



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, February 8, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Chris Barhyte
Councilor Monique Beikman
Councilor Joelle Davis**

**Councilor Jay Harris
Councilor Donna Maddux
Councilor Ed Truax**

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 world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any 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" on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

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

- SEE ATTACHED AGENDA -

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. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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, 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. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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 5 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.



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

- 1. Youth Advisory Committee Update
- 2. I-5 Landscaping Project Update
- 3. Commuter Rail Update
- 4. Crime Reports Update

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 (Item Nos. 1 –2)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the 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 "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

- 1. Approval of the Minutes of the Work Session and Meeting of January 25, 2010
- 2. Resolution No. 4957-10 Supporting the City of Tualatin's Increase in the Maximum.....
Indebtedness for the Central Urban Renewal District

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

Page No.

- 1. Continued Hearing to Consider an Ordinance Changing the Planning District
Designation from Low-Density Residential (RL) to Medical Center (MC) of
Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and
Amending the Community Plan Map 9-1 (PMA-09-03)
[CONTINUED to March 8, 2010]

G. GENERAL BUSINESS (Item Nos. 1 – 2)

1. Ordinance No. 1296-10 Granting a Non-Exclusive Gas Utility Franchise to.....
Northwest Natural Gas Company, and Fixing Terms,
Conditions and Compensation of Such Franchise

2. Resolution No. --- Approving a Development Agreement Between the City.....
of Tualatin and Legacy Health Systems

[CONTINUED to March 8, 2010]

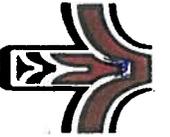
H. ITEMS REMOVED FROM CONSENT AGENDA

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.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: February 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Robert Robert Neuzerml	17515 Cheyenne		self	et. Comments
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Council Update February 8, 2009

TUALATIN YOUTH ADVISORY COUNCIL

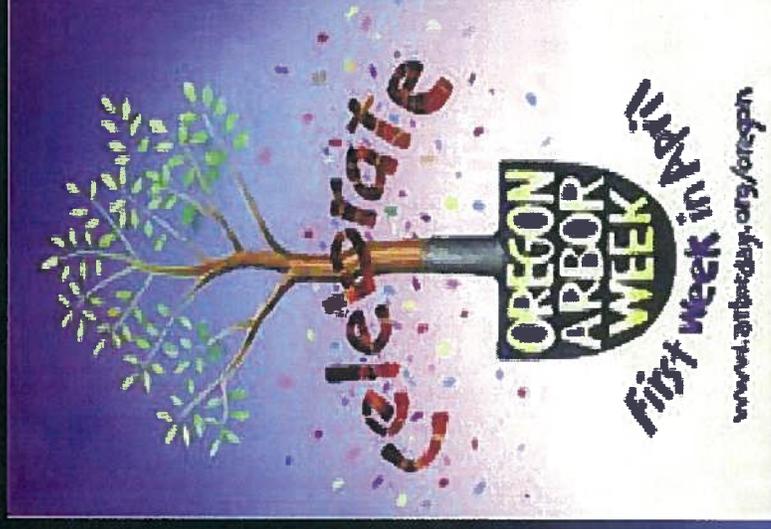
Project F.R.I.E.N.D.S. (Finding Relations In Every New Diverse Student)

- Day long workshop for 5th graders
- Focuses on anti-stereotyping/preparation for middle school
- Bridgeport and Tualatin Elementary will be participating
- Friday, May 14th
- Washington County Commission on Children and Families
- All curriculum will be revised/updated for 2010!



Arbor Week

- First week in April
- YAC members Maddie Willon and Malory Turner are serving on the Arbor Week Ad-Hoc committee



Movies on the Commons



- Free, family-friendly movies
- Saturdays, July 3rd – August 21st
- YAC helps choose films, sells concessions
- 72% of funding has been pledged or received
- Thank you to Target, Dutch Bros. Coffee, US West Coast TaekwonDo, and the Tualatin Chamber of Commerce!

Other YAC activities

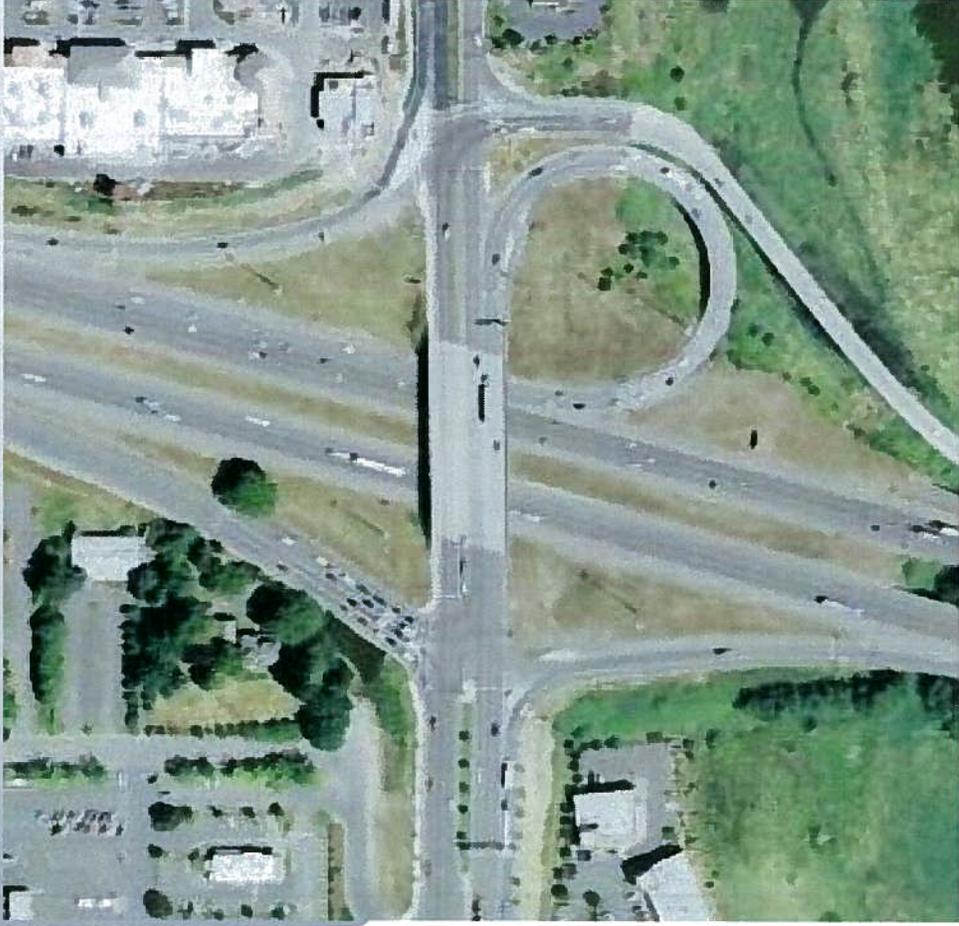


- MLK Day of Service
- Tualatin Library Foundation Auction
- Central Urban Renewal Plan joint meeting

See you next month!

- Thank you!

I-5 Landscape Update



Project Completion
December 2009

- I-5 concept plan completed and approved by both Council and ODOT in 2006
- Phase 1 of project – Nyberg Interchange (4 quadrants) 21 acres
- Awarded bid to Crown Landscape in June of 2009

I-5 Concept approval

- Council Goal #1 – “Enhance sense of Place and City Beautification”
- Improve corridor/entry point into City
- Use of native plant materials
- Maintain view corridors for businesses
- Paint backdrop for entering Tualatin

Project Goals

- Engineer's estimate \$546,000
- Project completion at \$342,000 (under budget)
- Funded by the Road Utility monthly \$2.00 Sidewalk/Street Tree/Reverse Frontage fee

Project Funding



Work commenced
June 15, 2009

Use of Best Management
Practices

Solar powered irrigation
controller

Substantial Completion
December 1, 2009



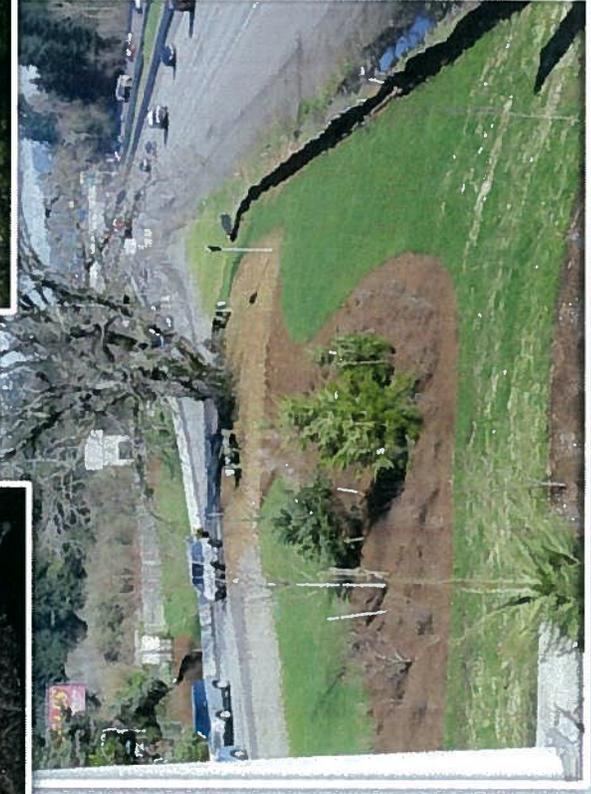
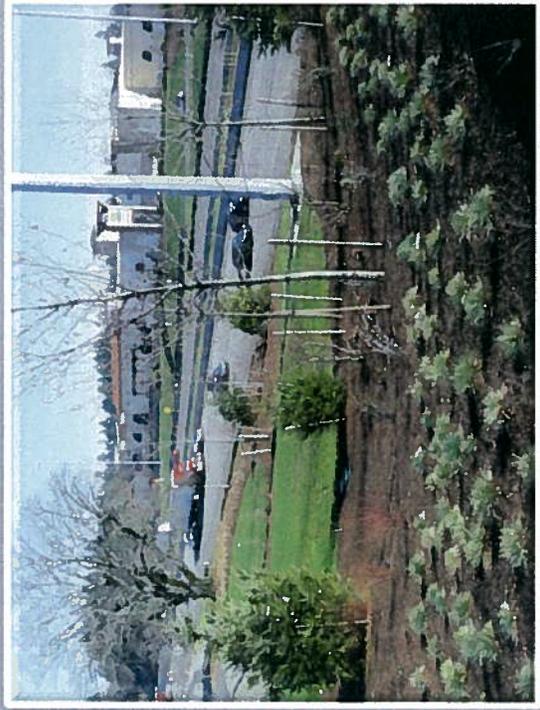
Construction



I-5 Northbound - Nyberg Exit



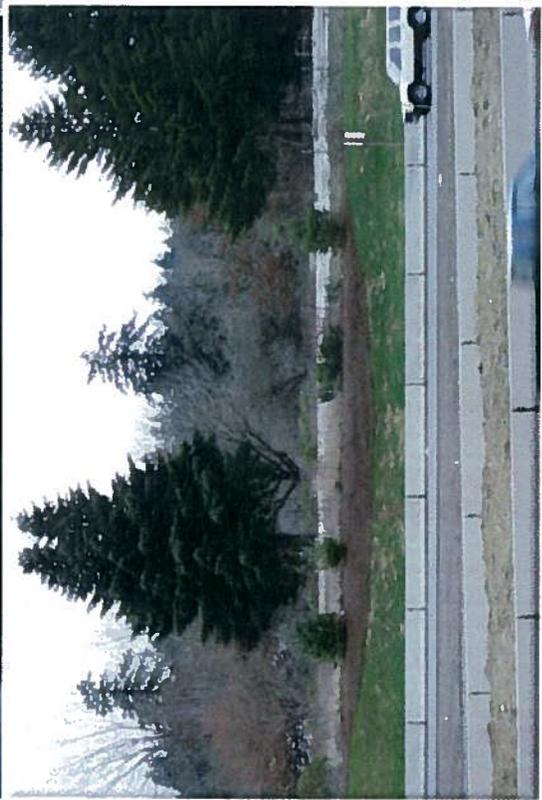
I-5 Northbound On Ramp



I-5 Southbound - Nyberg Exit



I-5 Southbound - Onramp



Nyberg Interchange



Nyberg Interchange



Approved By Tualatin City Council
Date 2-8-2010
Recording Secretary Strafer

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: February 8, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION
AND MEETING OF JANUARY 25, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Meeting of January 25, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 2-8-2010
Recording Secretary Straford

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 25, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Colin Cortes, Assistant Planner; Aquilla Hurd-Ravich, Senior Planner; Carina Christensen, Assistant to the City Manager; Ginny Kirby, Recording Secretary

ABSENT: Monique Beikman* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:06 p.m.

B. CONSENT AGENDA

The Consent Agenda for tonight's Council meeting was reviewed by Council.

City Manager Lombos said one councilor needed to be appointed to the Ad Hoc Committee for Arbor Week. Councilor Harris said he would serve once again and requested that the meeting schedule be emailed to him.

It was noted the minutes of the work session and meeting of January 11, 2010 were not yet available (Ms. Smith has been out of the office); item D.1. was being removed in its entirety. City Manager Lombos noted that a new agenda and copy of the resolution for Item D.5. (AR-09-08) were distributed reflecting a date correction in the title. Councilor Truax stated he will not vote yes on the Consent Agenda for Item D.5. City Manager Lombos commented that this item may be pulled; briefly reiterating the process regarding the 120-day extension.

City Manager Lombos said there is a revised explanatory statement (distributed) for agenda item G.2., a resolution calling the election on the annexation. WCLS looked at the explanatory statement and suggested a few changes, which resulted in the revised statement.

[Work Session recessed at 5:14 p.m. to open TDC Work Session]

[Work Session reconvened at 5:17 p.m.]

C. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Land Acquisition and Trails Update

City Manager Lombos stated that Community Services Director Paul Hennon is here tonight because Council requested at their September 14, 2009 to receive updates.

Mr. Hennon had a PowerPoint slide depicting parcels owned, parcels the City may hope to acquire, and the current trail system along with the pieces the City hopes to acquire to fully connect the system. Mr. Hennon noted the land/trail behind Stones Throw Apartments and RV Park of Portland, and then onto Nyberg property. Brief discussion followed regarding the Nyberg property. It was noted that Mr. Nyberg did not want to have lengthy legal discussions until after bond passed. Mr. Hennon went on to point out the land behind the Riverhouse project that would tie into Community Park.

Mr. Hennon then noted the gravel path along the Lower Tualatin Pump Station project (in Community Park). If the Tualatin Country Club changes from 18 holes to a 9 hole course in the future, land would be available. He then continued to describe the properties heading west along the Tualatin River that may become available for the City. There is the Van Rijn property, then under 99W, along Roamer's Rest, heading southwest several pieces of property are currently for sale and possibly when those are purchased the City may be able to negotiate for land acquisition with those new owners.

Councilor Harris thought that if properties are available now it would be a good time to try to be creative with thinking and potential ways to purchase those parcels; Mayor Ogden concurred. Mr. Hennon said there is approximately \$800,000 from Metro; approximately \$430,000 involved with land stabilization costs; which leaves approximately \$350,000 available, but can only use these funds for lands on the Tualatin River (Metro's stipulation for the money). He noted there is potentially \$250,000 from sale of land that the City owns. There are issues with Clean Water Services (CWS) due to its location; the City has been trying to work with CWS to no avail.

Mr. Hennon reminded Council their previous direction to staff was to try to get property behind RV Park of Portland. Councilor Harris asked staff to please come back with more information regarding which properties are for sale and the conditions; Mayor Ogden asked that staff explore other funding options that would potentially allow the City the ability to buy needed land. City Manager Lombos noted many of the parcels are in the outlying areas; however, there are a few major pieces closer to the "central" area that would make a major difference in the more core area of the trails. Councilor Harris went on to say he was interested in a parks maintenance fee and exploring moving that forward. Councilor Barhyte noted he spoke with someone recently that said the School District is looking at additional sports fields; he said there is a group investigating the needs and looking towards 2011 or 2012. City Manager Lombos said the Van Rijn property will have to come back at a later meeting for discussion.

Tree Preservation Policy for Annexation of New Land

Colin Cortex, Assistant Planner, noted he and Doug Rux, Community Development Director, had last spoken with Council on August 24th. The "phase" dealt with before this issue was adoption of street trees regulations and this is the next phase. Last time, direction from Council was to get information from surrounding cities. Staff found that Lake Oswego, West Linn, and Wilsonville do express their desires to save trees for tree canopy. Lake Oswego and West Linn limit policy to specific species and sizes.

Wilsonville's policy is specifically a "guiding" policy. Mr. Cortes pointed out that the memorandum in the Work Session packet specified the areas that are not currently annexed, but would be the most likely. Councilor Maddux asked and received clarification regarding policies and that they were addressing specific species, but ended up applying to all species.

Mr. Rux said policy question was whether or not Council wished staff to move ahead with this policy. It was noted that most want the trees to be "in the ground" for three years before they would consider annexing the property into the City. Councilor Maddux asked if that 3-year lag has been an issue. Mr. Cortes said the Lake Oswego planner he spoke with said it has not been an issue; trees get cut, they pay the fee, and mitigate. It was noted that some people feel the fee is cheaper than complying. Brief discussion followed regarding fee amounts. City Manager Lombos noted there are areas that could annex into the City that have significant amount of trees. The question was raised whether the policy was working well for the three cities; City Manager Lombos said more research could be done on this. Mr. Cortes comment that Lake Oswego noted their policy is not having the desired effect; West Linn and Wilsonville did not express similar issues. Discussion followed. Mayor Ogden expressed some reservations about regulating properties not yet in the City; he felt it sounds like it could preclude a property owner from doing anything to trees on their property a year prior to annexation.

Mr. Cortes asked Council if particular species or size of trees are of concern. Washington County does not regulate unless in sensitive areas. It was reiterated that the City's current regulations regarding tree cutting addresses tree caliper only; not species. Discussion continued regarding some of the memorandum exhibits that show areas that appear to be quite heavily treed. It was clarified that many of these areas shown in green are in riparian and/or sensitive areas.

