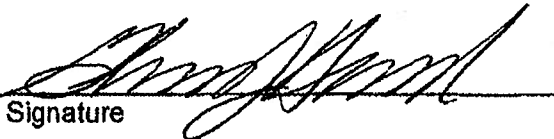
STATE OF OREGON                    )  
  ) SS  
COUNTY OF WASHINGTON        )

I, Glenn Heard, being first duly sworn, depose and say:

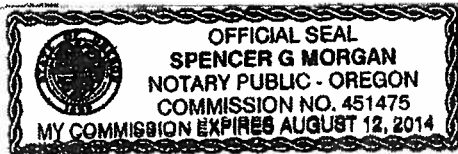
As the applicant for the IMC Conditional use project, I hereby certify that I posted copies of the Notice of the Neighborhood/Developer meeting in accordance with the requirements of the Tualatin Development Code and the Community Development - Planning Division on the 6<sup>th</sup> day of May, 2011, copy attached; and that I posted said copies in public and conspicuous places within the City at the subject property, to wit:

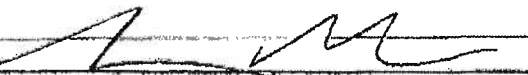
1. On the public street Frontage of 18355 SW Teton Ave  
Next to the main entry Driveway of the Kambara USA  
Building
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Dated this day of May 6, 2011.

  
Signature

Subscribed and sworn to before me this day of 5-6, 2011.



  
Notary Public for Oregon  
My Commission expires: 8/12/2014

RE: Notice

Glenn Heard  
Integrated Metal Components, Inc.  
29121 S.W. Kinsman Rd.  
Wilsonville, OR 97070

SIGN IN SHEET

May 26, 2011

Name	Address	Phone	E-mail
1. Glenn Heard	19114 SW 35th	503-638-2078	
2. <del>Steve P...</del>	<del>2885 SW Schalmers rd.</del>	503 730-2875	
3. Betty Gosfield	9755 SW Burns Rd	(503) 675-4320	
4. Don Peterson	17765 SW Ghata Trail		
5. Rose Petersen	" " "	(503) 292-0370	
6.			
7.			
8.			
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14.			
15.			
16.			
17.			
18.			



5/26/11  
Meeting  
Notes

6:30

Dan + Rose Petersen  
Attendees

then  
live  
in

Waste traffic pollutants - major concern  
Shasta way (uphauled by  
cerne tank)

Pollutants Info

6th → Not alot of debris  
etched send out  
just some powder coat

6th → pretreatment - iron phosphate

6th → In Wilsonville in sewer  
100 gal a day

6th → 0 to water system

6th → Tank to adjust Ph -  
Will corrode pipes

6th → In Wilsonville - had to bond  
off water

5. 700 gal tanks  
rinse.

Paid EPA - to not use the sewer  
system.

Rose → Eliminate fee  
By Concan is school

Cost → Surplus

\$40,000 prop. taxes

1/2,000 exemption

Employees - relocation

20 people commute faster

Done? Noise

Costs → 16 yrs ago in Tualatin - no complaints ever

Cost → 3000 lbs  
Put man's house up for  
collateral

Next to Brit - no complaints  
Noise

LT manufacturing

Done → Visited Wilsonville plant  
Not exceptionally

"Turret" punch press not running  
20 tons

G.H. Small tools - large variety of  
parts 1/4" round  
1/2" holes  
lot less tonnage

Rose → Woman - could it change?

G.H. → Laser cutting instead  
of punching  
Laser beam - just  
Expensive.

Dow → Traffic / 50 / up to 100

G.H. → Trucks - Box Body

12' / 14' bed  
Dunlop 612 tires

Flat bed semi From S.

Drops off raw metal  
W/S.

