



# City of Tualatin

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Tualatin, Oregon 97062-7092  
Main 503.692.2000  
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Approved By Tualatin City Council  
Date 2-11-08  
Recording Secretary M. Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 14, 2008

**PRESENT:** Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska, Jay Harris, and Donna Maddux; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Captain Brad King; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Kaaren Hofmann, Civil Engineer; Will Harper, Associate Planner; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

**ABSENT:** Councilors Chris Barhyte\*, Ed Truax\* [*\* denotes excused*]

**[Unless otherwise noted, MOTION CARRIED indicates all in favor.]**

### **A. CALL TO ORDER**

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

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### *1. Historic Resources Ordinance*

Community Development Director Doug Rux gave a PowerPoint presentation on a suggestion that was made by Council to revisit the ordinance dealing with historic resources, more specifically clarifying the demolition criteria language and review maintenance standards. This is part of Council's Strategic Action Plan Goals strategy on "Natural and Cultural History Preservation, and Council's desire to examine housing standards/property maintenance.

The purpose and objectives at this meeting is to discuss the suggested changes in the historic preservation program, with Council consensus on suggested changes, and any other identified changes.

Mr. Rux distributed information on the criteria that was done from the "Robinson Store". The criteria currently in the Tualatin Development Code, TDC 68.060(1)(a), reads... "No longer historically *or* architecturally significant; and..." The intent in 1993 when the ordinance adoption was done was for an application to meet one *or* the other, but not both. Clarification was determined to be needed as the question occurred with the Robinson Store demolition request in 2005.

Currently identified on the Historic Resource Maintenance is twenty-five designated resources, twenty-four structures or buildings, and one site (cemetery). Sixteen structures/buildings are used for residential purposes, two structures are barns, one is a commercial structure, three are public/semi-public structures, one is used as an industrial office, with one structure in commercial district (burned on 1/2/08). The Issue on the maintenance provision is an equity issue. The City Attorney is working on broadening the property maintenance provision. Mr. Rux reviewed the maintenance issues, and under staff's proposal, the majority would be covered, with five not covered by maintenance requirements.

Council discussed what it takes for a structure/building to get on the historic listing. Also mentioned was the exterior of a building versus the interior. Councilor Harris suggested having some sort of "replacement" or reconstruction clause. Mr. Rux said there are standards in place that deal with revision issues. The City only regulates the exterior of the resources, however the National Historic Registrar does regulate the interior of the resource and there is only one in town designated, which is the *Sweek House*.

Discussion followed on provisions of interior/exterior resources. Also discussed was if a resource has a designation of historic significance, could it then be taken off the list because of not having architectural significance. The question becomes then is the historical significance substantial enough.

Council discussed the complexities of the historic preservation program. Also mentioned was a property rights issue; if a property is deemed historical and how the owner would deal with that designation. Mr. Rux said there is a process to have a designation removed from the list. The question was asked and answered that the regulations in the TDC are not reflective of State statutes and City Attorney Brenda Braden said Council is not bound by that. Staff said the purpose of tonight's meeting is if Council wishes to make a clarification now to the current ordinance by not linking architecture *and* historic, and then revisit the general spirit and intent of the ordinance itself at a future time.

Council consensus and direction was to move forward in making the ordinance change clarification. Councilor Harris asked that the Tualatin Historical Society be contacted when issue goes back to the Planning Advisory Committee (TPAC). Council also suggested having all Council members present when this is further discussed in depth and that this issue be part of Council's action plan goals.

2. *Sign Amortization Program (time permitting)*

Associate Planner Will Harper began a PowerPoint presentation regarding creating a sign amortization program to remove large signs along I-5, in response to Council's 2007/08 work plan goal. He said staff will review the existing signs, look at possible revisions, possible removal, and review past, current and future sign regulations.

Mr. Harper gave a brief background on the sign code explaining that years back how signs were more for interstate use, "freeway-oriented" activity, which has changed over the years with development. Mr. Harper briefly reviewed the current sign code.

***A break was taken from 6:00 p.m. to 6:05 p.m.***

3. *Killamey Lane Sewer Conversion discussion*

Mayor Ogden said this issue was first discussed at the November 13, 2007 work session, of which he was absent. He said he had some questions regarding the discussion that was held, but added he sees no reason to reopen the issue. City Manager Sherilyn Lombos said staff will provide a brief overview of what was decided upon at the November 13<sup>th</sup> meeting. Councilor Harris mentioned his desire to reopen the discussion on looking at the sidewalk installation, but he also added that any discussion about sidewalks would be separate from the sewer hook-up.