City Manager Lombos asked if Council would like staff to continue to explore what works and what does not; not the "bones" of an ordinance. Councilor Barhyte asked staff to show Level 3 for Maps E and F (attachments to the memorandum); Mr. Rux said he will have our GIS folks contact the County for that information.

Land Use Notification Requirements

Doug Rux, Community Development Director; Colin Cortes, Assistant Planner. City Manager Lombos noted that staff had come before Council in October; the issue - notifying public about land use. At that time, Council asked staff to perform a cost analysis of mailing for 300-feet vs increasing buffer to 500-feet. Examples of each - residential, commercial, and industrial, were taken. Cost can vary greatly depending upon location and land use.

Mr. Cortes stated that Tualatin posts signs for architectural review, partitions, subdivisions, and demolition of historic structures. He showed Council examples of actual signs used by the City. Councilor Harris commented that he thought most complaints were concerning the Neighborhood Developer meeting signs, typically 8-1/2" x 11", and provided by the developer. These particular signs do not have size regulations.

Mr. Rux said if notification requirements are increased to 500-feet, the increase in cost would be rolled into the application cost. Councilor Barhyte wondered if a common sign could be provided for all uses. Councilor Davis preferred the idea that the City provide the sign so there is a consistency in signage. Councilor Truax agreed, stating he likes the standardized sign idea. He did note that the City currently only requires one sign;

he feels it should be increased to one sign per frontage and if a parcel is on a dead-end street, a sign needs to be off-site as well. It was noted that the City has not had problems with the applicant taking care of the posting of required signs. Councilor Davis commented that possibly the City could provide a standardized sign and not increase the notification requirements.

It was suggested that the City maintain an electronic template for signs and that would be given to the applicant for their sign vendor. Mr. Rux said the City could deal with sign size and colors. Council agreed that staff can decide what works best for the City – whether the City will provide the signs or require the applicant to purchase necessary signage.

Further discussion followed regarding going from 300-feet to 500-feet notification and whether that was actually enough of an increase; in some instances that doesn't make a significant difference. Councilor Davis suggested that different requirements be made for different uses (ex: residential vs industrial).

City Manager Lombos asked if applicants work with the staff when mailings are required; Mr. Rux responded that this typically does not happen. Discussion followed regarding different circumstances and the current requirement of only one. Some suggestions to get information out to the public regarding land use included a "fast alert" type email system, using the banner sign at the Commons, a more visible section of the City's website, and putting the current land use notifications in the City's newsletter. Further discussion followed.

Taking a look at the "language" of notifying neighborhoods vs strict subdivision boundaries was suggested. Also suggested was possibly creating a standard page or two notification, not the current sizeable packets, and the one or two page notification would include a link to a website that would include all the information in the "full " package.

City Manager Lombos summarized Council's ideas - possibly keep the current 300-foot boundary, but extend to a "subdivision" the one or two page (or simplified) packet that would include the link to the full packet. Mr. Rux said staff would go back and draw up a two-tier type notification (based on residential vs industrial area). It said staff should go back to TPAC before bringing back before Council. It was also noted that there is great interest in making information available electronically (webpage) or mailed out electronically.

SW Concept Plan

Aquilla Hurd-Ravich, Senior Planner, gave a brief history of the process. She noted they met with the Technical Advisory Committee, property owners, and interested parties in November 2009, and hosted a SWCP open house on January 5, 2010. Staff will go back to TPAC February 11 to present the updated Concept Plan to get a recommendation; that updated plan and recommendation will come back to Council February 22 for approval. The idea from that, after the February 22 meeting, is that it can be submitted to Metro and get a payment from the CET grant. (Current work efforts, including hiring consultants, is being funded by a CET grant from Metro.) In November 2009, Metro received a schedule of deliverable work products from staff; Metro returned a schedule of funding payments, the last of which is due in July 2010.

After brief discussion, Councilor Harris asked if the City does revisions to the Transportation System Plan, Parks Master Plan, etc., after all this is adopted. Mr. Rux, Community Development Director, clarified that will occur between March and June; entire plans are not being modified, just portions. It will come in pieces, such as appendixes to other documents. Councilor Harris then asked about the zoning; Mr. Rux responded that zone designation would be applied during this process. A complete package of all comprehensive land use on this 600-acre portion of land will be distributed. Any development would be two to three years away.

Ms. Hurd-Ravich stated that one open house has already been held, the next one will be in April (specific date not yet determined).

Council Communications & Roundtable

None.

D. CITIZEN COMMENTS

None.

E. PUBLIC HEARINGS - *Legislative or Other*

Not applicable.

F. PUBLIC HEARINGS - *Quasi-Judicial*

Not applicable.

G. GENERAL BUSINESS

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

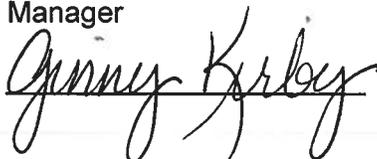
None.

K. ADJOURNMENT

The meeting adjourned at 6:53 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MEETING MINUTES OF JANUARY 25, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Carina Christensen, Assistant to the City Manager; Will Harper, Associate Planner; Ginny Kirby, Recording Secretary

ABSENT: Monique Beikman* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.
Councilor Harris led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *New Employee Introductions*

Denice Ambrosio, Finance

Don Hudson, Finance Director, introduced Denice Ambrosio. Denice was previously working in the City's Engineering and Building Department. She is now the "face of the City" at the reception desk handling passports, utility bills, etc., for the Finance Department.

Christina Hanson, Community Services – Library

Paul Hennon "re-welcomed" Christina, who was originally hired approximately six months ago as a halftime staff member. Christina has now been hired for a second half-time position, so she is fulltime. Mr. Hennon noted that she managed volunteers at the Hillsboro Library, and worked as a Reference Librarian at a Canadian university.

C. CITIZEN COMMENTS

Kathy Newcomb, SW Cheyenne Way, Tualatin. Ms. Newcomb stated she had attended a recent URAC meeting and wanted to say that Mr. Rux was very patient, had much knowledge, and she wanted to thank him. She wanted to make sure that Council realizes many are opposed to the northern arterial and the proposed bridge over the river at Community Park. Concern now is that the City is in the process of extending that funding for 25-years and much would go towards the bridge they do not want. She asked that Council please think about the impact of the bridge on the taxing districts; please

notice your property taxes. It would be best for this current Urban Renewal to come to an end by June 30th; maybe it could be extended later, but let the other overlapping districts get their taxes up-to-date; let them have their property tax bases back up. Please, drop the funding that would go towards a bridge; don't dump more traffic on Tualatin Road or into the Community Park area. Please do not include in Urban Renewal any funding for a bridge over the Park. The impact on the educational side goes to the Tigard-Tualatin schools, PCC, ESD, Washington County, Metro, Port of Portland, and TVF&R... impacts are felt by these entities. Please give this some thought. Mayor Ogden thanked Ms. Newcomb for her comments.

Linda Moholt, CEO, Tualatin Chamber of Commerce. Ms. Moholt said she just wanted to give Council a brief update on the Chamber's activities. Recently, they started up an Economic Task Force; Doug Rux, Community Development Director, is helping to coordinate this committee. The Task Force will look at how we retain current businesses and grow. The Chamber is going to visit local businesses, weekly, to talk with them about what they can do for them; this group will include a representative from the Chamber, from the City, and from the Task Force. This will officially start in February (a "test run" was done in December).

Another new event for the Chamber is Tasty Tuesdays, which is supportive of Chamber businesses. It is a great opportunity to do some networking, Tuesdays, 11:30 a.m. The first Tasty Tuesday will be February 2, 2010, at Claim Jumper restaurant. Make sure you call ahead and ask for a seat at the restaurant so there will be a place for you at the table.

Ms. Moholt reminded everyone that it is already time to start thinking about Crawfish Festival. It is scheduled for August 13 and 14, and the theme for the 2010 festival is "Crawfish Fiesta". Mayor Ogden thanked her for the Chamber's focus on economic development. Also, for all the work that goes into producing the Crawfish Festival every year.

Brenda Bajdek-Slowski, Library Foundation Board. Ms. Bajdek-Slowski extended an invitation to everyone to attend the upcoming Silent Auction Fundraiser. February is "Love Your Library" month. The Silent Auction event "Novel Destinations, Your Passport to Adventure" is set for February 6, 2010, 6:30 p.m. All the information about the event is available on their website: www.tualatinlibraryfoundation.org. Donations for the auction will be accepted through the middle of next week. Councilor Harris stated that the Library Foundation has been around for approximately 18 months. He said last year's Silent Auction event was attended by approximately 70 people; hopefully many more will be in attendance this year, making it even more successful.

Stephen Ricker, SW Ochoco Court, Tualatin. Mr. Ricker gave an update of the Juanita Pohl Center activities. Year-to-date (ending December 2009), just over 7,000 meals have been served; this includes both at the cafeteria and the Meals on Wheels program. Overall, program hours have greatly increased, even though there was a slight decline in December daily hours. He noted that fitness/exercise classes account for over 60% of the classes. Volunteer hours are up 11% (just over 6,000 hours). Loaves and Fishes Program is turning 50; various events will be planned to celebrate, and there will be a Health Fair hosted at the Pohl Center in April. Mayor Ogden thanked Mr. Ricker for all the Juanita Pohl Center does to serve the citizens.

D. CONSENT AGENDA

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adopt the Consent Agenda as read and amended:

Mark Coolican, SW Mobile, Tualatin, requested that Item D.5. be removed and considered separately.

- ~~1. Approval of the Work Session and Meeting Minutes of January 11, 2010
[Item removed in its entirety]~~
2. Resolution No. 4951-10 Designating the City Council's Intent to Permit Recreational Use of All City of Tualatin Parks and Greenways Consistent With Other Areas Generally Regarded as Outdoor Recreational Areas Under ORS 105.682
3. Resolution No. 4952-10 Authorizing a Revocable Permit for a Private Water Line Within the Public Right-of-Way at SW 128th Avenue
4. Resolution No. 4953-10 Approving Submittal of Construction Excise Tax Planning Grant Applications for the Southwest Urban Renewal Plan and the Highway 99W Corridor Plan Projects
5. Resolution No. - - - Affirming the Architectural Review Board's November 6, 2009 Architectural Review – Architectural Features Findings and Decision with Conditions of Approval for The Stafford Hills Racquet Club (AR-09-08)
[Removed from Consent; moved to H. for discussion]
6. Establishment of an Ad Hoc Committee to Coordinate the 2010 Arbor Week Celebration
7. Community Involvement Committee Appointment – Terri Ward, Budget Advisory Committee
8. Annual Report of the Tualatin Parks Advisory Committee for 2009

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other
None.

F. PUBLIC HEARINGS - Quasi-Judicial

1. Continued Public Hearing to Consider An Ordinance Changing the Planning District Designation from Low Density Residential (RL) to Medical Center (MC) for Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and Amending the Community Plan Map 9-1 (PMA-09-03)
[continued to February 8, 2010]

Mayor Ogden said there was a request by the applicant to continue the public hearing. Doug Rux, Community Development Director, noted the letter had been submitted today (attached) requesting a continuance to February 8, 2010.

MOTION by Councilor Barhyte, SECONDED by Councilor Davis to continue the public hearing to February 8, 2010. MOTION CARRIED.

G. GENERAL BUSINESS

1. Resolution No. 4955-10 Consenting to the Transfer of Control of the Franchisee And of the Cable Franchise Granted to Verizon Northwest, Inc. to Frontier Communications Corporation With Conditions

Mr. Bruce Crest, Administrator, MACC, stated that MACC manages cable franchises in Tualatin and 15 other jurisdictions. He is bringing the Commission's recommendation to accept the transfer of the cable franchise from Verizon to Frontier Communications before Council tonight for their consideration. They have been working with the City's Attorney on crafting the resolution.

In May 2009, Verizon agreed to sell to Frontier the cable and internet services. Frontier primarily serves suburban and rural areas. MACC has placed 13 conditions on this proposed transfer. Frontier assumes all responsibility and a letter of credit. Frontier is planning on keeping a local manager to deal with subscriber's business in a more efficient manner. Councilor Barhyte said this process began back in June 2009, and he feels this transfer is a very positive change.

Councilor Maddux asked about local management that was mentioned by Mr Crest. Mr. Larry Mannion, Frontier Communications, Texas, explained that Frontier is in the process of identifying local managers and getting them in place; there will be four local managers. He noted they are looking forward to being a corporate partner with the City. Mr. Crest noted there will be a call center located in Everett, Washington and a local number for customers to contact.

Councilor Davis expressed concern for current Verizon customers; asking if they will be required to stay with Frontier or can they change service without penalty. It was stated that if Frontier does not get the same level of programming that Verizon has offered, then customers will be able to make a change. Before actual transfer occurs, there will be a great amount of information dispensed for customers.

Mr. Crest noted the acquisition of programming is being very closely monitored. One stipulation does involve the multi-year contracts and how unsatisfied customers will be able to handle those. Councilor Barhyte reiterated that this will affect cable, land lines, and internet service; not Verizon wireless service.

MOTION by Councilor Harris; SECONDED by Councilor Barhyte to adopt the resolution consenting to the transfer of control to Frontier Communications.

MOTION CARRIED.

2. Resolution No. 4956-10 Calling an Election on Annexation Into the Library District of Clackamas County

Paul Hennon, Community Services Director, state that this resolution would place a measure on the May 18 ballot to enable the Clackamas County residents of Tualatin to decide whether that portion should be placed in the library district of the County. Currently Clackamas and Washington Counties have provided courtesy services; that service will cease if the annexation into the library district fails. Clackamas County residents then would be able to access Tualatin Library only.

If this resolution is passed, a ballot title will be chosen, if no ballot title appeal is filed, then documents must be filed by March 18 for May 18 ballot. If measure passes, courtesy service will continue and restored to Multnomah County and other counties. After a brief discussion, Mr. Hennon reiterated that if the measure to annex fails, courtesy service to Washington and Clackamas Counties will cease and Clackamas County residents will have access to the Tualatin Library only and will have to pay a fee to use libraries.

Mayor Ogden summarized to make clear for everyone; if this ballot measure passes, tax of just shy of 40 cents per \$1,000 and residents will have library service continue uninterrupted; if the ballot measure fails, residents will only be able to access Tualatin Library; there will be a fee for others.

Mr. Hennon stated that some direct mail pieces will go to each residential property in Clackamas County and a public meeting will be held that will include handouts for take-away information for citizens.

MOTION by Councilor Maddux, SECONDED by Councilor Davis to approve the resolution calling for an election on annexation. MOTION CARRIED.

4. Resolution No. - - - Approving a Development Agreement Between the City of Tualatin and Legacy Health Systems

[Continued to February 8, 2010]

H. 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.

- D.5. Resolution No. 4954-10 Affirming the Architectural Review Board's November 6, 2009 Architectural Review – Architectural Features Findings and Decision with Conditions of Approval for The Stafford Hills Racquet Club (AR-09-08)

Mayor Ogden reiterated that Mr. Mark Coolican requested that this item be removed from the Consent Agenda and Councilor Harris could be recused as his firm dealt with this project.

Julie Sepp, SW Mobile Place, Tualatin. Ms. Sepp stated she was encouraged by the hours of discussion regarding the windows on a portion of the facility and special events conditions. She felt, regarding any special events notice, that there would be communication with the Police Department. Ms. Sepp went on to say that when she read the condition that was given to Council it seemed extremely vague; it leaves a lot of room for interpretation. She wants to ask that the condition be amended to have some more specifics surrounding when special events are planned and the number of vehicles the parking lot would accommodate. Currently it says... may or shall or sufficient, and she does not feel that is good enough language; just too vague.

Mayor Ogden said he hears her asking that the wording be more specific in those areas; Ms. Sepp said that is how she feels. Mayor Ogden asked Brenda Braden, City Attorney, what the Council's process would be if changes were to be made. City Attorney Braden explained that the hearing would have to be opened, renoticed, etc. before that could happen. City Manager Lombos asked if any changes could be made to the condition; Mayor Ogden asked if it could be made stronger by changing the language. City Attorney Braden reiterated that the hearing would have to be reopened; you have to consider the 120 days (up on February 2, 2010); just the 20-day notice would push it out too far. The applicant could waive the 120 day rule.

Mayor Ogden then questioned Council on whether they felt the wording of the condition accurately reflects what Council wanted. Councilor Maddux said that it is almost exact word-for-word what they wanted.

Ms. Sepp said there is nothing specific in the condition... specific for number of days notice would be given, she felt Councilor Barhyte had a motion written, but was then directed by the City Manager of slightly differing language and it was agreed to go with the language the City Manager read. It was a condition that would allow staff to work out specifics for each particular special event.

Councilor Davis questioned who defines "sufficient"; City Attorney Braden said the City would define that. Councilor Barhyte felt the motion was in the spirit of what he wanted. He felt the condition was to make sure when there was a special event, the parking for that event did not occur in the neighborhood. This condition is addressing a business/special event so that the business can have the event and be permitted properly for the event.

Ms. Sepp doesn't feel it is proactive enough; that it is too open for interpretation. She feels the applicant will do what the minimum is; not beyond. Mayor Ogden commented that since it hasn't happened, and no one can know what "it" is, why not let staff figure out the way to provide the proper type of oversight to make things happen as desired.

Councilor Maddux noted that tonight is to approve the resolution; but not the night to approve specifics of a policy. She stressed that the City is not forgetting the neighborhood. Ms. Sepp feels things may not be dealt with head-on and asked that Council keep in mind the idea of implementing a permit process change for special events; she would like to see staff move forward with that.

Councilor Harris reiterated that he was recusing himself from any vote.