No tractor trailers

Down Tualatin Rd

Box Van - cab Van / chrome back

off - 8' - 10'

~~not~~ Similar Ups Truck

Not Down Treadle

Down Herman -

Superior Plate

local delivery

Crystal Light - 20 years

Nelson - Shear

now out of biz -  
Colum got some  
of their

heavy metal Fabricator - customer

Civil projects - Freeway  
Overpasses

Chemistair - wood store  
nelson

Don ? -> What does TMC make

G.H. parts for specification

chassis high bed

amplifier - guitar  
player

Dental parts - tray  
air foot

Sell to Newbery -  
Altun + Crane  
Morris

ADEC <sup>DCI</sup> competition

Done well had economy  
Chrystal 1+ met a month  
Celen hired their sales guy

Picked up business

Rock industry / taken

Got stepped

owner in 80's

we Bank - tighten credit

Kambara - 2 1/2 yrs. empty

photo albums

Kefci Food owns commercial

Don => why no response other neighbors

Stu => Kefci Foods called neither

Don  
no  
prob /  
no  
concerns  
w/ Celen's  
use

Rose

How

will

tell

neighbors  
good

See Bulldog in operation

Shasta trail - neighbor

Don +  
Rose #  
conclusion →

See no prob w/ business

G.H. Never had a complaint.

Don →  
Background  
career

NW Medical Team - Tigard  
Sold business

G.H. 23,000 \$ / \$16,000  
rent

Lot of theft -  
severe

No bulldogs behind it

US Crane / Theft

6:30 - 7:10 Meeting adjourned @ 7:10 p.m.



Fidelity National Financial, Inc.  
Customer Service  
500 SW 9<sup>th</sup> Ave, Mezzanine  
Portland, OR 97204  
tel: 503-796-6663 fax: 503-796-6631  
csrequest@fnf.com

Monday, April 25, 2011

The enclosed radius search was created using data purchased from Core Logic and Metro. This data is derived from county tax records and is accurate to the best of our knowledge. The information provided herein is deemed reliable, but is not guaranteed. Fidelity National Title cannot be held liable for any additions, deletions or discrepancies in this search.

This research was completed on the date stated above.

Thank you.

Enclosures:

- Map of subject parcel, radius, and parcels of notification
- County assessor maps for parcels of notification
- Data summary of parcels of notification
- Labels

Exhibit "A"



# Fidelity National Title

Company Of Oregon

Prepared By: **Sherri Michl**  
Date: 4/25/2011

900 SW 5th Ave., Mezzanine Level Portland, Oregon 97204  
Phone: (503) 227-LIST (5478) E-mail: csrequest@fnf.com

## OWNERSHIP INFORMATION

Owner	: <b>Kambara U S A Inc</b>	Bldg #	1	Of	1						
CoOwner	:	Ref Parcel Number	: 2S123BB 00501								
Site Address	: 18355 SW Teton Ave Tualatin 97062	T:	02S	R:	01W	S:	23	Q:	NW	QQ:	NW
Mail Address	: PO Box 747 Tualatin Or 97062	Parcel Number	: R1449356								
Telephone	:	County	: <b>Washington (OR)</b>								

## SALES INFORMATION

Transfer Date	:	Document #	: 87027162
Sale Price	: \$244,950	Deed Type	:
% Owned	:	Vesting Type	:
Prior Transfer Date	:	Prior Document #	:
Prior Sales Price	:		

## PROPERTY DESCRIPTION

Map Page Grid : 685 D3  
 Census Tract : 320.01 Block: 2  
 Neighborhood : YTSH  
 Subdivision/Plat :  
 School District : Tigard  
 Class Code : Warehouse  
 Land Use : 3010 Ind,Improved  
 Legal : ACRES 3.19  
 :  
 :

## ASSESSMENT AND TAX INFORMATION

Mkt Land	: \$972,690
Mkt Structure	: \$2,661,060
Mkt Total	: \$3,633,750
%Improved	: 73
M50AssdTotal	: \$2,996,780
Levy Code	: 02376
10-11 Taxes	: \$47,498.83
Millage Rate	: 16.2130