City Engineer Mike McKillip gave a brief PowerPoint presentation explaining where staff is at this point, and how it was left at the November 13<sup>th</sup> meeting. At that meeting staff received direction to move forward with the project and discuss with property owners the various options presented which were: 1) If a property owner hooks up to the sewer as part of the project, the owner pays \$3,500 and the City does the remaining work to hook-up; 2) If a property owner hooks up within three years, the owner pays \$11,000 and does all the work associated with hook-up to the sewer, with the City contributing \$2,000 toward septic abatement; 3) If a property hooks up *after* three years, the owner pays \$24,000 and does all the work to hook up, with the City contributing \$2,000 toward septic abatement. Having different options offers an incentive program to property owners. Staff also researched whether this is precedent-setting. Mr. McKillip displayed maps in the PowerPoint presentation where other properties in the City have benefited from sewer hook-up fees and service similar to what is proposed for Killarney Lane.

Mr. McKillip then indicated how staff will proceed from this point, which would be to meet with property owners that want to be part of the project for summer 2008 construction, finalize hook-up details with owners, determine the pipe route, landscaping needs and any special concerns, with the bid to go out in March 2008 for construction to start in the summer.

Review of how the financing would work was also discussed. It was asked and explained by Civil Engineer Kaaren Hofmann that offering the different options can be an incentive for homeowners to have the sewer hook-up done this summer, and the \$11,000 estimate, which includes the \$3,500 hook-up fee, is what staff estimated the cost to the homeowner would be if they chose Option 2, and the same with Option 3 with the \$24,000 estimate. Ms. Hofmann said those dollar amounts are based on today's costs.

Council expressed confusion over using the \$11,000 and \$24,000 dollars figures as they could change with inflation, etc. Council reviewed the options and proposed removing the dollar amounts, and for staff to determine a deadline for property owners that decide to go with Option 1. If an owner chooses Option 2, whatever hook-up fees are in effect at the time and all associated costs to be paid by the owner, with the City paying \$2,000 toward septic abatement, and after three years, with Option 3, the owner pays whatever the hook-up fees are in effect at the time and all associated costs. Staff will provide additional stubs during construction if a property owner partitions their property in the future.

Mr. McKillip summarized that staff will come back to Council at the next meeting or after, with a resolution outlining the options, etc. Staff will then come back to Council in approximately six weeks, after staff has had an opportunity to meet with property owners, to finalize the details by adopting an ordinance.

Councilor Harris asked that the sidewalk installation issue be mentioned to the residents, and Mr. McKillip said Ms. Hofmann held a series of meetings with the neighbors, and early on there was discussion about installing sidewalks, while the sewer work was being done. As the meetings progressed, the conclusion of the majority of neighbors is they weren't interested. Mr. McKillip explained what it would entail to have sidewalks installed with regards to cost and who would pay, etc. Councilor Harris requested that staff continue the dialogue with neighbors, and that the sidewalks be on a future project listing.

#### **C. CITIZEN COMMENTS**

None.

**D. CONSENT AGENDA**

The Consent Agenda was reviewed by the Council.

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

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

None.

**G. GENERAL BUSINESS**

None.

**H. ITEMS REMOVED FROM CONSENT AGENDA**

None.

**I. COMMUNICATIONS FROM COUNCILORS**

None.

**J. EXECUTIVE SESSION**

None.

**K. ADJOURNMENT**

The work session adjourned at 7:00 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

  
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**ABSENT:** Councilors Chris Barhyte\*, Ed Truax\* [*\* denotes excused*]

Mayor Ogden called the meeting to order at 7:06 p.m.

**[Unless otherwise noted, MOTION CARRIED indicates all in favor.]**

### **A. CALL TO ORDER**

Councilor Harris led the pledge of allegiance.

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### **1. *Tualatin Youth Advisory Council Update***

Representatives from the Tualatin Youth Advisory Council (YAC) were present and gave an update on activities. Mentioned was focus group training that took place in conjunction with the Tigard-Tualatin School District, and the YAC becoming more involved in the "Tualatin Tomorrow" process.

Council asked about the youth survey that is being done on youth activity preferences; and Council also encouraged YAC members to stay involved in the "Tualatin Tomorrow" process, and become involved in the newly created ad hoc committee on the proposed bond measure in 2008.

#### **2. *New Employee Introductions***

City Manager Sherilyn Lombos introduced to Council the City's new finance director, Don Hudson.

Ms. Lombos also introduced Carina Christensen, assistant to the city manager, on contract until the end of June, 2008.

Information Systems Director John Wall introduced Kevin Sachet, the City's new Information Systems Technician.