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to affirm the Architectural Review Board's November 6, 2009 architectural review – architectural features findings and decision with conditions of approval for the Stafford Hills Racquet Club. *[Vote: 4-1; In favor: Barhyte, Ogden, Maddux, Davis; Opposed: Truax; Absent: Beikman; Recused: Harris]* MOTION CARRIED.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

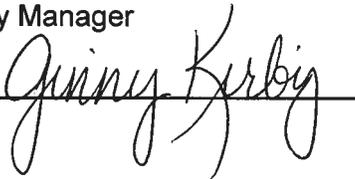
None.

K. ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





Approved By Tualatin City Council

Date 2-8-2010

Recording Secretary *Straford*

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Doug Rux, Community Development Director *[Signature]*

DATE: February 8, 2010

SUBJECT: A RESOLUTION SUPPORTING THE CITY OF TUALATIN'S INCREASE IN THE MAXIMUM INDEBTEDNESS FOR THE CENTRAL URBAN RENEWAL DISTRICT

ISSUE BEFORE THE CITY COUNCIL:

Consideration of a resolution by the City of Tualatin, as an overlapping taxing district, supporting the Tualatin Development Commission and City of Tualatin's request to increase the maximum indebtedness amount of the Central Urban Renewal District by an additional \$120 million and to forgo any revenue sharing.

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- The Tualatin Development Commission (Commission) and City Council have been evaluating since October 2007 the feasibility of increasing the maximum indebtedness amount of the Central Urban Renewal District (CURD) to address blight issues that exist within the CURD.
- The current CURD maximum indebtedness amount of \$27,705,384 will be reached at the end of fiscal year 2009/2010 at which time the Commission would need to notify the County assessor on reaching the maximum indebtedness amount with instructions to stop collecting tax increment revenues starting in fiscal year 2010/2011.
- The Commission has developed a proposal to increase the maximum indebtedness amount by an additional \$120 million to fund fifteen projects to address blight conditions within the CURD and to cover administrative overhead costs. The evaluation to determine the list of projects and the associated dollar values has occurred through a series of 15 work session discussions.

- Modeling projections were prepared for private development activities over the 25 year period. Based on the modeling efforts, it is projected that the incremental assessed value would rise from \$180,221,311 in 2010 to an amount of \$838,624,804 in 2035. This assessed value would be sufficient to provide debt service on the \$120 million maximum indebtedness.
- HB 3056 passed in the 2009 Oregon Legislative Session went into effect on January 1, 2010 requiring that substantial amendments for increases to the maximum indebtedness of existing plans has two paths or processes to follow. First, ORS 457.220(4) (a) allows for a 20% aggregate increase limit to the initial maximum indebtedness. It also allows for an inflation increase based on the index used in the in the urban renewal report beginning July 1, 1999 but only applies to the first amendment. The agency must confer and consult with overlapping taxing districts on the 20% increase limitation. Under this provision of the bill, the CURD could increase its maximum indebtedness by approximately \$18 million. ORS 457.220(5) also allows an agency to exceed the 20% limit if concurrence is obtained under Section 10(7) of the 2009 Act.
- The second path is to increase the maximum indebtedness amount under the provisions of Section 10 of the 2009 Act which establishes revenue sharing with overlapping taxing districts based on prescribed monetary triggers. Section 10(7) of the 2009 Act allows an opt-out on revenue sharing when the municipality approving a plan obtains written concurrence of taxing districts of at least 75% based on the amount of taxes imposed under permanent rate limits in the urban renewal area. The fiscal year to determine the 75% is the fiscal year prior to the fiscal year in which the plan is approved or amended. For the Tualatin evaluation this would be the 2008/2009 fiscal year.
- The Commission is in discussions with the nine overlapping taxing districts seeking approval through the opt-out provision of HB 3056. The Commission has requested a response back to the City of Tualatin by March 8, 2010.
- The Commission prepared a comprehensive financial analysis on the impact of forgone revenue based on the \$120 million dollar maximum indebtedness increase and has shared that information with the Commission and City Council. The estimated amount of revenue over the 25 year period is \$12,480,445 at an annual average of \$499,218. The return rate on the forgone revenue has also been calculated. Between the years 2036 to 2042 the City of Tualatin would see a return of \$13,348,651.
- HB 3056 does not prescribe a specific format that written concurrence must be obtained. Two approaches had been developed. The first is adoption of a resolution and the second a Letter of Support. The method can be negotiated with the overlapping taxing district. For the City of Tualatin, the resolution approach has been proposed.

OUTCOMES OF DECISION:

Approval of the resolution would result in the following:

1. The City would be one of nine overlapping taxing districts supporting a maximum indebtedness of \$120 million with no revenue sharing.
2. The Commission would need to continue efforts seeking support from the other eight overlapping taxing districts in order achieve the 75% concurrence necessary.
3. The City of Tualatin would be forgoing tax revenue collections within the CURD for an estimated additional 25 years at an average annual amount of \$499,000.
4. The City of Tualatin would have a financing tool to address blight issues to further the vision established for the Town Center area.

Denial of the resolution would result in the following:

1. The CURD would stop tax increment collections ending with fiscal year 2009/2010, and in 2010/2011 the City would begin to receive the full tax collection revenues based on the assessed value of property within the District estimated to be \$415,000.
2. The Commission could undertake an evaluation to create a new urban renewal district within the Town Center area under the provisions of ORS 457.
3. The Commission could come back to the City with a revenue sharing model. This would mean an increase to the proposed \$120 maximum indebtedness amount and require more than a 25-year period as proposed under the non-revenue sharing model.
4. The Commission could re-approach the City under a confer consult scenario to increase the maximum indebtedness amount 20% above the current maximum indebtedness amount. This would be an estimated increase of \$18 million.
5. The Commission could drop the proposal and the 15 projects proposed would not occur, and market conditions would drive development which would not achieve the vision the City Council has established for the Town Center area.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Deny the request.
- Continue the discussion of the proposed resolution to the February 22, 2010 meeting for further discussion.

FINANCIAL IMPLICATIONS:

Passing a resolution supporting the \$120 million maximum indebtedness increase with no revenue sharing would mean the City would forgo the collection of an estimated \$12,480,000 over the next 25 years.

PUBLIC INVOLVEMENT:

An open house was conducted on February 4, 2010. Fifteen (15) Work Sessions were held by the Tualatin Development Commission and City Council discussing the maximum indebtedness increase proposal since October 2007. Ten briefings have been provided to the Urban Renewal Advisory Committee and seven to the Tualatin Planning Advisory Committee at public meetings. Other outreach efforts have occurred with The Tualatin Chamber of Commerce Government Affairs Committee and Tualatin Tomorrow. Concurrence meetings have been held with all of the overlapping taxing districts.

Attachments: A. Resolution

RESOLUTION NO. 4957-10

A RESOLUTION SUPPORTING THE CITY OF TUALATIN'S INCREASE IN THE MAXIMUM INDEBTEDNESS FOR THE CENTRAL URBAN RENEWAL DISTRICT

WHEREAS the City of Tualatin originally created the Central Urban Renewal District in its downtown area (the "CURD") in 1975 for the purpose of removing blight and encouraging economic development; and

WHEREAS the original CURD maximum indebtedness was established for approximately \$27.7 million in 1978, which would be used to fund infrastructure and economic development projects within the Central Urban Renewal area; and

WHEREAS, the original funding amount is not sufficient to complete all the projects that would improve the Central Urban Renewal area and raise the assessed valuation in that area; and

WHEREAS, the City is proposing to increase the maximum indebtedness by an additional \$120 million to remove the remaining blight in its Central Urban Renewal area and improve the needed infrastructure; and

WHEREAS, HB 3056 (2009 Legislative Session) requires 75% of the overlapping tax districts to concur with such increases; and

WHEREAS, the City of Tualatin acknowledges that supporting the City's proposed increase in the maximum indebtedness of the CURD will result in a higher assessed valuation that will provide more stable tax revenues in the future; and

WHEREAS, the City of Tualatin further acknowledges that it is in the City of Tualatin's best interest to forego revenue sharing from the CURD so that the projects may be completed in a more timely manner and return the CURD's increased assessed valuation to the tax rolls sooner.

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

Section 1. The City of Tualatin supports the City of Tualatin's plan to increase the maximum indebtedness in the Central Urban Renewal District.

Section 2. The City of Tualatin further agrees to forego receiving any revenue-sharing from the increased maximum indebtedness amount.

INTRODUCED AND ADOPTED THIS 8th day of February, 2010.

CITY OF TUALATIN, Oregon

BY 

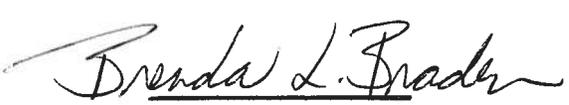
Mayor

ATTEST:

BY 

City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

****Con't to March 8, 2010**

~~Approved~~ By Tualatin City Council

Date 2-8-2010

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]
William Harper, Associate Planner [Signature]

DATE: February 8, 2010

SUBJECT: ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC) OF PARCELS OF LAND LOCATED ON SW BORLAND ROAD (21E 19C 1700 & 2000), AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-03)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Map Amendment (PMA) to change the Planning District designation from Low-Density Residential (RL) to Medical Center (MC) of parcels of land located at 6001, 6021, 6031, and 6041 SW Borland Road (21E 19C 1700 & 2000) and to the centerline of the abutting public right-of-way (ROW) of SW Borland Road.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) did not have a voting quorum on October 8, 2009, and did not review PMA-09-03.

Staff recommends that the City Council consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:

- This matter is a proposed Plan Map Amendment to the Community Plan Map 9-1 of the Tualatin Development Code (TDC).
- The City Council will consider the matter in a quasi-judicial public hearing.
- This hearing was continued from the initial public hearing for the Legacy Health Systems (LHS) Plan Map Amendment (PMA-09-03) held at the November 9, 2009 Council Meeting (See Attachment I-November 9, 2009 Meeting Minutes) and the January 25, 2010 meeting. The hearing was continued to allow time for Legacy and City staff to create a Development Agreement that would address

issues raised by neighbors and the Council. The 1st public hearing was continued to January 25, 2010 and City Staff and Legacy began work on a Draft Development Agreement. On January 14, 2010, the Council reviewed a Draft of the agreement in Work Session. Based on the Work Session, Councilmember questions and further discussions with Legacy, transportation improvement issues in the proposed Development Agreement were still being discussed prior to the January 25 public hearing. On January 25, Legacy again requested continuing the hearing to February 8 and the Council granted the request. The proposed Development Agreement will be presented to the Council on February 8, 2010 for consideration as a separate agenda item.

- The applicant is Ms. Thomasina Gabriele of Gabriele Development Services on behalf of the property owner, Legacy Health System (LHS). Mr. Larry Hill represents Legacy Health System.
- The subject properties are two undeveloped parcels totaling 19.6 acres located at 6001, 6021, 6031, 6041 SW Borland Road in the RL (Low-Density Residential) Planning District (Clackamas County Assessors Map 21E 19C 1700 & 2000). The subject parcels have frontage on the north side of SW Borland Road and adjoin the east property line of the Legacy Meridian Park Medical Center (LMPMC) campus located in the MC Planning District. On the east property line, the subject properties are bordered by single-family residential development in the Fox Hills neighborhoods in the RL (Low Density Residential) Planning District. Staff recommends also changing the designation of the approximately 0.25 acres of abutting public ROW of SW Borland Road (RL changed to MC to the street centerline). A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B and C respectively. The applicant's materials are included as Attachment D.
- Legacy Health Systems purchased the subject property in 2004 for future expansion of the 46 acre Legacy Meridian Park Medical Center campus and facilities. LHS does not have plans for buildings or other improvements on the property at this time.
- The subject property includes the former Grimitt farmhouse with outbuildings on the northern Parcel 2000. On Parcel 1700 adjoining SW Borland Road is a small vacant house identified as the "Minnie Skog House", listed in the City's Historic Preservation Chapter 68 as a historic landmark. No application for alteration, relocation or demolition of the historic structure has been submitted.
- The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use [TDC 40.020(1)] and allows a hospital or sanitarium as a conditional use [TDC 40.030(4)(h)]. The MC Planning District which currently encompasses the LMPMC campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

- Changing the designation on 19.6 acres to MC would allow the LMPMC campus to expand with buildings, parking and landscaping onto the subject properties in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District [TDC Chapter 56] and the Community Design Standards, Public Improvement Requirements & Access Management on Arterial Streets provisions in TDC Chapters 73, 74 & 75. LHS seeks the Map Amendment to change the designation to MC. Development and improvements on the property will be subject to Architectural Review. Alteration, relocation or demolition of the historic house will be subject to approval of a Historic Landmark Certificate of Appropriateness under TDC Chapter 68.
- The submitted traffic analysis (Attachment D, Transportation Planning Rule Analysis – Kittelson & Associates, Inc.) and Supplemental Information (Dated October 1, 2009) analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the subject parcels from RL to MC for three scenarios: RL, single family homes; a Hospital Conditional Use in RL; and a Medical Offices/Hospital development in MC. The analysis assumes a new SW Borland Road access (see discussion in Attachment F, pp. 9-10). The Engineering Division Memorandum (Attachment H, pp. 1-3) provides the following summary of Trip Generation figures comparing RL single family residential with MC medical office:

Estimated Trip Generation								
Land Use	ITE Code	Size	Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

Under the Reasonable Worst Case Development Scenarios the proposed MC medical office development traffic will result in an increase in the number of trips at the AM and PM Peak compared to a single family subdivision use in RL.

In regard to Oregon Statewide Planning Goal 12-Transportation and the Transportation Planning Rule (TPR) (OAR-660-012), the Kittelson Memorandums find that the proposed plan amendment will not “significantly effect” an existing or planned transportation facility and satisfies all of the requirements of the TPR. An October 27, 2009 comment from the Oregon Department of Transportation (ODOT) (Attachment L-ODOT Letter 1) requested additional information from the applicants regarding the I-5/Nyberg Street interchange. A January 14, 2010 letter from ODOT (Attachment L-ODOT Letter 2) questioned the Kittelson analysis and conclusion based on a “hospital” use as

a "reasonable worst case" scenario, contending that as a conditional use in the existing RL Planning District a hospital is not an "outright" "allowed" use for purposes of evaluating TPR impacts on ODOT facilities. ODOT believes a conditional use is not suitable for a TPR analysis and would prefer that a permitted use under the RL designation (single-family residential) be used for evaluating the effect.

A medical office/clinic use is allowed as a hospital use (conditional in RL) and as a permitted use in MC. Because the City considers both permitted and conditional uses are "allowed" uses under the TDC and due to the history of the LMPMC as both a conditional use under RL (Previously approved in Case #s CUP-89-06; CU86-04; CU84-03; CU83-05; CU80-03; 1970) and a permitted use under the MC Planning Districts as well as the long-held expectation that LHS will expand the LMPMC facility onto the subject property in the future, Staff disagrees with the ODOT position and accepts the Kittelson TPR analysis using 250,000 s.f. of medical office as a 'reasonable worst case' scenario.

In regard to Criterion "8" and Level of Service (LOS), the Engineering Division agrees with the submitted Supplemental Information statement "...this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario". (Attachment H).

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal. With today's RL designation on the subject property and with the existing development in the SW Borland and 65th Area, the SW 65th/Sagert intersection does not meet Criterion G. The proposed Development Agreement with LHS identifies signal and lane improvements to the SW 65th/SW Sagert and SW 65th/Borland Road intersections to be constructed by Legacy at the time a first building is constructed on the subject LHS property.

- The Applicant has prepared a narrative that addresses the Plan Map Amendment approval criteria (Attachment D) and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F). TPAC Chairman Paul Sivley submitted a list of questions to be addressed at the October 8 TPAC meeting. Due to lack of a quorum, PMA-09-03 was not reviewed by TPAC and Mr. Sivley's questions were not addressed. A copy of Mr. Sivley's questions are included as Attachment J with responses to the questions by the Applicants and Staff.
- The City has prepared a development agreement with the applicant (Legacy) that will ensure that if the MC Planning District designation is approved in PMA-09-03, future development on the Property and issues such as public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection;

on-site & off-site public improvements including sanitary sewer, stormwater management & street improvements; and development standards including building & parking setbacks, building height, landscape buffers & lighting will be addressed in an agreed upon manner. The development issues listed are typically addressed in a land use process (such as Architectural Review) when a specific development or property improvement is proposed, but are not issues to mitigate or require as conditions of approval in a Plan Amendment process such as PMA-09-03. The agreement, known as the "Non-Statutory Development Agreement", will be presented to the City Council for approval and authorization at the February 8, 2010 meeting.

- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning District Objectives; TDC 8.050-Churches, Retirement Homes, Residential Facilities & Hospitals (Objectives); TDC Chapter 40-Low-Density Residential Planning District, and; Chapter 56 Medical Center Planning District. The Metro (Regional Government) Functional Plan Title III has policies for housing. The Statewide Land Use Planning Goals Goal 10-Housing (Metropolitan Housing Rule) and Goal 12 (Transportation Planning Rule) are applicable. The Analysis and Findings section of this report (Attachment F) considers the applicable policies and regulations.
- In a November 20, 2009 letter (Attachment K- Metro Letter 1), Metro requested information demonstrating that the proposed Plan Map Amendment will "...not reduce the city's dwelling unit capacity in Table 1." of the Urban Growth Management Functional Plan (UGMFP). Metro asked for an analysis that documents how the city will maintain the 1994-2017 housing capacity required in the UGMFP Title 1 Table 1. Information and analysis responding to the request from Metro is provided in Attachment F, pp 10-13. In a second letter (January 21, 2010) (Attachment K-Metro Letter 2), Metro noted that even though the PMA could reduce the City's Title I dwelling unit capacity, other projects such as the Town Center Plan and Hwy 99W Corridor Plan "...could accommodate higher density residential development to offset this potential reduction." Based on that, Metro will not object to PMA-09-03.
- The 120th day within which the City Council must make a decision in the quasi-judicial process was January 26, 2010. The scheduled January 25, 2010 public hearing before the City Council was on the 119th day and the February 8 hearing was on the 133rd day. Legacy submitted a waiver of the 120 day deadline for an additional 60 days, extending it to March 27, 2010.
- Before granting the proposed PMA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment F) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PMA request will result in the following:

1. Changes the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (and .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to

MC. The MC Planning District allows a primary care hospital, medical offices, clinics and laboratories, limited supporting/on-site retail uses and congregate care, assisted living, nursing and convalescent homes residential facilities as permitted uses.