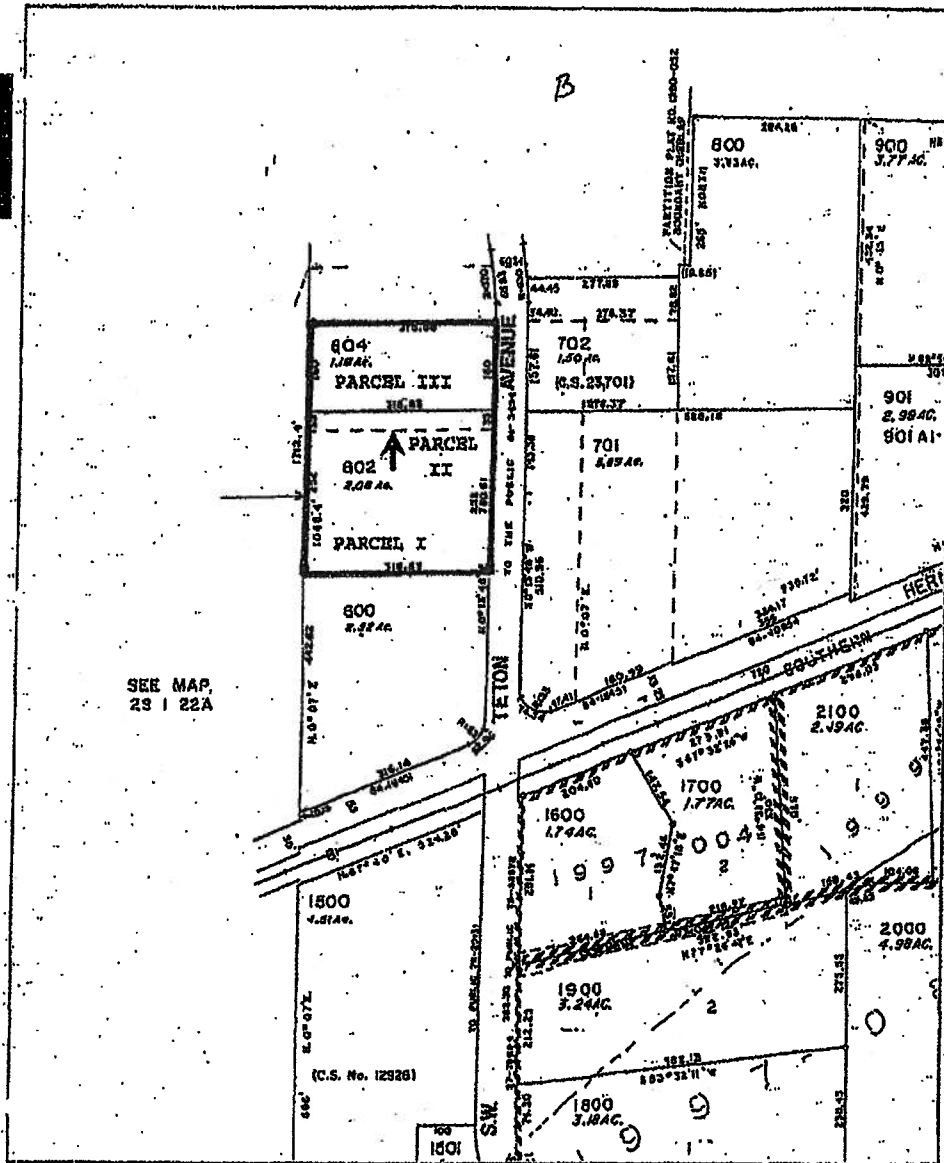
## PROPERTY CHARACTERISTICS

Bedrooms	:	Year Built	:	Attic SqFt	:
Bathrooms	:	EffYearBlt	:	Deck SqFt	:
Heat Method	:	BsmFin SF	:	Ext Finish	:
Foundation	:	BsmUnfinSF:	:	Const Type	:
Lot Acres	: 3.19	Bldg SqFt	:	Roof Shape:	:
Lot SqFt	: 138,956	1stFlrSF	:	Roof Matl	:
Garage Type	:	UpperFISF	:	InteriorMat	:
Garage SF	:	Porch SqFt	:	Paving Matl	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



SEP 16 1950



SEE MAP.  
23 1 22A

THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS

6



## CUP-11-02

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the rest of the title report. A copy is available upon request.



# NOTICE

## CONDITIONAL USE PERMIT \_\_\_-\_\_\_

For more information:

503-691-3026 or

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

## CUP-11-02 ATTACHMENT C:

### ANALYSIS AND FINDINGS

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

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

The subject property, [Tax Lot 2S1 23BB 501](#), is within a Light Manufacturing (ML) Planning District. "Light metal fabrication (of semi-finished or finished metals)" is a conditional use within ML pursuant to [TDC 60.040\(1\)\(j\)](#).