#### **3. *Tualatin Valley Fire & Rescue***

City Manager said representatives from Tualatin Valley Fire & Rescue (TVF&R) were present to recognize one of the City's employees and thank the City Council and City Manager for the assistance that was given by the City's Operations Director Dan Boss with the recent flooding issues in Columbia County. It made a huge difference to TVF&R's Incident Management Team and they were proud to have Mr.

Boss as a member of the team. Having Mr. Boss' expertise and experience was invaluable, and with interagency coordination and assistance that was given to other agencies enhances the team to learn and come back better prepared for future incidents.

### C. CITIZEN COMMENTS

None.

### D. CONSENT CALENDAR

Councilor Maddux noted two corrections to the meeting minutes. The December 10, 2007 Work Session minutes, page 2, third paragraph, last sentence should read: *"Council consensus was to move forward with Option #3 and 35 mph, with the option of looking and staff must look at speed mitigation as staff goes through the design"*. The second correction is to the December 17, 2007 special work session minutes which did not include Councilor Maddux as present at the meeting, which she was.

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Meeting of December 10, 2007 and Special Work Session Meeting of December 17, 2007 (*as amended*)
2. Resolution No. 4739-08 Approving the Tualatin Tomorrow Vision Implementation Committee Structure and Selection of Chairperson
3. Resolution No. 4740-08 Authorizing an Intergovernmental Agreement (IGA) Between the City of Tualatin ("Tualatin") and Metro for a Southwest Tualatin Concept Plan Implementation Grant
4. Resolution No. 4742-08 Accepting Public Improvements for Franklin Business Park, Building E
5. Resolution No. 4743-08 Accepting Public Improvements for Nyberg Woods
6. Resolution No. 4744-08 Establishing Regular Meetings of the City Council and Advisory Committees of the City and Repealing Resolution No. 4624-07

### MOTION CARRIED.

### E. PUBLIC HEARINGS – Legislative or Other

1. PTA-07-05 – Amend the Industrial Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in IBPOD Development Greater than 10 Acres in Size, Amending TDC 69.020 and 69.065

Mayor Ogden opened the public hearing. Councilor Harris recused himself from the hearing as his company leases space from the applicant.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. It is a request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 69 – Industrial Business Park Overlay Planning District (IBPOD), created in 1987. Currently under the TDC, a child day care center is a permitted use in an industrial area. Also, under the TDC, in an IBPOD greater than 20 acres in size it is an allowed use. This proposal would allow a child day care

center in an IBPOD less than 20 acres, but more than 10 acres in size. Mr. Harper indicated on a map other active IBPOD areas in the city.

The applicant is the developer of the Meridian Business Park, currently constructing Buildings E and F. A tenant moving into Building E wants to establish a daycare business in conjunction with a K-6 school, which was approved as a conditional use permit (CUP). Currently a child day care center use is allowed in the Light Manufacturing (ML) and General Manufacturing (MG) Planning Districts as a permitted use provided it is a building with manufacturing, processing or warehousing, and is a permitted use in the IBPOD if it is greater than 20 acres and the service use is limited to 10% of the development's gross floor area. The applicant's tenant is not eligible for a daycare center under the current ML and MG planning district requirements as it is an IBPOD less than 20 acres. The applicant is proposing an amendment to the IBPOD standards to allow a child day care center in IBPOD development *greater* than 10 acres. Traffic information is provided in association with this project. The Engineering Division also provided comments as part of the staff report.

Mr. Harper reviewed Attachment E to the staff report, which is the criteria for Council's consideration of the PTA. Staff believes this proposal does meet the criteria as stated in the staff report.

Based on the staff report and information submitted by the applicant, staff is recommending Council consider the staff report, and supporting attachments and direct staff to prepare an ordinance granting PTA-07-05 based on the draft ordinance in Attachment C of the staff report. Mr. Harper also noted that the Tualatin Planning Advisory Committee (TPAC) voted unanimously to approve this amendment.

#### APPLICANT

Mike Berrey, Berrey Properties, Tara Lund, CIDA Architects, and Mike Ard, Lancaster Engineering, were present and explained why they are asking for this request. Mr. Berrey gave a brief PowerPoint presentation explaining the Meridian Business Park and its development throughout the last ten years. Currently they are under construction for some of the buildings, which will consist of 9 buildings, and close to 18.5 acres when complete. The primary reason for this request is for Children's Hour Academy, which will be located in Building E, as outlined in application, and ultimately have 165 students, which includes approximately 40% enrolled in day care, and the other 60% in K-6. Mr. Berrey said when analyzing the Children's Hour day care use and the K-6 school, they believe it would be safer to have both the daycare and school in the same building, which this amendment proposes to allow. The original student estimate already includes the daycare students. Mr. Berrey believes the impacts to this amendment are relatively minor, and would allow the children to be together in the same building.