2. Allows the applicant to develop the property in the MC Planning District with the medical, health care and residential facilities consistent with the existing LMPMC campus. Architectural Review will be required for development on the site. If adopted, the proposed LHS Development Agreement will establish certain development standards for the Property, access, Legacy constructing of on & off-site public improvements including the SW 65th Avenue/SW Sagert Street intersection & SW Borland Road frontage, the Historic Landmark on the site and tree protection.

Denial of the PMA request will result in the following:

1. The current RL Planning District designation on Tax Lots 1700 & 2000 (and abutting public ROW) will remain unchanged.
2. The Applicant may choose to develop the property under the RL Planning District provisions which allow single family residential uses as permitted uses and allows a hospital as a conditional use.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for Council are:

- Deny the proposed PMA.
- Continue the discussion of the proposed PMA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Applicant paid the required application fee, which is contained in the FY 09/10 budget for revenue.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting on June 3, 2009, at 7:00 p.m. at the Legacy Meridian Park Medical Center, to explain their development and the PMA proposal to neighboring property owners and to receive comments. This meeting was attended by 23 members of the public including nearby property owners. The application materials indicate the attendees had questions about parking areas & internal driveway setbacks to residential properties, building height, and connections to "stubbed" local residential streets SW Wichita, Natchez & Joshua Streets to the east of the subject property. Attendees also asked about the Architectural Review process, the uses allowed in the MC Planning District, and LMPMC plans for trees and the historic "Minnie Skog House" on the property. Attendees expressed concerns about the unrelated Stafford Hills Racquet & Fitness Center development located north of the LMPMC properties.

A Notice of Hearing for PMA-09-03 was sent to property owners within the 300 ft. of the LHS subject property and to persons requesting notification. With the agreement of the applicant, a "Courtesy" Email Notice and invitation to testify or comment was sent to 101 email addresses of households in the Fox Hill, Sequoia Ridge and Venetia neighborhoods located east and south of the LHS property. The Email Notice list was compiled from the Email addresses of persons commenting on other proposed or submitted land use actions in the areas east of SW 65th Avenue including the proposed (later withdrawn) PMA-08-03 (Nyberg Lodge), PMA-09-02 (Waterman Property), CUP-09-01 (Stafford Hills Racquet & Fitness Club) and AR-09-08 (Stafford Hills Racquet & Fitness Club). Attachment I is a collection of written responses from the Notice and Courtesy Notice.

A number of persons submitted comments or testified at the November 9, 2009 public hearing and several persons have submitted email comments up to the January 25 hearing date (continued). A courtesy email was sent to the PMA-09-03 email list informing people of the request for a continuance of the January 25 hearing to the February 8 meeting. Copies of the written or emailed comments (collected through January 28) and a copy of the minutes of the November 9 hearing are provided in Attachment I.

- Attachments:**
- A. Vicinity Map
 - B. Tax Map
 - C. Site Map showing Existing Buildings
 - D. Applicant's Materials and Supporting Information
 - E. Background Information
 - F. Analysis and Findings
 - G. Draft Ordinance
 - H. Engineering Division Memorandum
 - I. Comments from Notice Respondents & Testimony as provided in the November 9, 2009 PTA-09-03 Minutes
 - J. Paul Sivley Questions--October 6, 2009 Email
 - K. Metro November 20, 2009 Letter 1
Metro January 21, 2010 Letter 2
 - L. ODOT October 26, 2009 Letter 1
ODOT January 14, 2010 Letter 2



Site Plan
Scale 1" = 300'-0"

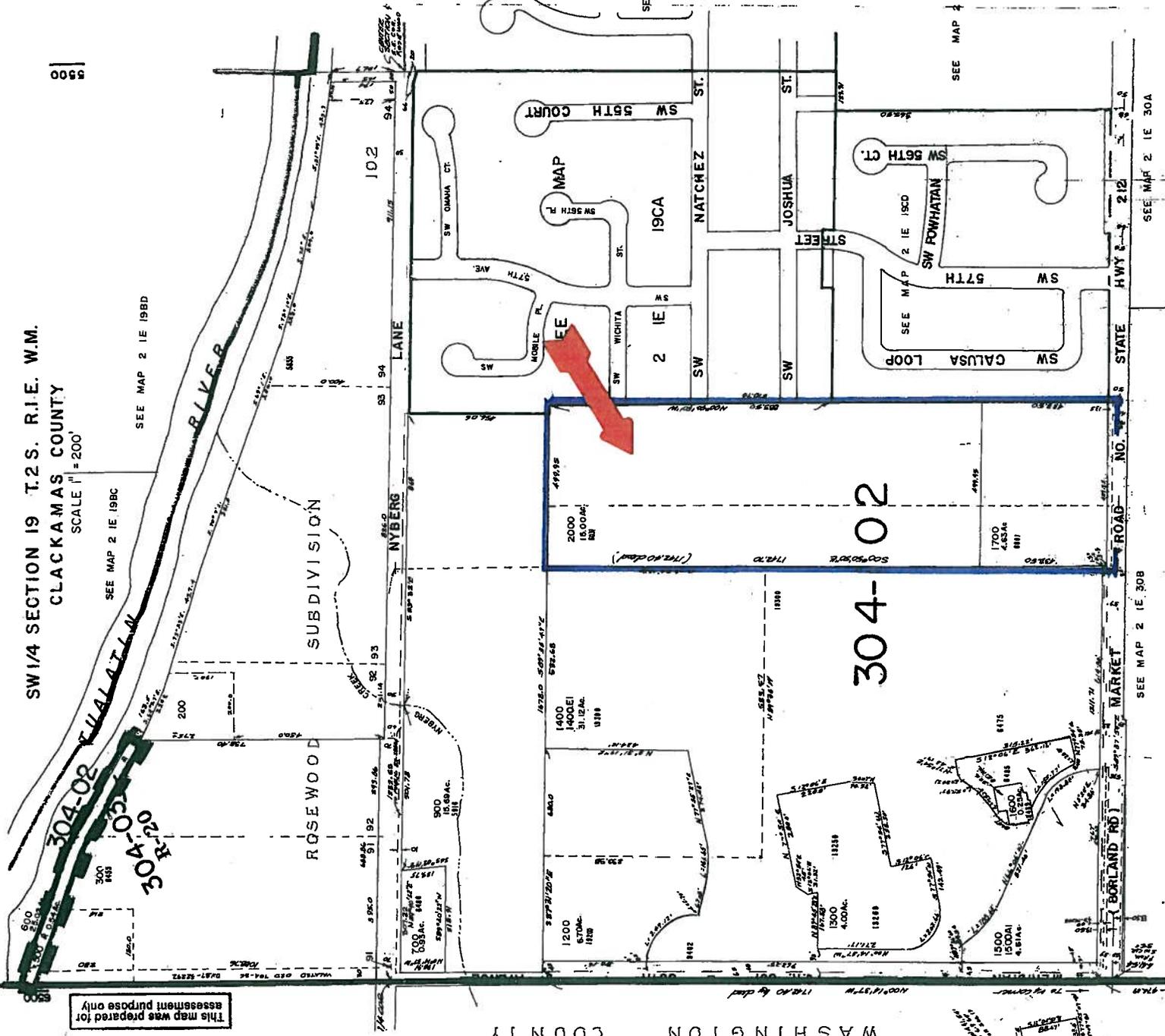
LEGACY MERIDIAN PARK MEDICAL CENTER
Tualatin, OR

Attachment A
Vicinity Map

- CANCELLED
- 801
- 1000
- 1100
- 2100
- 3100
- 4100
- 5100
- 6100
- 7100
- 8100
- 9100
- 10000
- 20000
- 1302

5500

SEE MAP 2 IE 198C
SEE MAP 2 IE 198D



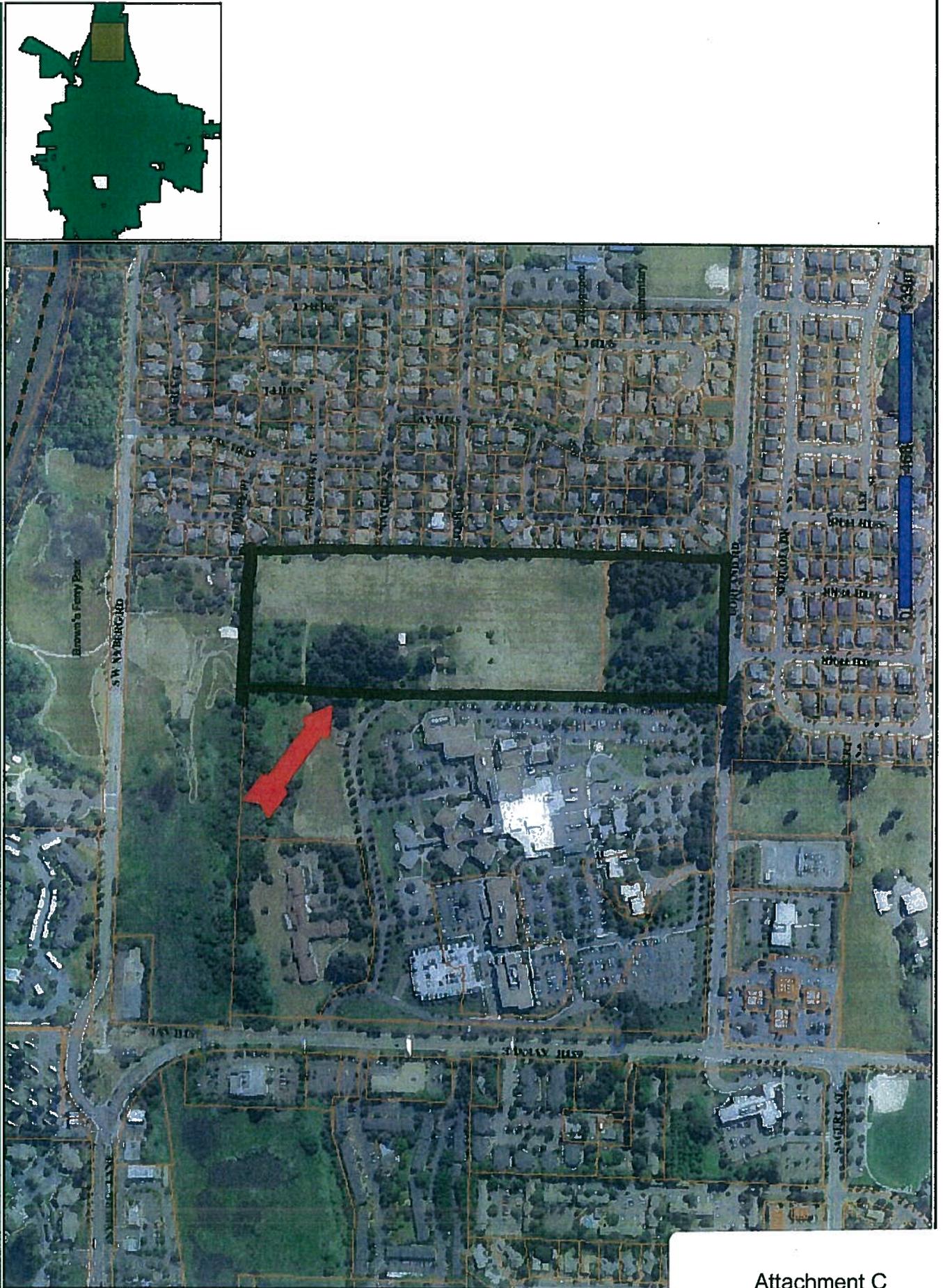
This map was prepared for assessment purpose only

WASHINGTON COUNTY



APR 8, 2008

TrialMap: Area of Interest Map



Attachment C
Site Map Showing Existing Buildings

APPLICATION FOR PLAN *MAP* AMENDMENT

City of Tualatin Community Development Dept - Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. PMA-09-03
Fee Rec'd. \$2000.00
Receipt No. 739062
Date Rec'd. 8-28-09
By _____

PLEASE PRINT IN BLACK INK OR TYPE

Nature of amendment requested Change 20 acre parcel to Medical Center (MC) from current Residential low density (RL)

State the specific section number(s) of the Code to be amended PLAN MAP AMENDMENT

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

Applicant's Signature Thomasina Gabriele

Applicant's Name THOMASINA GABRIELE Phone 503-312-8002

GABRIELE DEVELOPMENT SERVICES 971-252-4363
Applicant's address 2424 NW NORTHVIEW PORTLAND OR 97210
(street) (city) (state) (zip)

Applicant is: Owner _____ Contract Purchaser _____ Developer _____ Agent _____

Other CONSULTANT

If the request is for a specific property:

County CLATSOP Map # 21E19C Tax Lot #(s) 21E19C 2000 AND 21E19C 1700

Owner's Name LEGACY HEALTH SYSTEM

Owner's Address _____
(street) (city) (state) (zip)

Owner recognition of application: _____

Larry Hill 8-27-09
(signature of owner(s))

WRITTEN STATEMENT

A. Is granting the plan map amendment in the public interest.

The plan map amendment will allow for expansion of the essential health care services provided by Meridian Park Hospital. The plan map amendment will add 20 acres to the existing campus providing room for additional buildings as they are needed to provide the complement of hospital and outpatient services to best serve the health care needs of the public. Expanding on the subject property, adjacent to the existing campus will promote orderly development located on existing arterials in a part of the city that is developed and has public infrastructure in place.

B. Is the public interest protected granting the plan map amendment at this time?

Legacy purchased the property 5 years ago with the intent to preserve land for anticipated expansion. While no buildings are proposed at this time, granting the plan map amendment will indicate an alignment of public planning with the intent of the hospital. This protects the public interest by making explicit future plans for the type of private growth anticipated and ensuring that public infrastructure is planned and financed appropriately. In addition, the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses. Granting the plan map amendment makes clear that uses such as medical office buildings integrated with hospital operations that support and complement the hospital will be permitted. As specified in the development code, future proposed buildings will undergo Architectural Review which will further protect the public interest by promoting good design, providing a process for public and agency input, and ensuring coordination of infrastructure.

C. Is the proposed plan map amendment in conformity with the applicable objectives of the Tualatin Community Plan.

The objectives for Hospitals are listed in Section 8.050 of Tualatin's Development Code. The proposed Plan Map amendment to change the designation to Medical Center brings the anticipated use of the property into conformance with the objectives for hospitals as follows:

Location: the Plan says that hospitals should be located in Medical Center District as a permitted use or in commercial and residential zones as conditional uses. The current plan designation on the property is residential which would allow a hospital and its related uses as a conditional use but the level of certainty for the hospital and the neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to the adjacent subject property. The objectives also state that hospitals (in residential districts) should be located adjacent to arterial or collector streets and close to City's park areas. The land in question fronts Borland Road, designated as a major arterial. The objectives stipulate cooperation with government agencies to assess health care services for the area. While there is no longer a state government needs assessment process, amending the Plan Map supports the orderly

development of health services as they are needed. Finally, the objectives preclude locating hospitals in industrial zone. The proposed change does not locate hospital uses in an industrial zone.

The property is currently designated as Low Density Residential Planning District (RL). The Tualatin Community Plan permits single family detached and manufactured homes at the lowest density allowed in the city. According to the calculation in the Plan, RL designated land represents the largest amount, 89%, of buildable residential land within the city and urban growth boundary. The objectives for residential housing element of the Tualatin Community Plan are listed in 5.030 of the code. The proposed plan map change will remove 20 acres from the vacant land available to meet the housing development objective of providing for the "housing needs of existing and future residents." The code contains an analysis of how much land is available to meet the current and future housing needs. This calculation of available land is updated by city staff as part of compliance with the Metro Housing goal. Staff has found that removing the property from the land inventory for housing will still leave enough available land area to meet the Community Plan objectives for housing.

D. Each of the factors listed below was consciously considered as follows:

1. The various characteristics of the area.

Similar to other hospital campus locations in Portland, Meridian Park Hospital is located in a primarily residential neighborhood close to arterials and a major freeway interchange. Generally hospital campuses work best located near the residential neighborhoods that they primarily serve with regional access to the goods, services, and employment base needed to operate. Most of the buildable land in the area bounded by the natural features of the Tualatin River and Saum Creek and the man made features of 1-5 and 1-205 is already developed with single family subdivisions directly to the east and across major arterials to the south and west. The north end of the property is near the wetlands and 100 year floodplain of the Tualatin river.

2. The suitability of the area for the particular land use and improvements.

The most important characteristic of the area is that the property in question abuts the existing Meridian Park Hospital campus and so is ideally located for development of buildings needing close proximity to the main hospital such as medical office buildings. Adding the property to the existing campus will have minimal impact on the surrounding residential area since the property abuts a planned fitness center to the north, the back yards of the adjacent subdivision to the east, the existing hospital campus to the west and Borland Road, a major arterial to the south. Because of the adjacency, internal circulation can connect into the existing campus road system from one main entrance on Borland Road without the need to connect or route traffic through the residential streets of the adjacent residential subdivision.

3. Trends in land improvement and development.

The City of Tualatin and Metro, the regional planning agency, are tracking when urban reserve lands at the urban growth boundary west of the Stafford Basin may be needed for additional development. . The immediate area surrounding the subject property

has developed around natural areas and has matured with primarily medical and office uses and limited single family subdivisions. The area is nearing complete build out. Legacy Meridian Park is the cornerstone of health care services for the area and needs expansion area to continue to meet the need for medical services. Over the past 10 years Legacy has built 54,848 square of hospital/clinic space and 4 medical office buildings with 78,000 square feet as Tualatin and their patient base increased. Although changes in health care service delivery models and hospital construction funding mechanisms make it difficult to predict the quantity, type and timing of expansion, Legacy needs to add buildable land area now to be prepared to add buildings and programs to serve future anticipated population growth as it occurs.