The criterion is met.

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

**Size:** The minimum lot size within an ML Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is approximately 3.25 acres, exceeds the minimum lot size requirement, and is already developed via Architectural Reviews AR-87-09, AR-89-11, and AR-97-29. The applicant seeks to lease vacant tenant space within the existing building.

The site size is suitable for the proposed use.

**Shape:** The subject property is a rectangular lot with access from SW Teton Avenue. The site is already developed.

The lot shape is suitable for the proposed use.

**Location:** The proposed use is located within an ML Planning District with access from SW Teton Avenue. The site is already developed.

The location is suitable.

**Topography:** The developed site has negligible slope, which would not interfere with the proposed use.

**Improvements:** The site was originally developed through Architectural Reviews AR-87-09, and AR-89-11 and AR-97-29 approved building additions. The applicant seeks to lease vacant tenant space within the existing building. The applicant proposes not to

change the building exterior or site development such that Architectural Review would be required pursuant to TDC 73.040.

The Engineering Division Memorandum (Attachment D) identifies no problems regarding public facilities that would result from the proposed use.

Natural Features: Because the site is already developed, no natural features remain.

Criterion 2 is met.

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

The following information is reproduced from the Engineering Division Memorandum (Attachment D):

*Transportation:* SW Teton Avenue, adjacent to this site, is a City of Tualatin facility determined to be a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks. The existing street is improved with 6-foot sidewalks and 40 feet of pavement within 72 feet of right-of-way.

*Reasonable Worst Case Site Trip Generation:*

The submitted application included commentary explaining that while the previous use included 100 employees with 80 parking spaces, IMC will only have 50 employees on a three shift day, spreading trips over three eight hour periods. Additionally, this CUP is not requesting more intensive use of the existing buildings, but to allow their specific business and equipment in this location. This CUP is not expected to create additional trip generation above the previous use allowed in this zone and therefore will not increase nearby intersection's LOS [level of service].

*Water, Sanitary, & Storm:* Connections to City systems currently exist. For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement in the Architectural Review decision.

Criterion 3 is met.

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

The subject property is in an ML Planning District. Surrounding land uses by cardinal direction and planning district include:

N:	ML	Life-Time Gate
E:	ML	Fleet Safety Systems, Pacific Cargo Control, Pacific Industries, Precision Graphics of Oregon
S:	ML	Jana's Classics
W:	ML	Helser Industries, M&I Air Systems Engineering, and Schulz-Clearwater Sanitation

There are no residential areas adjoining the subject property. The buildings in the vicinity of the subject property are light industrial buildings with manufacturing, warehousing, and wholesaling uses.

All industrial uses regardless of planning district are subject to TDC 63, which contains environmental regulations of noise, vibration, air quality, odors, and heat and glare. Staff expects that noise, vibration, air quality, odors, and heat and glare are not nuisances within the area of the subject property. The applicant's narrative states:

The machinery IMC uses on a day-to-day basis (1810 Cincinnati Shear ... ) produce [sic] low noise and vibration with the largest tool as mentioned above being the Shear which is relatively quiet when cutting thickness of .125 [inches]. (The noise is when the maximum sized metal cut pieces drop onto the floor after cutting).

The applicant's narrative describes light metal fabrication as in keeping with the intent and regulations of an ML Planning District.

Based on the applicant's submitted information and staff review, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.

Criterion 4 is met.

**5. The proposal is consistent with plan policies.**

The applicable Tualatin Community Plan policies are in TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives." Other TDC Sections that are not part of the Community Plan yet are relevant include Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses –

Siting Criteria and Chapter 60 “Light Manufacturing Planning District (ML),” Section 60.031 “Restrictions on Conditional Uses.”

[TDC 7.030\(1\)](#) states, “Encourage new industrial development.” The conditional use request is for light metal fabrication (of semi-finished or finished metals) within an existing site development. Approval would allow the owner to lease vacant tenant to the applicant, a business seeking to relocate from outside city limits. Therefore, allowing the use maintains industrial development and indirectly promotes the objective.