PROPONENTS – None.

OPPONENTS – None.

#### COUNCIL DISCUSSION

Council discussed whether this proposal could not be better accomplished as a conditional use, instead of a plan text amendment. Staff believes the best way to address this type of need is to expand the allowed uses in the IBPOD, and staff does not believe this type of use would happen frequently.

Mike Ard, Lancaster Engineering, 321 SW 4<sup>th</sup> Avenue, Suite 400, Portland, OR 97204, explained trip counts, traffic numbers, and responded to the question of whether the use could be all day care, which is not the intent. Mr. Ard said in looking at a reasonable worst case development, and the analysis that was done addressing the transportation planning rule, a day care could be built at the proposed location. Having an all daycare use would exceed market demand.

The difference between an IBPOD under 10 acres and an IBPOD over 20 acres was also discussed. Staff explained the demand has changed since the IBPOD was created back in the early 90s. The 20-acre break was to discourage commercial uses in industrial areas, except when there is a "center" to serve. Mr. Harper said Tualatin recognized that these types of services, particularly in employment areas, would help employees, recognizing there was a need and market for this type of use.

Council recognized that different uses in industrial areas is a good idea, but continued to struggle with why the City wouldn't be better served by having this be a conditional use instead of an outright allowed use. Brief discussion followed and staff explained Council has three options – approve, deny, or direct staff to come back with an ordinance with modifications, which could allow making this a conditional use if Council chooses. Council expressed concern about what could happen a few years from now if this proposal is approved as a PTA and if the use were to change. Mr. Rux explained how the process would work if that were to happen. Council reiterated being more comfortable having this drafted as a CUP, and City Attorney Brenda Braden explained how the process would work.

Patricia Thomas, owner of Children's Hour Academy, 14790 SW Boones Ferry Road, Lake Oswego, OR, spoke to Council, and explained that under the law, there is regulations for the amount of children allowed in a facility. Mr. Berrey commented on the concern of what might happen in two years from now by saying other uses could end up larger than a daycare.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATIONS

Council discussed and continued to struggle with approving the request, but decided to move forward now, but come back in the future to reexamine the process of a plan text amendment versus a conditional use.

MOTION by Councilor Boryska, SECONDED by Councilor Maddux to direct staff to prepare an ordinance granting PTA-07-05 based on the draft ordinance in Attachment C of the staff report. MOTION CARRIED. [Vote: 5-0-2; Barhyte, Truax absent]

***A break was taken from 8:47 p.m. to 8:54 p.m.***

**F. PUBLIC HEARINGS – Quasi-Judicial**  
None.



## G. GENERAL BUSINESS

1. *Commuter Rail Train Horn Noise Mitigation Update*  
**Postponed to January 28, 2008 due to time constraints.**
2. *OSU Extension Services – Special Services District Proposal for Clackamas County*

Mike Bondi, resident faculty and Extension Services representative was present to give a brief PowerPoint presentation regarding Oregon State University (OSU) extension services in Clackamas County. Mr. Bondi gave a brief explanation about the district, which is to engage people of the state by bring research based knowledge to the masses to solve problems. The focus is agriculture, family living, youth development, such as 4-H, and other natural areas such as forestry and water, and many other services and programs. They have handled over 50,000 requests for services at the Extension last year in Clackamas County. Mr. Bondi explained the County commissioners are looking at how to continue to provide the services, etc. with a permanent tax base to have stable funding. The question before Council is for the consideration from Tualatin, in the form of a resolution, to support the district with the portion of the Tualatin that is located in Clackamas County, and by providing that support to be included in a district if a district was formed.

Mr. Bondi said historically extension services was a rural based program, however the programs have changed over the years and there is now more 4-H kids in the urban environment than in rural. There is over 3,500 kids in participation in schools, most of which are in the suburban communities. The big growth areas are robotics, GPS, small animals, etc. He also noted that farmers markets came from the extension service. There is a County Extension Office in every county except one, and of the 35 counties with Extension Services, 16 have a district, the other 19 rely on county funding. Clackamas County would be the first urban community that would have a district in Oregon. The proposal is for a permanent tax rate of \$0.05 per thousand dollars of assessed valuation (AV), generating up to \$1.5 million a year.