4. Property values.

The existing Plan Map designation of RL could result in an estimated 94 single family homes being built on the subject property. Less homes would likely be built due to the drop in grade and proximity of wetlands at the north end of the property. Assuming an assessed property tax value, in today's dollars, of \$200,000 per home, and the current rate of 22.6 per \$1,000, the property developed at its current designation would generate approximately \$425,000 of tax revenue to the city. Given the much higher value per square foot, it is anticipated that the tax revenue from medical development will easily meet or exceed the amount generated by residential uses.

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

Appropriately sized and located medical services support current and future development of residential and commercial uses. Residents prefer hospital and doctor's offices located close to home with easy transportation access. It is also preferable to both the community and the hospital to cluster buildings near its patient base in a campus setting that supports doctors and other staff being able to walk between the hospital, clinics and doctor's offices. With the addition of the 20 acres of the subject property, the campus will total 75 acres, close to the ideal size to serve the size and type of population in its patient base.

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

No development of the property is proposed at this time. Changing the designation of the property does not allow more intense development than that allowed as a conditional use by the current designation. Improvements directly related to development of the subject property appear to be possible using existing right of way and possibly hospital owned property depending on actual survey of the property line. Development of the site, when it does occur, will not restrict or affect right of way or access for and to other sites in the area. See discussion of Transportation Planning Rule in section below addressing Statewide Transportation Goal.

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

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

There are no natural resources on the subject property nor on the existing hospital campus.

While the river and its associated wetlands is to the north, there are buildable parcels of land between these natural resources and northern boundary of the existing campus. The required 50 foot buffer to the wetlands currently extends approximately 15 feet inside the northeast corner of the subject property. See attached sketch. However, the property to the north currently has proposed to mitigate for filling some of the existing wetland as part of developing that site for a fitness club. Should this development and mitigation proceed, the buffer will change and no longer extend into the subject property. (mitigation plan attached for convenience) Legacy will comply with any environmental buffer requirements as part of the design of future development.

The City has acquired land along the river for parks and open space to protect and conserve natural resources.

While not designated as a natural resource, as many of the existing mature trees at the south end of the subject property near Borland Road will be preserved as possible as part of the design of the access road off Borland Road.

9. The public need for healthful safe, aesthetic surroundings and conditions. Making the Plan Map amendment will contribute to the health and well being of the public by permitting orderly planned expansion of medical services. In addition, any development of the property will be guided by Chapter 56, Medical Center Planning District, standards. This chapter establishes setback and height standards to buffer development from property that abuts the boundary of the district and incorporates, by reference, other City code chapters that govern community design standards, parking and loading, and landscape standards. Development of the subject property will meet or exceed the aesthetic design and quality of the existing Meridian Park Campus development and will be reviewed through the city's Architectural Review process. As mentioned above, circulation will link to the existing internal road system of the existing campus and to Borland Road with no need to connect or direct traffic onto local residential street that terminate at the western edge of the subject property.

10. Proof of change in a neighborhood area. The property directly to the west and abutting the subject property is designated MC and is developed as a medical campus. Legacy purchased the subject property five years ago with the intention to expand the campus. While hospital and related uses are permitted as a conditional use with the existing Plan Map designation, changing the designation to MC specifically governs and permits medical center and related uses and applies the development standards needed to buffer these uses from adjacent uses. In addition, the area is primarily built out and the subject property is the best remaining parcel for medical center expansion.

Statewide Planning Goals.

The request for the Plan Map Amendment to MC meets the Statewide Planning Goals as follows:

Goal 1 Citizen Involvement.

This request is following the procedure for citizen involvement, including conducting a neighborhood/developer meeting, posting the property and sending written notice to owners within 300 feet of the property, as outlined in the Tualatin Community Plan.

Goal 2 Land Use Planning.

The City of Tualatin prepared a Comprehensive Plan that was acknowledged by the State in 1981 and has since conducted numerous post acknowledgment processes. This Plan Map amendment request is following the procedures and addressing the approval criteria contained in the Tualatin Community Plan.

Goal 3 Agricultural Lands.

Not applicable. The subject property is not classified as agricultural land.

Goal 4. Forest land.

Not applicable. The subject property is not classified as forest land.

Goal 5. Natural Resources, Scenic and Historic Areas and Open Space.

The buffer requirements contained in the environmental resource chapter of the Tualatin Development Code address preserving this resource. Clean Water Services (CWS), the agency that regulates protection of sensitive areas, has reviewed Legacy's Sensitive Area Pre-Screening Site Assessment and determined that Sensitive Areas potentially exist within 200 feet of the subject property. CSA has provided a a Pre-Screening Site Assessment form that functions as a Service Provider Letter since no development is proposed at this time. This form is attached. Pacific Habitat, an environmental consultant, located the required 50 foot buffer to the sensitive area: a small portion of which currently extends approximately 15 feet inside the northeast corner of the subject property. The location of this buffer will change and not extend into the property should the proposed Fitness Club development and its related wetlands modification occur to the north of the subject property. Legacy will incorporate this current buffer if still present when future development is designed.

The City of Tualatin lists the Minnie Skog farm house located on the subject property as a local historic resource. Legacy has been in conversation with the local chapter of the Historical Society about the possibility of moving the house with no positive result to date. Legacy plans to apply for landmark demolition or relocation of this house in compliance with the regulations of Chapter 68 of the Tualatin Development Code which include offering the house for relocation for at least 90 days.

Goal 6 Air, Water, and Land Resources Quality.

Both the current and proposed Plan Map designations are regulated by Tualatin's Comprehensive Plan and implementing measures that address state and federal regulations related to air, water, and land resource quality.

Goal 7. Areas subject to natural hazards.

The subject property is not located in a earthquake or flood plain zone.

Goal 8. Recreational needs.

Neither the current or proposed Plan Map designation reserves the subject property for recreational needs.

Goal 9. Economic development.

The Portland Vancouver Regional Business Plan prepared by the Portland Business Alliance (PBA) identifies the Medical Service sector as a key industry cluster for the region. Amending the Plan Map will support the growth and expansion of the hospital and related medical services that contribute to Tualatin's competitive position in this cluster. Having land for expansion supports Legacy's ability to provide health care services to other area employers, to continue to increase the opportunities for jobs at a range of wage and salary levels, and to build the infrastructure and buildings needed to house others providing services in this important economic sector.

Goal 10. Housing.

The City of Tualatin currently complies with Metro's Functional Plan that establishes targets for the amount of housing to be accommodated in each local jurisdiction. Tualatin has calculated how much residentially zoned land it needs to meet this target with a variety of single family and multifamily units built at different density levels. City staff have estimated that there will be sufficient land to accommodate the targeted amount of housing units based on current and assumed build out rates after removing the subject property from the lands available for housing. In addition, the proposed Plan Map designation allows housing such as congregate care and assisted living facilities as a permitted use.

Goal 11. Public facilities and services.

Tualatin has an acknowledged public utilities plan. The subject property is located in a predominantly built out area of the city that is already served with water, sewer, police and fire prevention services. Granting the proposed Plan Map designation adjacent to the existing medical campus allows for efficient delivery of services to the same location.

Goal 12. Transportation.

In accordance with the Plan Map amendment process, Legacy engaged traffic engineers, Kittelson & Associates, to prepare an analysis of existing and "worst case scenario" traffic conditions to determine the impact and any mitigation measures needed to support the anticipated development should the Plan Map amendment be approved. To establish the "worst case scenario" ZGF, project architects, analyzed the buildable capacity of the site. Assuming the most likely use is medical office

building with surface parking, which function most efficiently with a 20,000 square foot floor plate and surface parking, ZGF found, given setbacks, surface parking at the required ratios, and required landscaping, that both the current RL classification and the proposed MC designation result in a "worst case scenario" of three 4 story medical office buildings totaling 240,000 square feet. The TPR analysis from Kittelson & Assoc. submitted in the application package, reflects these assumptions and finds that there is no change or impact to an existing or proposed transportation facility if the proposed Plan Map amendment is approved.

Goal 13. Energy Conservation.

Allowing expansion of the existing medical campus promotes conservation by minimizing number and length of trips for a variety of medical services, for delivery of goods and services and for efficient staffing and administration. In addition, as an employer of a concentration of employees and owner of a larger facility, conservation measures such as recycling and employee commuter program can benefit from efficiencies of scale.

Goal 14. Urbanization.

The subject property is within the urban growth boundary for the City of Tualatin, is governed by an acknowledged comprehensive plan and is in compliance with the Metro Functional Plan.

Goal 15. Willamette River Greenway

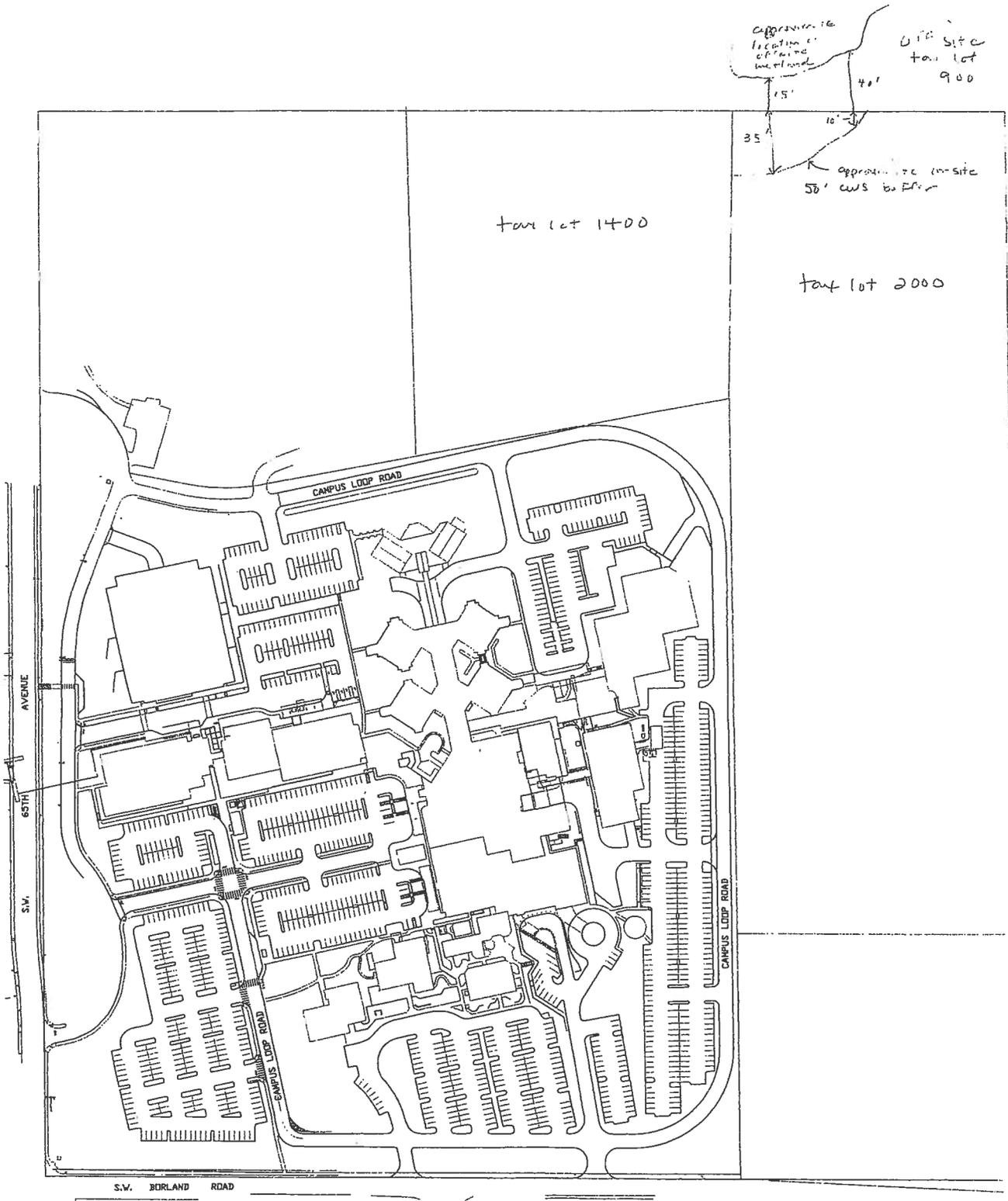
Goal 16. Estuarine Resources

Goal 17. Coastal Shoreline

Goal 18. Beaches and Dunes

Goal 19. Ocean Resource

None of these goals applies because the subject property is not located in any of these planning area types.



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KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

810 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

MEMORANDUM

Date: October 1, 2009

Project #: 9760.0

To: Will Harper
City of Tualatin
18880 SW Martinazzi
Tualatin, OR 97062

From: Mark Vandehey, P.E.

Project: Legacy Meridian Park Plan Map Amendment

Subject: Transportation Analysis – Supplemental Information

This memorandum provides additional transportation information associated with Legacy Health System's proposal for a zone change and plan amendment for their 20-acre site immediately east of the Meridian Park Hospital. The two issues addressed in this memorandum are: 1) a comparison of trip generation potential for the 20 acre site assuming both residential and medical office development, and 2) a comparison of traffic impacts under residential and medical office development scenarios at key intersections within the vicinity of the site.

Trip Generation Comparison

The site's current zoning designation of RL (low density residential) allows hospitals and other medical uses integrated with the hospital as a conditional use. Based on discussion with City staff and a review of the City's RL zoning code, it was concluded that a medical office development represents the reasonable worst case trip generation scenario for the site under both the current RL classification or the proposed Medical Center (MC) for the following reasons:

- Medical office is a permitted use (conditionally under the RL zone designation and outright under the proposed MC zone designation).
- The subject property is owned by Legacy Health System that is a non profit corporation with the purpose of providing health services by building and operating hospital campuses.
- The subject property is adjacent and contiguous to Legacy Health Systems' existing campus.
- Legacy purchased the property five years ago to reserve land for campus expansion
- Based on development standards, the capacity of the site for medical office development with required landscaping and parking is the same in either the RL conditional use or MC classification.

Working with Legacy's project architect it was determined that under the existing or proposed zoning the reasonable worst case development potential for the site would be approximately 250,000 square feet of medical office development. City staff also expressed interest in knowing the trip generation potential of

the site if it were developed with residential housing as permitted outright under the RL zoning code. The City of Tualatin code allows for 6.7 units per net acre under RL zoning. Under the existing zoning, a 94-unit single family housing development could be developed on the site.

Based on the two development scenarios (residential or medical office), estimates of weekday a.m. and p.m. peak hour vehicle trip generation were developed from empirical observations at other similar developments. These observations are summarized in the standard reference manual, *Trip Generation, 7th Edition*, published by the Institute of Transportation Engineers. Table 1 summarizes the trip generation estimates.

**Table 1
 Estimated Trip Generation**

Land Use	ITE Code	Size	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
Single Family Residential	210	94 units	75	20	55	100	60	40
Medical Office	220	250,000 square foot	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

As indicated in Table 1, the site has the potential to generate significantly more traffic with 250,000 square feet of medical office development than with a 94 single family homes. Table 1 also confirms that medical office is the appropriate reasonable worst case development scenario for the existing zoning.

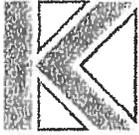
Comparison of Year 2028 Traffic Conditions

City staff also requested a comparison of intersection level of service at key intersections within the vicinity of the site under the residential and medical office development scenarios under. Accordingly, an analysis of future year 2028 conditions was evaluated. The year 2028 forecast traffic volumes include traffic generated by the recently approved *Stafford Hills Racquet & Fitness Club* project. Table 2 provides a comparison of intersection levels of service under the various zoning scenarios.

Table 2 Comparison of Intersection LOS Results

Intersection	Existing Zoning w/Residential Development	Existing Zoning w/Medical Office Development	Proposed Zoning w/Medical Office Development
	AM/PM	AM/PM	AM/PM
SW Nyberg Road/ SW Nyberg Lane	B/C	B/C	B/C
SW 65 th / SW Borland Road	D/D	E/E	E/E
SW 65 th / SW Sagert	F/F	F/F	F/F
SW Borland/ Site Access	C/C	C/E	C/E
SW Borland Road/ SW 57 th Avenueue	C/D	D/E	D/E

City of Tualatin's level of service standard is LOS "E" or better during the highest one hour time period. As indicated in the table, this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario.



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 • 503.228.5230 503.273.8169

MEMORANDUM

Date: August 21, 2009

Project #: 9760.0

To: Thomasina Gabrielle
Gabrielle Development Services
2424 NW Northrup
Portland, OR 97210

From: Mark A. Vandehey, P.E.

Project: Legacy Health System - Meridian Park Property Rezone

Subject: Transportation Planning Rule Analysis

Legacy Health System proposes to rezone a 20-acre site immediately east of its Meridian Park Hospital from RL – Low Density Residential to MC – Medical Center. No specific development is proposed for the site at the present time. This memorandum presents the results of an analysis of the proposed zone change's compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060.

SUMMARY OF FINDINGS

The TPR institutes criteria under which the transportation impacts of a post-acknowledgement plan amendment and zoning map amendment must be evaluated (OAR 660-012-0060(1)). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

COMPARISON OF TRIP GENERATION POTENTIAL

The TPR analysis requires a comparison of the "reasonable worst case" development scenario for both the existing and proposed zoning. For the proposed site, the project architect (ZGF Architects) conducted an analysis of the City of Tualatin Development code and considered both the site constraints (such as topography, landscaping requirements, building height restrictions, setbacks, parking requirements, etc). A more detailed discussion of this analysis is included in the application narrative prepared by Gabrielle Development Services. ZGF Architect's analysis shows that the "reasonable worst case" development scenario is the same for both the existing and proposed zoning. Specifically, the "reasonable worst case" development scenario for the existing and proposed zoning designation is 240,000 square feet of medical office space. Accordingly, the proposed zone change results in no change in the "reasonable worst case" trip generation potential of the site.

TRANSPORTATION PLANNING RULE COMPLIANCE

OAR Section 660-12-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 1 below summarizes the criteria in Section 660-012-0060 and their applicability to the proposed rezone application.