[TDC 7.040\(2\)\(a\)](#) states that the ML Planning District is, “Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke.” As quoted from the applicant’s narrative for discussion of Criterion 4, light metal fabrication would generate no significant noise, dust, odor, vibration, or smoke that would affect other businesses or the public.

[TDC 60.041](#) restricts conditional uses within the ML Planning District that involve (1) the retail sale of products manufactured, assembled, packaged or wholesaled on the site and (2) other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site. The request is for approval of a conditional use within ML. Because the applicant proposes no retail sales, and the subject property is not subject to the Special Setbacks for Commercial Uses pursuant to [TDC 60.035](#) and illustrated by [TDC Map 9-5 “Special Commercial Setback & Commercial Services Overlay”](#) the restrictions are not applicable.

The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, light metal fabrication (of semi-finished or finished metals) by Integrated Metal Components (CUP-11-02) meets the criteria of [TDC 32.030](#).





# City of Tualatin

www.ci.tualatin.or.us

## MEMORANDUM

DATE: June 28, 2011

TO: Colin Cortes  
Assistant Planner

FROM: Tony Doran, EIT  
Engineering Associate

SUBJECT: CUP 11-02, Integrated Metal Components – approval for light metal fabrication of semi-finished or finished metals.  
18355 SW Teton Avenue Tax Lot: 2S123BB 501

---

Colin,

**TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.**

*Transportation:* SW Teton Avenue, adjacent to this site, is a City of Tualatin facility determined to be a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks. The existing street is improved with 6-foot sidewalks and 40 feet of pavement within 72 feet of right-of-way.

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*Water, Sanitary, & Storm:* Connections to City systems currently exist. For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement in the Architectural Review decision.

Please let me know if you have questions, ext 3035.

Attachment D  
Engineering Division Memorandum



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Sara Singer, Assistant to the City Manager

**DATE:** 07/25/2011

**SUBJECT:** Citizen Involvement Organization Program Proposal

---

### ISSUE BEFORE THE COUNCIL:

The City Council has been working with an independent Citizen Involvement Organization (CIO) Ad Hoc Committee to develop code language and a boundary map for a Citizen Involvement Organization Program (CIOP). Proposed code language and a boundary map have been developed for review and approval by the City Council.

### RECOMMENDATION:

Staff recommends that the City Council review and discuss the proposed code language and boundary map and provide direction to staff regarding the next steps for the implementation of this program.

### EXECUTIVE SUMMARY:

Citizen Involvement is highly valued in the City of Tualatin. Tualatin strives to involve and inform citizens in decisions that affect our Community's quality of life.

In June 2010, a citizen group formed to discuss how citizen involvement was being carried out in the neighborhoods throughout Tualatin. This group has become the Citizen Involvement Organization (CIO) Ad Hoc Committee. This is an independent citizen group who has submitted a proposal to the City Council for the development of Citizen Involvement Organizations (CIOs) throughout the City. This proposal was submitted at the April 26, 2011 Special City Council Work Session. On May 23, 2011, the City Council held another Special City Council Work Session with the members of the CIO Ad Hoc Committee to discuss some of the details of their proposal. On June 13, 2011, the City Council adopted the Principles of Citizen Involvement based on many discussions focused on improving the methods and tools for citizen involvement in the community. The City Council also appointed a Council Subcommittee to work with three members of the Ad Hoc Committee to further discuss the proposed code language which would provide the guidelines for the development and establishment of CIOs. The Council Subcommittee and the members representing the Ad Hoc Committee met on June 24, 2011, and the code language was amended as discussed. On June 27, 2011, the City Council directed staff to make the proposed code language and boundary map available on the City's website for review and public comment. In addition, a boundary map was submitted as part of the Ad Hoc Committee's proposal. This map has been revised per the direction of the Ad Hoc Committee to address certain city boundary issues. The proposed code language (Attachment A) and the boundary map (Attachment B) have been attached to this report for Council review.

---

**Attachments:** A - Proposed Code Language  
B - Proposed Boundary Map

**Tualatin Municipal Code**  
**Chapter 11-9**  
**Citizen Involvement Organization Program**

**Sections:**

- 11-9-010 Establishment of Program
- 11-9-020 Purpose
- 11-9-030 Definitions
- 11-9-040 Membership
- 11-9-050 Termination of Recognition
- 11-9-060 Boundaries
- 11-9-070 City Responsibility
- 11-9-080 CIO Rights and Responsibilities
- 11-9-090 Expenditure of Funds
- 11-9-100 Citizen Involvement Coordinating Committee

**11-9-010 Establishment of Program**

The Tualatin Citizen Involvement Organization Program (CIOP) is established and created.