Mayor Ogden recognized the great works of the extension service, noted Clackamas County is having to “defund” many of its programs. Mr. Bondi said 11 cities have supported the proposal to date, none have opposed. The resolution enables Tualatin to be able to be part of the district, if the County determines to move forward with the process. Mr. Bondi also distributed information on the extension participation in the Tualatin area.

Discussion followed. Concern was expressed about making sure some of the funding would be seen in Tualatin if the district was formed. It was suggested having an intergovernmental agreement (IGA) or something similar. Ms. Lombos said this proposal wouldn't be governed by an IGA, but staff could look into some sort of agreement for services that would be provided.

Council directed staff to prepare a resolution supporting a Clackamas County order to initiate the formation of the Clackamas County Extension Service and 4-H District.

3. *City and Town Center Gateways Presentation*  
**Postponed to January 28, 2008 due to time constraints.**

4. *Creation of Ad Hoc Committee to Study a Possible Bond Measure in 2008 in Parks and Recreation Facilities, Cultural Opportunities, and Youth and Family Activities Relating to the Tualatin Tomorrow Community Visioning Process*

Community Development Director Paul Hennon said Council recently accepted the Tualatin Tomorrow Community Vision and Strategic Action Plan, which included several activities. To move forward with the action steps, Council directed staff to prepare an approach to craft a proposed bond measure for the November 2008 ballot. The primary focal point would be the formation of an ad hoc committee to study a proposed bond measure, with up to three councilors as part of that committee, and citizens that may be interested. Staff asked for Council to pass along to staff any names of anyone that may be interested in being part of the committee. At the January 28, 2008 Council meeting, staff will have survey results and other information for Council to review on whether a measure is ripe for a November 2008 ballot.

Staff's recommendation to Council at this meeting is to form an ad hoc committee to study a possible bond measure in 2008 for parks and recreation facilities, cultural opportunities, and youth and family activities relating to the Tualatin Tomorrow Community Visioning process with membership as proposed in the staff report. It was asked and staff replied that the Tigard-Tualatin School District (TTSD) has been included in the process, and will continue to have them involved to whatever degree necessary, but would not be a voting member of the ad hoc committee. Mr. Hennon responded to the question of the role of the ad hoc committee, which would be a citizen group to formulate and propose to Council what should be placed on the ballot. Council suggested there be an ongoing dialogue with the ad hoc committee and the Council work alongside the ad hoc group, and continue to bring back for updates to Council on a regular basis. Three councilors will be needed for the ad hoc committee; Councilors Beikman and Harris volunteered, with Councilor Barhyte, as the third.

5. *Library Plaza Water Feature Design Update*

City Manager Lombos said at the November 26, 2007 Council meeting there was some discussion on the library plaza and the desire by the Council to energize it by placing a passive, non-interactive water feature in the plaza with a northwest theme. Skip Stanaway, lead architect with SRG Partnership was present to review with Council some possible design scenarios. Ms. Lombos asked for direction at this from Council at this meeting to be able to meet scheduling deadlines.

Mr. Stanaway said the library construction is nearing completion. The issue at hand is to have a water feature be part of the entry sequence. Three concept designs were presented for review. Of the three concepts presented, Concept C was the preferred design, but it was suggested to somehow have the water be able to be viewed from the street side also. Discussion followed on how best to have the design meet the aesthetics of being able to enjoy the water from the plaza and view it from the street. Council asked about the tree that is currently located where the plaza area will be. Mr. Stanaway said it helps create a sense of place within the plaza and adds a functional element to the plaza. Discussion followed on addressing the issue of removing/transplanting the tree somewhere else in the plaza. Council briefly discussed and Mr. Stanaway said he could design the layout with or without the tree. Mr. Stanaway said his recommendation is to keep the tree, but if Council chooses to remove the tree, not to place anything else there.

Council consensus for the library plaza water feature was to go with the benches design of Concept C, with some type of front facing water feature. Mr. Hennon said

the cost should be held at approximately \$100,000. If it increases, additional funds will need to be determined. There is a total of approximately \$240,000, which includes the art portion of the project, in addition to the water feature. After brief discussion on the art portion of the project, Council determined to put more funds toward the water feature; \$140,000 for the water feature, \$100,000 for art.

**H. EXECUTIVE SESSION**

None.

**I. ITEMS REMOVED FROM CONSENT AGENDA**

*No items were requested to be removed from the Consent Agenda.*

**J. COMMUNICATIONS FROM COUNCILORS**

None.

**K. ADJOURNMENT**

The meeting adjourned at 10:25 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in black ink, appearing to read "Maureen Smith", is written over a horizontal line.