Table 1 Summary of Criteria in OAR 660-012-0060

Criteria	Description	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	See response below
2	Describes measures for complying with Criteria #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	See response below
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Provides guidelines for mixed-use, pedestrian-friendly neighborhood	No

As noted in Table 1, there are eight criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1, and #4 are applicable to the proposed land use action. These criteria are provided below in italics with our response shown in standard font.

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Response: The transportation impacts of the “reasonable worst case” development scenario for the proposed zoning is equivalent to the existing zoning. Further, the proposed zoning will not result in a change to the functional classification of an existing or planned transportation facility. Accordingly, based on the above criterion, the proposed zoning will not significantly affect an existing or planned transportation facility.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: The project team is coordinating the assessment of the transportation impact analysis with the Oregon Department of Transportation and Clackamas County.

We trust this letter adequately addresses the transportation issues associated with the proposed comprehensive plan change and rezone. If you have any questions or comments, please contact us at (503) 228-5230.

ATTACHMENT E

PMA-09-03: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PMA-09-03 and other supporting documents is summarized in this section.

The applicant is Ms. Thomasina Gabriele of Gabriele Development Services on behalf of the property owner, Legacy Health System (LHS). Mr. Larry Hill represents Legacy Health System. The subject properties are two undeveloped parcels totaling 19.6 acres located at 6001, 6021, 6031, 6041 SW Borland Road in the RL (Low-Density Residential) Planning District (Clackamas County Assessors Map 21E 19C 1700 & 2000). Parcel 1700 (Attachment D, Plat Map-) adjoins the north side of SW Borland Road and both subject parcels adjoin the east property line of the Legacy Meridian Park Medical Center (LMPMC) campus located in the MC Planning District and the west boundary of the Fox Hills residential neighborhoods in the RL Planning District. Legacy Health Systems purchased the subject property in 2004 for future expansion of the 46 acre LMPMC campus and facilities. LHS does not have plans for buildings or other improvements on the property at this time

The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use [TDC 40.020(1)] and allows a hospital or sanitarium as a conditional use [TDC 40.030(4)(h)]. The MC Planning District which currently encompasses the LMPMC campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

Changing the designation on 19.6 acres (with .25 acres of abutting ROW) to MC would allow the LMPMC campus to expand with buildings, parking and landscaping onto the subject properties in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District [TDC Chapter 56].

ATTACHMENT F

PMA-09-03: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Community Plan Map 9-1) is to change the Planning District designation of the 19.6 acre Tax Lots 1700 & 2000 on Map 21E19C (and .25 acres of SW Borland Road ROW) from Low-Density Residential (RL) to Medical Center (MC) on land located at 6001, 6021, 6031, 6041 SW Borland Road.

The eight (8) approval criteria of Section 1.032-Burden of Proof of the TDC must be met if the proposed Plan Map Amendment (PMA) is to be granted. The Applicant has prepared a narrative that addresses the criteria (Attachment D) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Criterion 1-Granting the amendment is in the public interest.

The Applicant states: "The plan map amendment will allow for expansion of the essential health care services provided by Meridian Park (Medical Center). The plan map amendment will add 20 acres to the existing campus providing room for additional buildings as they are needed to provide the complement of hospital and outpatient services to best serve the healthcare needs of the public. Expanding on the subject property, adjacent to the existing campus will promote orderly development located on existing arterials in a part of the city that is developed and has public infrastructure in place." (Attachment D, pg. 1)

As identified by staff, the public interest is to:

- 1) To respond to the Legacy Meridian Park Medical Center (LMPMC) plans to expand the medical center campus and facilities onto the 19.6 acre Legacy Health Systems (LHS) property adjacent (east) to the existing campus with planning actions such as the proposed PMA;
- 2) Designate land associated with LMPMC in the MC Planning District, a district that allows a primary care hospital with associated and supporting medical and health care services and facilities as permitted uses;
- 3) Encourage the availability of medical and health care services for residents of the Tualatin area with an adequate supply of land designated as the Medical Center Planning District.
- 4) Ensure that the MC Planning District and a large medical and health care facility such as LMPMC is served by adequate transportation facilities;
- 5) Ensure an adequate supply of residential land is available for various housing types.
- 6) Protect the character and livability of residential areas adjacent to a MC Planning District.
- 7) To consider relevant Tualatin Tomorrow Community Vision and Action Plan objectives such as for health care services.

The applicant's public interest statements and the first three (#1-#3) public interests listed in this analysis are associated with the importance of the LMPMC medical center

to the community as a local hospital facility and provider of a full range of medical and health care services. The LMPMC facility benefits the community with its locally available medical and health care services, as a center for other medical-professional businesses, and as Tualatin's largest employer. The campus includes a senior care/housing facility. The existing 46 acre LMPMC site is centrally located in Tualatin and borders both SW 65th Avenue and SW Borland Road which connect the residential and commercial areas of Tualatin with the LMPMC campus. There are a number of private medical offices and clinics in Tualatin that are nearby or easily accessible to the LMPMC campus.

Legacy Health Systems purchased the former Grimitt property in 2004 with the intention of securing room to expand the LMPMC campus in the future. The LMPMC campus is currently designated as an MC Planning District and to expand medical and health care services and facilities onto the RL Planning District parcels 1700 & 2000 to the east, the LHS would need to either obtain a conditional use permit for a "hospital" in the RL district, or apply to change the designation to MC. The MC Planning District with its list of permitted medical, health care and supporting uses was created in 1992 for the LMPMC campus. LMPMC properties were previously in the RL Planning District and subject to having to obtain conditional use permits for each new building or health service needed for the property. The MC Planning District allows LHS to introduce new or expanded health services and plan and invest in the buildings and facilities located on the LHS property with the certainty that the uses are permitted and can be accommodated near the largely residential areas of Tualatin east of SW 65th Avenue.

The Plan Map Amendment to change the 19.6 acres from RL to MC as proposed by LHS, allows the LMPMC to expand facilities and services onto property that has a matching zoning and consistent with the standards and provisions that the existing facilities are subject to. The growth and expansion of the LMPMC medical and health care facilities facilitated by the proposed PMA, is an increase in the availability of medical and health care services for the Tualatin community. This satisfies the public interests #1-#3 in supporting and encouraging the growth in LMPMC services.

The LMPMC campus adjoins and has multiple accesses on both SW 65th Avenue (west) and SW Borland Road (south) which are Major Arterial streets directly connecting the LMPMC with Stafford Area & I-205 freeway to the east and south, SW Sagert Street and SW Nyberg Street to the west with the I-5 freeway, Tualatin's central downtown area and the residential areas to the south and further west. The subject property adjoins SW Borland Road and will share the same arterial street connections that the existing LMPMC campus does. No connections to nearby residential streets such as SW Natchez, SW Wichita or SW Joshua is planned or proposed to serve the LMPMC and MC Planning District development. The existing arterial street connections for the LMPMC campus discourage or eliminate LMPMC traffic using collector and local streets in the nearby residential areas. This meets the public interest #4 for the medical center and MC District adequately connected by arterial streets to both the local and regional transportation system.

The LHS property is currently in the RL Planning District that is primarily for single-family detached residential housing (up to 100 single family homes on the 19.6 acre

subject property net 20% for required public streets and water quality facilities) as well as limited-size residential facilities. As addressed under Statewide Planning Goal 10 (Attachment F, pp 9-10), removing the 19.6 acres (+.25 acre ROW) from the RL residential designation, leaves the City's overall housing density and single-family/multi-family housing mix in compliance with the Oregon Metro Housing Rule standards. An adequate supply of residential housing land is retained if the RL designation is replaced with an MC designation. The MC Planning District allows assisted living, congregate care and residential facilities as permitted uses [TDC 56.020(j)]. The proposed MC designation will reduce the available land for single family detached housing but will provide some opportunity for congregate care/assisted living facilities. Metro Functional Plan Housing Targets are discussed on (Attachment F) pp. 10-11. The public interest for adequate residential land supply listed in #5 above is satisfied.

Interest #6 is to protect the character and livability of residential areas adjacent to a MC Planning District. The MC Planning District setback, building height, minimum landscaping and other standards are intended separate the medical center activities including buildings and parking away from residential properties and with specific buffering and landscape standards. The traffic impacts of the change from a residential designation to the MC Planning District are considered under the Goal 12 and Criterion G analysis. The traffic information concludes that the transportation system is adequate to accommodate the increased amount of traffic of a medical center and that the impacts will be confined to major streets such as SW Borland Road and SW 65th Avenue, not local residential streets. The proposed Legacy Development Agreement includes provisions committing Legacy to construct improvements to the SW 65th/Sagert and SW 65th /Borland Road intersections at the time the first building is constructed on the subject property. This will be a substantial contribution to the capacity and function of the transportation system.

Interest #7 is consideration of the public interests listed in the Tualatin Tomorrow Action Plan calling for access to health care and accessible health care for residents of the City as discussed in the section under Criterion 3 of this attachment.

Granting the amendment is in the public interest. Criterion "1" is met.

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

The Applicant states: "Legacy purchased the property 5 years ago with the intent to preserve land for anticipated expansion. While no buildings are proposed at this time, granting the plan map amendment will indicate an alignment of public planning with the intent of the hospital. This protects the public interest by making explicit future plans for the type of private growth anticipated and ensuring that public infrastructure is planned and financed appropriately. In addition, the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses." (Attachment D, pp. 1)

The LHS is moving forward with its investments and improvements on the LMPMC campus and needs to have the 19.6 acre suitably zoned and available as they proceed.

The MC Planning District allows the various medical and health care uses that are anticipated as the LMPMC facilities grow while providing appropriate standards for site planning, building height, and landscaping. It is in the public interest to change the Planning District designation to MC, thus laying the groundwork for development of the site as part of the LMPMC campus.

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

Criterion "2" is met.

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

The applicable objectives of the Tualatin Community Plan are presented below along with the Applicant's response, which is also included in Attachment D.

General Growth Objectives:

TDC 4.050(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

The objective of TDC 4.050(6) is met because the MC designation has standards for setbacks, building heights and landscaping that buffer the medical center development to residential developed areas on the east of the site and minimize conflicts. The MC Planning District designation allows more intensive development and when built will increase the efficiency and utilization of public facilities improvements in the area, including sewer, water, stormwater and transportation.

TDC 4.050(9) Prepare a plan providing a variety of living and working environments.

The objective of TDC 4.050(9) is met because adding additional MC land to the SW Borland Road area would provide additional employment with proximity to Tualatin residential areas. This objective is met.

Semi-Public Land Uses--Objectives:

TDC 8.050 Objective (2) Allow uses such as churches, retirement homes and hospitals in commercial and residential planning districts, subject to conditional use approval, and allow congregate care facilities, assisted living facilities and residential care facilities and hospitals as permitted uses in the Medical Center District.

TDC 8.050 Objective (4) Locate uses such as churches, retirement homes and hospitals that are in residential planning districts adjacent to arterial or collector streets and close to the City's park areas.

The applicant states "The plan says that hospitals should be located in a Medical Center District as a permitted use or in commercial and residential zones as conditional uses. The current plan designation on the property is residential which would allow and its related uses as a conditional use but the level of certainty for the hospital and the

neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to adjacent subject property.” (Attachment D, pp. 1-2)

“The objective also states that hospitals (in residential districts) should be located adjacent to arterial or collector streets and close to City’s park areas. The land in question fronts SW Borland Road, designated as a major arterial.”
(Attachment D, pg. 1)

The proposed map amendment to designate the 19.6 acre property as MC is consistent with the objectives relating to hospital location in an MC District and adjacent to arterial streets. The LHS properties are near the Atfalati and Browns Ferry City Parks. Staff agrees that the MC designation is the appropriate Planning District for the LHS property and future expansion of the LMPMC campus, and with the applicant’s reasons, meets the objectives.

The Tualatin Tomorrow Community Vision and Strategic Action Plan, June 2007, lists under the Access to Health Care & Accessible Health Care Strategies to “Help ensure that all residents of Tualatin have access to comprehensive health care.”(Strategy HSS5) and “Promote the availability of quality health care and state-of-the-art medical facilities to all Tualatin residents, regardless of insurance.” (Strategy HSS19) The ability to expand the LMPMC campus and facilities onto the LHS property with a MC Planning District designation allows the LMPMC to continue to offer up to date and comprehensive medical and health care services in a location and system that is available to Tualatin residents.

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. Criterion 4-The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The area of the City affected by this amendment are located on all sides of the existing LMPMC campus and includes the single family residential areas on both sides of SW Borland Road east of SW 65th Avenue including the Fox Hills & Sequoia Ridge neighborhoods; the commercial office and multi-family residential developments on the west side of SW 65th Avenue and the Zupancic/Stafford Hills Racquet & Fitness Center property north of the LMPMC/LHS properties. The Applicant states “Similar to other hospital campus locations in Portland, Meridian Park Hospital is located in a primarily residential neighborhood close to arterials and a major freeway interchange. Generally hospital campuses work best located near the residential neighborhoods they primarily service with regional access to the goods, services and employment base needed to operate.” (Attachment D, pg. 2)

The proposed amendment is appropriate in relation to the characteristics of the residential area, LMPMC campus and commercial office developments in the SW 65th Avenue/SW Borland Road area.

The suitability of the area for particular land uses and improvements.

The Applicant states: “The most important characteristic of the area is that the property in question abuts the existing Meridian Park Hospital (Medical Center) campus and so is ideally located for development of buildings needing close proximity to the main hospital such as medical office buildings.” “Adding the property will have minimal impact on the surrounding residential area since the property abuts the fitness center to the north, the back yards of the adjacent subdivision to the east, the existing hospital campus to the west and SW Borland Road, a major arterial to the south. Because of adjacency, internal circulation can connect into the existing campus road system from one entrance on Borland Road without the need to connect or route traffic through the residential streets of the adjacent residential subdivision.” (Attachment D, pg. 2) The medical center land uses allowed in the MC Planning District with the development standards are compatible with the surrounding land uses in the SW Borland Road/SW 65th Avenue vicinity. The area is suitable for MC Planning District uses and a future expansion of the LMPMC campus.

Trends in land improvement and development.

The Applicant states: “The area is nearing complete build out. Legacy Meridian Park is the cornerstone of health care services for the area and needs expansion room to continue to meet the need for medical services. Over the past 10 years Legacy has built 54,848 square feet of hospital/clinic space and 4 medical office buildings with 78,000 square feet as Tualatin and their patient base increased.” “...Legacy needs to add buildable land area now to be prepared to add buildings and programs to serve future anticipated population growth as it occurs.” (Attachment D, pp. 2-3)

In the future, LHS will need to expand the LMPMC facilities onto the subject property and seeks to change the Planning District designation to MC as the most appropriate for a modern medical center facility.

Property values.

The Applicant provides information about development potential on the LHS property and taxation.” (Attachment D, pg. 3)

While there is no evidence that the current vacant condition of the buildings on the LHS/former Grmitt property have a direct impact on property values of neighboring residential properties, it can be expected that redevelopment of the site with an appropriate use and with suitable improvements will not negatively affect property values in the area.

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

The Applicant states: “Appropriately sized and located medical services support current and future development of residential and commercial uses.” “...with the addition of the

20 acres of the subject property, the campus will total 75 acres, close to the ideal size to service the size and type of population in its patient base.” (Attachment D, pg. 3)

The property owner, LHS, requests a change in the Planning District designation to MC to continue to expand the medical and health services expected of the LMPMC facilities.

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

The Applicant states: “No development is proposed on the property at this time.” “Development of the site, when it does occur, will not restrict or affect right of way or access for and to other sites in the area.” (Attachment D, pg. 3) A need for additional ROW on the SW Borland Road frontage may be necessary and will be addressed with issues of access to SW Borland Road during a development process. The ROW and access issues related to development on the property are relevant to both the existing and proposed Planning District designation and will be addressed in the development process including the public facilities decision in Architectural Review.

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

The proposed map amendment does not impact or alter designated natural resources associated with a development on the LHS site. The site includes clusters of deciduous and conifer trees on the south and around the Grimitt farmhouse that the owners are aware of. LHS indicates some of the trees will be preserved when development occurs.

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

Not applicable because the proposed map amendment does not impact or alter natural resources.

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

The Applicant states: “...any development of this property will be guided by Chapter 56, Medical Center Planning District, standards. This chapter establishes setback and height standards to buffer development from property that abuts the boundary of the district...” “Development on the property will meet or exceed the aesthetic design and quality of the existing Meridian Park Campus development...” “...circulation will link to the existing internal road system of the existing campus and to Borland Road with no need to connect or direct traffic onto local residential streets that terminate at the (eastern) edge of the subject property.” (Attachment D, pg. 4)

Staff agrees with the Applicant that the proposed amendment for the MC Planning District comes with established development standards for separation and buffering of residential areas from the MC development and the Architectural Review process can address certain aesthetic and safety concerns. The public need for healthful and safe conditions applies here and is addressed under Criterion 1, where the finding is that granting the amendment is in the public interest.

Proof of a change in a neighborhood or area.

The Applicant states: "...changing the designation to MC specifically governs and permits medical center and related uses and applies the development standards need to buffer these uses from adjacent uses." "...the area is primarily built out and the subject property is the best remaining parcel for medical center expansion." Attachment D, pg. 4)

As stated earlier in this Section and in the applicant's statements quoted above (Attachment D, pg. 12), the area of the City affected by this amendment includes the existing single-family and multi-family residential developments in the vicinity of SW Borland Road and SW 65th Avenue and the LMPMC campus and nearby medical office developments in the CO Planning District. TDC Map 9-2 Neighborhood Planning Areas identifies the area in the vicinity of the LMPMC as Area 5, characterized by the mix of residential, commercial and medical office & LMPMC uses (TDC 9.035). The proposed change to MC conforms to the Area 5 mix of uses.

A mistake in the plan map or text.

No mistake is alleged or found.

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

Criterion "4" is met.