**11-9-020 Purpose**

The general purpose of the CIOP is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement. A major purpose of the Citizen Involvement Organization (CIO) is to promote community and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

- A. Provide a public forum for the review and evaluation of issues affecting the neighborhoods, the CIO, and the City; provide educational opportunities for citizens, groups and government bodies with respect to such issues; and provide for an exchange of views and opinions on such issues; and,
- B. Provide a public forum for community members to present their views and provide input to City Council and other governmental and community bodies such as the City advisory boards and committees, service clubs, and other community organizations, and on land use and other matters affecting neighborhoods, the City, or the region; and,

- C. Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members.

**11-9-030 Definitions**

- (1.) Citizen Involvement Organization Program (CIOP): The CIOP is composed of Citizen Involvement Organizations and the Citizen Involvement Coordinating Committee (CICC) should one be formed.
- (2.) Citizen Involvement Organizations (CIOs): CIOs are formalized and distinct groups of community members within specified boundaries.
- (3.) CIO Map: The CIO map and the CIO map boundaries are established in order to optimize and promote citizen involvement.

**11-9-040 Membership**

- (1.) Membership in a CIO is open to all persons age 16 and older who are Tualatin residents, a business owner or owner's representative, non-profit organization representative, or property owner within the recognized boundary of a CIO without regard to income, race, color, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status.
- (2.) To be recognized by the City Council, a CIO must satisfy the standards below. The City Manager, or designee, confirms that these standards have been met and presents the application to the City Council for approval and recognition.
  - a) Annual election of officers;
  - b) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
  - c) A current list of the names and addresses of the officers have been provided;
  - d) A minimum of two general meetings each year, with the time, place and purpose well publicized throughout the CIO prior to the meeting;
  - e) CIOs must provide an executed copy of their current bylaws.

**11-9-050 Termination of Recognition**

Recognition of a CIO may be terminated by the City Council if the association fails to abide by the standards in 11-9-040. Before the Council terminates recognition, it must notify the CIO 60 days in advance of determining that the CIO is no longer in compliance with the standards. If the deficiency is not corrected after 60 days, the City Council will then hold a public hearing and allow representatives from the CIO a reasonable opportunity to be heard.

**11-9-060 Boundaries**

Boundaries of CIOs are adopted by the City Council. CIO areas must be mutually exclusive of other recognized CIOs. CIO boundaries should be logical, contiguous, and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdictions, or public rights-of-way. The City Manager, or designee, shall keep on file a current map of the CIO boundaries.

Any amendment to the CIO boundaries must be adopted by the City Council.

**11-9-070 City Responsibility**

The City may, subject to City Council's judgment concerning availability of resources and budgetary limitations, provide support and assistance which may include human, financial, and informational resources and access to public meeting spaces.

**11-9-080 CIO Rights and Responsibilities**

The CIOs or the CICC should one be formed on behalf of the CIOs may make recommendations to the City Council and the Tualatin Development Commission, City Advisory Committees, and the City on matters affecting livability and land use.

**11-9-090 Expenditure of Funds**

The CIOs or the CICC should one be formed shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for payment of funds without first obtaining the approval of the City.

**11-9-100 Citizen Involvement Coordinating Committee**

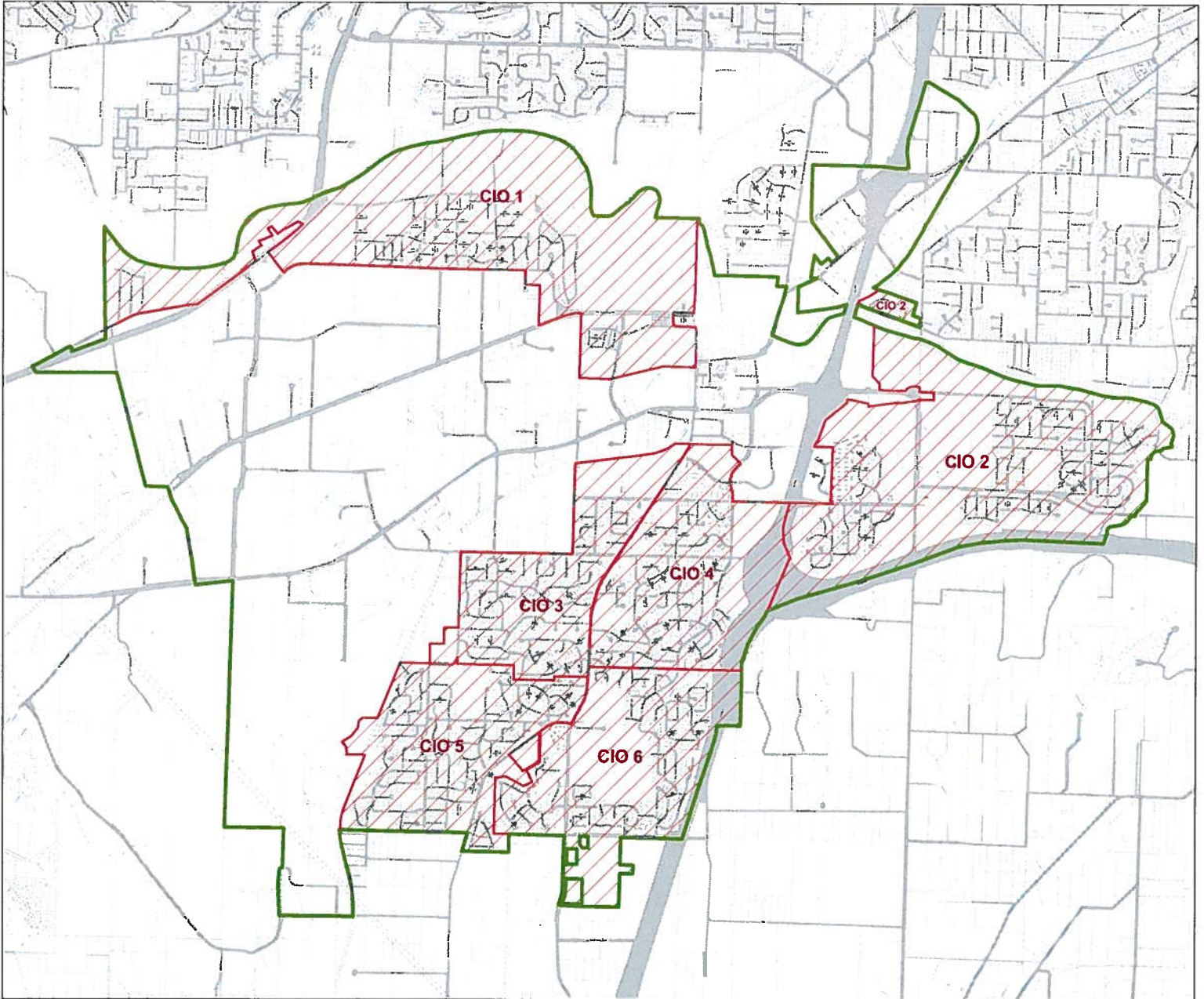
A Citizen Involvement Coordinating Committee (CICC) which is a volunteer group made up of the elected board members of participating recognized CIOs may be created by the CIOs. The CICC may serve as a liaison between the CIOs and between the CIOs and the City offices and departments designated by the City. The CICC is a separate and distinct entity from the City of Tualatin.

The standards for CICC recognition by the City are:

- (1) Annual election of officers;
- (2) All meetings shall be publicized at least 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.

- (2) A current list of the names and addresses of the officers have been provided;
- (3) A minimum of two general meetings each year, with the time, place and purpose well publicized throughout the CIOP prior to the meeting;
- (4) The CICC must provide an executed copy of their current bylaws.

# Citizen Involvement Organizations



- Planning Area Boundary
- Proposed Citizen Involvement Organizations (CIO)
- Taxlots

RF 1:14,400



This map is derived from various digital database sources. While a attempt has been made to provide an accurate map, the City of Tualgis, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is" - Engineering and Building Dept. Project 1770811