E. Criterion 5-The criteria in the Tigard-Tualatin School District (TTSD) Facility Plan were considered.

The TTSD has not commented on the effect of removing the 19.6 acres from a residential designation on the capacity of TTSD schools. TDC 1.032(5) lists the school capacity formula for evaluating a land use action in respect to the TTSD Facility Plan. A decrease in residential density is something to be evaluated by the TTSD.

Criterion "5" was considered.

F. Criterion 6-Oregon Statewide Planning Goals

Of the 14 Statewide Goals, 9 Goals were considered and found to not be applicable to this proposed amendment. Staff has determined that Goals 1, 2, 10 and 12 are applicable and must be addressed.

The Applicant addresses these Goals as follows:

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Applicant states: “This request is following the procedure for citizen involvement...”
“This Plan Map Amendment request is following the procedures and addressing the approval criteria contained in the Tualatin Community Plan.” (Attachment D, pg. 5)

Staff agrees that the proposed amendment is consistent with Statewide Planning Goals 1 and 2.

Goal 10: Housing. To provide for the housing needs of citizens of the state.

The proposal will not jeopardize the City maintaining its regional housing density and housing mix standards that are a principal element of Goal 10 implementation (in the Metropolitan Housing Rule, OAR-660-007). Therefore, the proposed amendment complies with Goal 10. The Metropolitan Housing rule is a State of Oregon Administrative Rule that applies to the cities and counties within the metropolitan Portland urban growth boundary. While applying to the Portland region, it is not imposed by Metro, the Regional Government.

The application narrative briefly addresses Goal 10 (Attachment D, pg. 6) and describes change in capacity and mix of housing units that can result with the proposed MC designation of the 19.6 acre subject property.

Staff has prepared information on the effect of changing the designation of the property and the adjacent public ROW from the residential RL to MC on meeting the Metropolitan Housing Rule with updated analysis of planned housing density and housing mix to reflect the size of the RL properties as shown on Tables 2A & 2B. Staff determined that changing the 19.6 acres of land and .25 acres of public street ROW from RL to MC will have no significant change to the existing residential density of 8.17 du/acre, which complies with the Metropolitan Housing Rule requirement of a minimum of 8.0 du/acre planned residential density. The Metropolitan Housing Rule New Construction Mix (OAR-660-007-0035) requires cities to provide the opportunity for at least 50% of new residential units to be attached single-family housing or multiple family housing. As calculated by staff, changing 19.6 acres of RL residential land (with .25 acres of ROW) in the City’s supply to the MC designation will increase the attached/multi-family housing share from 52.09 percent to 52.5 percent, which would satisfy the requirement.

Other provisions of the Metropolitan Housing Rule including calculations of the supply of buildable land and needed housing are evaluated at the time of Periodic Review. Tualatin was found in compliance in the 1994 Periodic Review by the Land Conservation and Development Commission and will be revisiting the residential land supply and needed housing issues in the next Periodic Review.

Staff agrees granting the PMA is consistent with Goal 10 because the City of Tualatin Comprehensive Plan will continue to exceed the minimum housing density and mix standards required by the Metropolitan Housing Rule.

Table 2A

**CITY OF TUALATIN— METRO HOUSING RULE COMPLIANCE, PMA-09-03—
 WITH PROPOSED REDUCTION OF 19.6 ACRES (+ 0.25 Acres ROW) FROM**

	RL	RML	RMH	RH	RH/HR	Total	
Total acres in each residential district (current)	2,209.6	265.0	188.2	166.0	18.2	2,847.0	Acres
Acres proposed for removal from or added to residential district	-19.9					-19.9	
Total acres of ROW in each residential district (+/- 0.25 acres ROW)	-442.9	-59.2	-32.4	-23.6	-3.4	-561.4	
Total Gross Buildable Acres	1,746.9	205.9	155.8	142.4	14.8	2,265.8	Acres
Environmental restrictions (100 flood, NRPO, slopes > 25%)	-293.7	-44.4	-54.8	-76.4	-12.6	-481.8	
Total Acres Minus Environmental Restrictions	1,453.2	161.5	101.0	66.0	2.2	1,783.9	Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.1	-11.8	-6.3	-0.2	-0.1	-315.4	
Total net Buildable Acres	1,156.2	149.6	94.7	65.8	2.2	1,468.5	Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0	86.4	
Total Dwelling Units Allowed	7,399.4	1,496.2	1,421.0	1,646.0	64.8	12,027.4	DUs
Dwelling units per acre						8.190	

Table 2B

PMA-09-02 Metro Housing Rule New Construction Mix

	RL	RML	RMH	RH	RH/HR	Total	
Total acres in each residential district (current)	2,209.6	265.0	188.2	166.0	18.2	2,847.0	Acres
Acres proposed for removal from or added to residential district	-19.9					-19.9	
Total acres of ROW in each residential district (+/- 0.69 acres ROW)	-442.9	-59.2	-32.4	-23.6	-3.4	-561.4	
Total Gross Buildable Acres	1,746.9	205.9	155.8	142.4	14.8	2,265.8	Acres
Environmental restrictions (100 flood, NRPO, slopes > 25%)(RL only, no shift in density as allowed in RML-RH/HR)	-293.7	0.0	0.0	0.0	0.0	-293.7	
Total Acres Minus Environmental Restrictions	1,453.2	205.9	155.8	142.4	14.8	1,972.1	Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.1	-11.8	-6.3	-0.2	-0.1	-315.4	
Total net Buildable Acres	1,156.2	194.0	149.5	142.2	14.7	1,656.7	Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0	86.4	
Total Dwelling Units Allowed	7,399.4	1,940.3	2,242.6	3,556.0	441.9	15,580	DUs
Total Single Family Detached Units Allowed (RL)	7399.4					7,399.4	47.49% of DUs Allowed
Total Attached/Multi-Family Units Allowed (RML, RMH, RH, RH/HR)						8,180.8	52.51% of DUs Allowed

10/2/2009

* Removes 19.85 acres (19.6 lots + 0.25 ROW) from RL Gross; Removes 0.25 acres from RL ROW / Adds to MC.

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Statewide Planning Goal 12 encourages jurisdictions to provide a safe, convenient, and economic transportation system. Goal 12 is implemented through the transportation element of the City's Comprehensive Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a plan amendment to demonstrate that the proposed change will not "significantly affect" a transportation facility within the horizon of the Transportation System Plan. If the change does significantly affect a facility, mitigation measures must be employed to address the anticipated impacts on the facility.

The Applicant states: "The TPR analysis from Kittelson & Associates submitted in the application package," "...finds that there is no change or impact to an existing or proposed transportation facility if the proposed Plan Map Amendment is approved." (Attachment D, pp. 6-7). The Kittelson Memorandums find that the proposed plan amendment will not "significantly effect" an existing or planned transportation facility and satisfies all of the requirements of the TPR.

An October 27, 2009 comment from the Oregon Department of Transportation (ODOT) requested additional information from the applicants regarding the I-5/Nyberg Street interchange. (Attachment L-ODOT Letter 1) The applicant is preparing the requested information for ODOT. A January 14, 2010 letter from ODOT (Attachment L-ODOT Letter 2) questioned the Kittelson analysis and conclusion based on a "hospital" use as a "reasonable worst case" scenario, contending that as a conditional use in the existing RL Planning District a hospital is not an "outright" "allowed" use for purposes of evaluating TPR impacts on ODOT facilities. ODOT believes a conditional use is not suitable for a TPR analysis and would prefer that a permitted use under the RL designation (single-family residential) be used for evaluating the effect.

A medical office/clinic use is allowed as a hospital use (conditional in RL) and as a permitted use in MC. Because the City considers both permitted and conditional uses are "allowed" uses under the TDC and due to the history of the LMPMC as both a conditional use under RL (Previously approved in Case #s CUP-89-06; CU86-04; CU84-03; CU83-05; CU80-03; 1970) and a permitted use under the MC Planning Districts as well as the long-held expectation that LHS will expand the LMPMC facility onto the subject property in the future, Staff disagrees with the ODOT position and accepts the Kittelson TPR analysis using 250,000 s.f. of medical office as a 'reasonable worst case' scenario.

The Engineering Division Memorandum (Attachment H, pp. 1-3) indicates the TPR analysis information resulting determinations will be provided for the Council's public hearing as soon as it is available.

G. Criterion 7-Metro's Urban Growth Management Functional Plan (UGMFP).

Staff reviewed the PMA in terms of the Metropolitan Service District's Urban Growth Management Functional Plan as provided in Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan. The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the Residential Planning District areas bordering SW

Borland Road east of the current LMPMC campus as “IN Inner Neighborhood”. The proposed amendment revising the Planning District from RL to MC can be accounted for in a periodic revision of Design Types with Metro.

Title 1 (Housing and Employment Accommodation) and Title 7 (Housing Choice) of the UGMFP (Chapter 3.07) are applicable to the proposed PMA.

In a November 20, 2009 letter (Attachment K), Metro requested information demonstrating that the proposed Plan Map Amendment will “...not reduce the city’s dwelling unit capacity in Table 1.” Metro asked for an analysis that documents how the city will maintain the dwelling unit capacity of Title 1 Table 1.

Table 1 in Title I states the City’s housing capacity from 1994 and 2017 is 4,054 dwelling units. The housing capacity target is to be achieved by providing a potential for housing development within the City’s Planning Area considering an amount of zoned and developable residential land (land designated in RL – RH/HR Residential Planning Districts) and an amount of land eligible for residential development (land in commercial or MC Planning Districts eligible for residential uses).

The PMA proposes to change the LHS Property’s Low-Density Residential (RL) planning district designation which supports 1-6.4 dwelling units per acre for residential uses and allows a hospital facility (with or without a residential component) as a conditional use to MC which allows residential care, nursing & convalescent facilities with a minimum of 16 dwelling units (and up to 25 dwelling units) per development area acre [56.080(6)]. The following table shows the range of housing densities associated with the two Planning Districts.

	TLID	Total Acres	Acres subject to Change	Planning District Existing	RL Potential Dwelling Units		Planning District Proposed	MC Potential Dwelling Units	
Legacy Health Systems Property	21E19C 01700 & 21E19C 02000	19.6	19.6	RL (1-6.4)	19.6	125.44	MC (16-25)	313.6	490
Net Developable Vacant	21E19C 01700	4.63	4.63	RL (1-6.4)	4.63	29.632	MC (16-25)	74.08	115.75
	21E19C 02000	12.94	12.94	RL (1-6.4)	12.94	82.816	MC (16-25)	207.04	323.5
	Total	17.57			17.57	112.448		281.12	439.25

AHR 11-23-09

Under the current RL Planning District designation, the 19.6 acre subject property is eligible for a conditional use permit (a quasi-judicial land use decision) to construct a “hospital” [TDC 40.030(h)] with a range of medical facilities including inpatient care, laboratories, clinics, outpatient clinics and medical offices that would function in a manner that is similar to the adjoining LMPMC facilities. As a “hospital” conditional use, development on the LHS 19.6 acre property may or may not include housing. Evaluating the housing capacity of the subject property under the existing RL Planning District designation and considering a residential or hospital use on the property leads

to a range of housing density from 0 (hospital use with no residential component) to the maximum 6.4 du/acre (RL single family detached residential). The current UGMFP Title I Table 1 capacity of the 19.6 acre property (17.6 acres Net Developable) under the existing RL designation is **0 dwelling units to 112 dwelling units**.

The existing LMPMC campus in the MC Planning District includes a 120 bed (in apartment-style units), multi-story, residential care facility (Tualatin Senior Care LLC, assisted living). The care facility was initially developed when the LMPMC campus was designated RL and each building in the facility was approved as a conditional use (as a hospital use or the residential care facility). When the LMPMC campus property was designated in the MC Planning District in 1992, the residential care facility became a permitted use. No additional residential or housing facilities have been developed on the LMPMC properties since. Currently, LHS has no specific plans for any form of Medical Center development on the subject property or the LMPMC, including residential or housing facilities.

Under the proposed MC Planning District designation, a residential care facility (congregate care, assisted living), convalescent homes & nursing homes with a density of 16-25 dwelling units per acre are allowed as permitted uses. Evaluating the housing capacity of the subject property under the proposed MC Planning District designation and considering a medical center with or without a residential use on the property leads to a range of housing density from 0 (medical center uses with no residential component) to the maximum 25 du/acre (MC residential care, convalescent and nursing homes). The current UGMFP Title I Table 1 capacity of the 19.6 acre property (17.6 acres Net Developable) under the proposed MC designation is a range of **0 dwelling units to 439 dwelling units**.

In terms of the Title 1 Table 1 housing capacity target for Tualatin and assuming the range of existing and proposed housing density allowed on the 19.6 acres, the proposed PMA-09-03 may represent:

1. No change to the housing capacity potential (CUP for a hospital and no recalculation of Table 1 capacity);
2. A potential loss of 125 dwelling units from the housing capacity (Remove 19.6 acres from residentially developable land capacity with no potential for residential development on subject property) (No assumption of having or obtaining housing capacity on other residential property), or;
3. A potential increase (Maximum density of MC x Net Developable acres minus Maximum density of RL x Net Developable acres) of housing capacity of 327 dwelling units (439 dwelling units in MC – 112 dwelling units in RL=327).

The City of Tualatin's Community Plan, Planning District standards and residential land capacity were deemed to meet (or exceed) the Title 1 Table 1 Housing Capacity target at the time it was established in the year 2000. This was based on the potential for housing units that Tualatin's zoning and the supply of residentially developable land provided at the time. The target capacity and an evaluation of the City's ability to meet that capacity are not based on individual development proposals and as in this case, are not changed when residential or non-residential uses allowed by a particular zoning are retained (both RL and MC allow non-residential and residential uses). Whether the 19.6 acres LHS property is changed to MC or remains RL, **the housing potential (and in this specific case, the capacity) of the property is not reduced** because it could

be all “hospital” as conditional use in RL (0 dwelling units) or could be all residential as a permitted use in MC (up to 439 dwelling units).

A similar analysis applies to the Title 7 (Affordable Housing) provisions. While the property is proposed to leave a residential designation, the MC District allows needed care facility housing that can be more affordable housing than if a typical RL Planning District property is developed as single-family subdivisions.

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

The submitted traffic information (Attachment D, Kittelson & Associates August 21, 2009 & October 1, 2009 memorandums) analyzes Reasonable Worst Case scenarios for existing RL conditional uses and changing the Planning District designation of the subject parcel from RL to MC for three scenarios. Under the worst case scenarios for the current RL zone and proposed MC zone in the 2029 analysis, except for SW 65th & Sagert which is F/F under all scenarios, the study intersections are forecasted to have a LOS within the E/E prescribed in the TDC during the weekday p.m. peak hour & a.m. peak hour respectively.

A January 26, 2010 Kittelson Memorandum provided additional information regarding: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development. Based on comments from the Engineering Division, this information was incorporated into the Development Agreement (February 8, 2010 version).

The Engineering Division Memorandum (Attachment H, pp. 2-3) agrees with the submitted Supplemental Information statement “...this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario”.

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F (Attachment G, pp. 2-3). The TSP also identifies the intersection for a future traffic signal. With today's RL designation on the subject property and with the existing development in the SW Borland and 65th Area, the SW 65th/Sagert intersection is at LOS F and with today's conditions, does not meet Criterion #8.

The proposed Development Agreement with LHS identifies signal and lane improvements to the SW 65th/SW Sagert and SW 65th/Borland Road intersections to be constructed by Legacy at the time a first building is constructed on the subject LHS property.

ORDINANCE NO. _____

ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC) OF PARCELS OF LAND LOCATED AT 6001, 6021, 6031, 6041 SW BORLAND ROAD (21e 19c 1700 & 2000) AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-03)

WHEREAS upon the application by Gabriele Development Services on behalf of Legacy Health Systems (LHS), a public hearing was held before the Tualatin City Council meeting on November 9, 2009, and continued on January 25, 2010 to February 8, 2010, relating to changing the planning district designation from Low Density Residential (RL) to Medical Center (MC) of parcels of land located at 6001, 6021, 6031, 6041 SW Borland Road (21e 19c 1700 & 2000) and amending the Community Plan Map 9-1 (PMA-09-03); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A", and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B", and by mailing a copy of this notice under the Tualatin Community Plan, which is evidenced by the Affidavit of Mailing marked "Exhibit C", and by emailing a courtesy notice to additional property owners near the subject property, which is evidenced by "Exhibit D"; all of which are attached and incorporated by this reference; 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 after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote __-__]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, and especially the City staff reports dated November 9, 2009, and February 8, 2010, the Council makes and adopts as its findings of fact the findings and analysis in the City staff report, marked "Exhibit E," which is attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time;

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to change the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (and .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to MC.

INTRODUCED AND ADOPTED this 8th day of February, 2010.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

MEMORANDUM

DATE: January 27, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Dayna Webb, PE
Project Engineer *DN*

SUBJECT: **PMA-09-03 – Proposed Zone Change from RL to MC
21E 19C #1700 & 2000 – SW Borland Road**

On August 31, 2009 the Engineering Division received Plan Map Amendment Application Notice PMA-09-03 for two properties adjacent to Meridian Park Hospital. The properties are located at 6001, 6021, 6031 & 6041 SW Borland Road and are 4.97 acres and 14.62 acres, respectively. The applicant is requesting a Planning District designation change from Low Density Residential (RL) to Medical Center (MC).

The requested Plan Map Amendment includes a total of 19.59 acres. A reasonable worst-case scenario of trips based on the existing and proposed zoning indicates an additional 545 AM Peak Hour Trips (470 In and 75 Out) and 830 PM Peak Hour Trips (190 In and 640 Out).

The applicant submitted a Memorandum – Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009. The analysis summary of findings states the following:

- The TPR institutes criteria under which the transportation impacts of a post-acknowledgment plan amendment and zoning map amendment must be evaluated under OAR 660-12-0060(1). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

The applicant also submitted a Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009. The supplemental information includes figures for trip generation and information to support TDC 1.032(8).

Additionally, the applicant submitted a Memorandum – Transportation Analysis – Supplemental Information on January 26, 2010. This supplement provides additional information associated with the proposed plan map amendment.

SW Borland Road

Clackamas County designates SW Borland Road as a Minor Arterial. The function of an Arterial is described as connecting collectors to higher order roadways. They carry moderate volumes at moderate speeds.

The City of Tualatin designates SW Borland Road as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

SW 65th Avenue

Washington County designates SW 65th Avenue as an Arterial. Washington County states the function of an Arterial is to interconnect and support the Principal Arterial highway system. Arterials intended to provide general mobility for travel within the region. Correctly sized Arterials at appropriate intervals allow through trips to remain on the Arterial system thereby discouraging use of Local streets for cut-through traffic. Arterial streets link major commercial, residential, industrial and institutional areas.

The City of Tualatin designates SW 65th Avenue as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

Following are the trip generation estimates, provided by Kittelson & Associates, Inc based on Trip Generation, 7th Edition:

Land Use	ITE Code	Size	Estimated Trip Generation					
			Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

TDC 1.032 Burden of Proof (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Because the proposed land use action will result in an amendment to the City of Tualatin's zoning map, Section 660-012-0060 of the State's Transportation Planning Rule applies. Division 12 of the State's Transportation Planning Rule (OAR 660-012) gives the Oregon Department of Land Conservation and Development (DLCD) and the City of Tualatin the power to interpret and implement Statewide Planning Goal 12 (Transportation). Section 660-012-0060 of the TPR provides specific language on how to deal with amendments to adopted plans and land use regulation.

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

- (a) Change the functional classification of an existing or planned transportation facility**
- (b) Change standards implementing a functional classification system**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan**
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

Based on the results presented in the Memorandum – Transportation Planning Rule Analysis, Kittelson & Associates believes the proposed zone change satisfies all of the requirements set forth in the TPR.

TDC Section 1.032 Burden of Proof: (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area. Based on TDC Map 9-4 the site is located in the IN (Inner Neighborhood) Design Type.

The submitted Supplemental Information states "this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario".

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal.

As part of the development agreement, the applicant has proposed constructing improvements to the SW 65th/SW Sagert intersection & the SW 65th/SW Borland Road intersection which will meet the criteria of TDC 1.032 (8).

Comments Received:

No comments were received from Washington County or Clackamas County regarding the proposed Plan Map Amendment.

We received comments from ODOT on October 27, 2009 requesting additional information before they can make a determination on the potential effect on the I5/Nyberg interchange.

Additionally, we received a second comment letter from ODOT on January 14, 2010 regarding the ability to use conditional use when evaluating TPR impacts on ODOT facilities.

Please let me know if you have questions, I can be reached at extension 3036.

From: STACY CRAWFORD
Sent: Wednesday, October 21, 2009 10:16 AM
To: Will Harper; Doug Rux; Sherilyn Lombos
Subject: FW: Meridian Park Hospital Plan Map Amendment Courtesy Notice

I received this comment.

Stacy

From: Marie Fromme [mailto:mfromme1@yahoo.com]
Sent: Wednesday, October 21, 2009 10:10 AM
To: STACY CRAWFORD
Subject: Re: Meridian Park Hospital Plan Map Amendment Courtesy Notice

Thank you for your email message regarding the change in zoning for the property east of the Meridian Park Hospital. If I understand this message correctly, you would like to change the single housing plats to land use for hospital expansion instead. We fully support this change.
Marie and Donald Fromme

--- On Wed, 10/21/09, STACY CRAWFORD <SCRAWFORD@ci.tualatin.or.us> wrote:

From: STACY CRAWFORD <SCRAWFORD@ci.tualatin.or.us>
Subject: Meridian Park Hospital Plan Map Amendment Courtesy Notice
To: "Adam Pettitt" <tallperson23@yahoo.com>, "Agnela and Philip Hansen" <AHAN618@aol.com>, "Alan Somervell" <somervell@Verizon.net>, "Alice Gydesen" <gydesenfamily@comcast.net>, "Alisha Coppedge" <alishadyan@gmail.com>, "Angela Wrahtz" <angela.wrahtz@comcast.net>, "Anthony Caflen" <webmaster@foxhillsoregon.com>, "Anthony Laflen" <anthony@cnwre.com>, "Barbara Archer" <barcher1@email.phoenix.edu>, "Becky Luther" <becky.luther@comcast.net>, "Bev Marlett" <bevmarlett@verizon.net>, "Bill and Joy Wilson" <williamewilson@comcast.net>, "Bob Dove" <Bob_dove@mentor.com>, "Brad Helm" <brad.helm.77@comcast.net>, "Brian" <stephenson5635@comcast.net>, "Briana Currey" <bkcurrey2002@yahoo.com>, "Bryan and Dianne Yates" <bandy8s@comcast.net>, "Burton Silverman" <burtonsilverman@comcast.net>, "Chad Sourthards" <scourthards@hotmail.com>, "Charles Brod" <cubrod@gmail.com>, "Cheri Collins" <collinscsc@msn.com>, "Cheri Emahiser" <cemahise@earthlink.net>, "Chris Pries" <jetmoney737@gmail.com>, "Christen Depweg" <cjkdepweg@verizon.net>, cindy.oubre@verizon.net, "Dana Terhune" <dmterhune@verizon.net>, "Danielle Ricca" <danielle@cincodeign.com>, "Dave and Diane Burnette" <BBdaveburnette@cs.com>, "Derek Plank" <dplank@meacon.com>, "Diana Gowen"

To: Community Development Department
From: Janice Dove, 19135 SW Mobile Pl., Tualatin OR 97062
Re: Meridian Park Hospital Zone Change, Tax Map 21E 19C, Tax Lots 1700 & 2000

Without any plan for this property, besides a zone change to MC, it's hard to comment. So at this time I only have two concerns about the effects of what could happen if the property was built out as a medical use.

1. If the roads adjoining the property (Joshua, Wichita, Nachez) are connected as through streets, I have concerns about the additional traffic that would travel through the Fox Hill neighborhood. With the recent approval of the Stafford Hills Racquet & Fitness Club (SHRFC) traffic increase, I would ask that the city consider not extending the above streets so that no additional commercial traffic will come through a residential neighborhood.
2. When the property eventually has buildings and parking lots built, I have concerns about the water runoff. With the recent approval of the SHRFC build-out to pave over the property directly below the Hospital, water runoff down to Nyberg Lane is already a concern. If mass amounts of impervious surface are added to the hospital property, the below properties (including mine) and Nyberg Lane will be impacted to an even greater extent than they are now.

Thank you for considering these concerns.

Doug Rux

From: coolican2307@comcast.net
Sent: Saturday, October 31, 2009 12:41 PM
To: Doug Rux
Cc: Sherilyn Lombos
Subject: Public Hearing PMA 09-03

I would like the following comments included in the record regarding the proposed amendment to Community Plan Map (PMA-09-03).

1. Is granting the plan map amendment in the public interest?

No determination can be made regarding this criteria. Legacy has made it clear that no plans exist for the development of this property. It is conjecture and not in the best interest of the community to assume that whatever Legacy or another owner may decide to do is in the public interest. LHS most pressing campus issue today is parking. It's not clear that a series of parking garages and the necessary street access that would be required meets even Legacy's definition "to best serve the health needs of the public".

2. Is the public interest protected granting the plan map amendment at this time?

No determination can be made regarding this criteria.

Again, Legacy claims there are no building plans at this time. How can it be argued that handing Legacy a blank check regarding such a rezoning appeal is in the community's best interest? It is disingenuous on the part of Legacy to make such an asserertion. The result of this request by Legacy would be to prevent public discourse on their building plans. Their offering of "Trust Us" we'll do the right thing for the community, is not acceptable. We have no guarantees from LHS or whomever may own this property in the future. Our protection is our ability to require the owner to present explicit information on plans in an open forum before granting a rezoning request.

Granting this request would be a misuse of the public trust and should be rejected by council.

Sincerely,

Mark Coolican
19050 SW Mobile Pl
Tualatin, OR

Legacy Development Agreement/PMA-09-03
Collected Comments-February 8, 2010

From: Bjorn Gullaksen [mailto:bjgull@gmail.com]
Sent: Sunday, January 24, 2010 8:47 PM
To: lou.ogden@jun.com; joelle.d.davis@gmail.com; maddux01@verison.com; etruax@rayalaa.com; Sherilyn Lombos
Cc: Bjorn Gullaksen
Subject: Re: Meridian Park Hospital Rezoning Project

> A thank is deserving to all of you for requesting additional
> information and delaying a decision on rezoning the easterly partial
> of Meridian Park Hospital to a MC zone. In the council meeting on
> November 9th, 2009 the representative from Meridian Hospital indicated
> the hospital has no present plans on adding to the existing facility.
> I can understand why the hospital would like a MC zone, but if there
> is no plan to develop the property why the push?
> Maybe there is a legal reason behind having your agreement to the
> rezoning at this time, but one becomes suspicious to any hidden agenda
> when the hospital is so eager to get this decision executed before
> plans are in the works. This in particular when the representative is
> so accommodating making quick concessions. Thus I respectfully request
> any decision further being delayed until some preliminary plans can be
> presented, agreed to prior to any rezoning of the affected property
> and not rely on the architectural review to solve all issues/concerns.
>
> Sincerely;
>
> Bjorn S. Gullaksen
> 5716 SW Joshua Street
> Tualatin, Oregon, 97062

From: Kalilimoku, Ernest [mailto:KalilimokuE@bv.com]

Sent: Monday, November 09, 2009 7:51 AM

To: lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net; slombos@ci.tualatin.or.us

Cc: Kalilimoku, Ernest

Subject: Meridian Park Hospital vs. Fox Hills resident(s)

My apologies for not being present at this Monday night meeting. I feel that I need to voice my opinions and concerns in support of fellow neighbors and myself. Why can't Meridian Park Hospital maintain the initial 20 acres as a low density zone? I'm opposed to such commercial obstructions so close to the Fox Hill neighborhood. I would consider a landscape buffer separating Fox Hills from the hospital. A berm separating both properties would be good. It would be nice to save the existing conifers and plant more deciduous trees – trees are good for hiding commercial obstructions. It would have been better if the hospital had developed plans to expand their facility on the East side of Borland towards I-205 (adjacent to the substation). Fox Hills is a good neighborhood that deserves preservation of our quality of life.

Ernest W. Kalilimoku

Project Controls

Black & Veatch - Building a World of Difference™

Phone: 503.697.6805

Fax: 503.697.3699

Email: kalilimokue@bv.com

From: Spalding, Robert [mailto:Robert.Spalding@qwest.com]
Sent: Thursday, November 19, 2009 1:49 PM
To: 'lou.ogden@juno.com'; 'Jay@H-Mc.com'; 'smbeikman@verizon.net';
'maddux01@verizon.net';
'etruax@royalaa.com'; Chris Barhyte; 'joelle.d.davis@gmail.com';
'slombos@ci.tualatin.or.us'
Subject: New Meridian Park construction

I am one of the many residents who's homes are right on the border of the Meridian Park Hospital property and am worried about potential interference and traffic to my property. I was told to email the council and ask if there is any chance the hospital can put up some sort of fence or border to block the view of the new structures that will inevitably be built. Please put my name on record as someone who wants this.

Thank You,
Rob Spalding
5769 SW Joshua St
Tualatin OR
503-799-7675

From: Marylee Tolley [mailto:marylee1@verizon.net]
Sent: Saturday, November 07, 2009 11:02 AM
To: Lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net;
joelle.d.davis@gmail.com; jay@h-
mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Medical use zone change for Meridian Park Hospital

As you know, Meridian Park Hospital is requesting a zone change from low density residential to a medical complex zone, and the City Council hearing is scheduled for Monday, 11/9.

Neighborhood & Livability Impacts:

- * Parking lots located ten feet of residential yards
- * Light pollution in our neighborhood
- * Building heights between 25 and 95 feet
- * Loss of trees on the south portion of the property
- * Increased traffic on neighborhood streets: Wichita, Natchez, Joshua and 57th

- * Increased traffic on collector and arterial streets: 65th, Nyberg, Nyberg Lane, and Borland.
- * A possible 95' medical office building within view of residences.
- * Significant increased traffic compared to the current zoning.

If the City Council finds that they do need to change the zoning, it is strongly urged that the property owner sign a development agreement that requires the following:

- * Create a minimum 40' landscape buffer to create a sound and visual barrier.
- * Replace existing fencing on the property line.
- * Create a parking lot lighting plan that does not create light pollution
- * Save and maintain as many of the "old growth" trees as possible on the south portion of the site.
- * Wichita, Natchez and Joshua do not become thru streets.
- * The primary access point for any new facilities is the current 65th avenue entrance.
- * Pedestrian and traffic improvements are made to 65th between the new primary entrance and McDonald's. (This should include widening the road and adding a pedestrian path on the east side of 65th.)
- * Cap the maximum structure height at 45'.

When making your decision, please take into consideration the livability of the neighborhood which we currently enjoy.

Marylee Tolley

To: Community Development Department

From: Janice Dove, 19135 SW Mobile Pl., Tualatin OR 97062

Re: Meridian Park Hospital Zone Change, Tax Map 21E 19C, Tax Lots 1700 & 2000

Without any plan for this property, besides a zone change to MC, it's hard to comment. So at this time I only have two concerns about the effects of what could happen if the property was built out as a medical use.

1. If the roads adjoining the property (Joshua, Wichita, Natchez) are connected as through streets, I have concerns about the additional traffic that would travel through the Fox Hill neighborhood. With the recent approval of the Stafford Hills Racquet & Fitness Club (SHRFC) traffic increase, I would ask that the city consider not extending the above streets so that no additional commercial traffic will come through a residential neighborhood.
2. When the property eventually has buildings and parking lots built, I have concerns about the water runoff. With the recent approval of the SHRFC build-out to pave over the property directly below the Hospital, water runoff down to Nyberg Lane is already a concern. If mass amounts of impervious surface are added to the hospital property, the below properties (including mine) and Nyberg Lane will be impacted to an even greater extent than they are now.

Thank you for considering these concerns.

From: Tallie Steele [mailto:tallie@macadamsbarandgrill.com]
Sent: Saturday, January 23, 2010 1:21 PM
To: lou.ogden@juno.com
Subject: Meridian Park Hospital Rezoning

Tualatin City Council Members-

It is my understanding that the council is still discussing the Meridian Park Rezoning Project. As a member of the Fox Hill neighborhood, I wanted to express concern over the effects expansion would have on traffic through our neighborhood. Even the remote possibility of opening the entrances to Fox Hills at Natchez, Joshua and Wichita streets puts countless young children in our neighborhood in danger.

Although the increased traffic is my largest concern, I also worry about what a building the size Meridian Park is discussing will do to the resale and livability of the homes in the area. If rezoning is ever approved, I hope the city does not allow any buildings taller than what already exist on the hospital grounds and that Meridian Park is also required to create a landscape buffer between the neighborhood and themselves prior to any construction.

I realize the hospital has "claimed" they do not intend on building anytime in the near future. If this is true, there is no reason to allow the rezoning at this time. However, it is my opinion that they would not be making the request unless they have intentions to expand. It is important for you to know that I am not an individual who is typically against growth; I do understand its importance. However, I can not tolerate it at the expense of my family's safety.

Thank you for your time and consideration,

Tallie Steele
19539 SW 57th Ave.
Tualatin, OR 97062
503.612.1744

Tallie Steele
wk: 503.246.6227
fax: 503.445.0351
cell: 503.939.7770

From: kbrazier@comcast.net [mailto:kbrazier@comcast.net]
Sent: Tuesday, January 19, 2010 8:26 AM
To: lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Let's get the Meridian Park Hospital Rezoning Project Verbal Agreements in Writing AND THANK YOU FOR YOUR SERVICE TO OUR COMMUNITY !

Good Morning!

My name is Harold "Kit" Brazier and I live at 5744 SW Joshua St in Tualatin. My wife and I live very close to the field that will developed by Meridian Park Hospital. We have 10 children that live on our short, 12-house dead-end block. 8 of those children are under 7 years of age. Three more young children will be moving into our neighborhood soon. I do not want to see our dead-end street opened up for traffic to access this newly-developed Meridian Park Hospital site.

I would like to speak for our neighbors who live on Natchez and Wichita streets as well. We would like the dead ends barriers to remain so as to minimize the traffic on our streets.

Additionally, I would like to see the following items to be put in writing for Meridian Park's signature:

- . Create a forty foot landscape buffer before structure or road to create a visual and sound barrier.
- . Create a lighting plan that does not shine harsh light onto the surrounding neighborhoods.
- . Save as many trees as possible on the South end of the field and throughout the property.
- . Keep Joshua, Natchez and Wichita dead-end streets and maintain the barriers.. Make the property entrance on 65th Street. Widen 65th to accommodate the increased traffic.

Please do not approve this re-zoning project until these stipulations have been agreed to in writing.

Thank you for your service to our community and for considering these requests. I am pleased to answer any questions relevant to these issues. My telephone number is 503-612-9490.

Wishing you wisdom and patience as you carefully consider every development decision. Our city is quite lovely and it's character will be further enhanced by your careful decision-making.

Harold "Kit" Brazier
5744 SW Joshua St.
Tualatin, Oregon
503-612-9490

A break was taken from 8:50 p.m. to 9:00 p.m.

2. Public Hearing to Consider an Ordinance Changing the Planning District Designation from Low-Density Residential (RL) to Medical Center (MC) of Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and Amending the Community Plan Map 9-1 (PMA-09-03)

Mayor Pro tem Barhyte read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing.

Councilor Harris noted he is a neighboring property owner to this application but does not believe it will affect his decision. No bias or ex parte contact noted.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. This is for Plan Map Amendment 09-03, and the property is depicted on Attachment A. The proposal initiated by Legacy Health Systems is to follow through on plans the hospital has had to follow through on an expansion. This proposal would match all of the other Meridian Park Hospital land. The Medical Center (MC) Planning District has specific standards. Mr. Harper listed some of the allowed uses inside the MC designation. The staff report reviews the criteria information, traffic impact, impact on Tualatin's housing obligations, trends and developments, and reasons why Legacy is proposing this.

Staff is recommending Council consider the staff report as well as testimony and provide direction.

PROPOSERS

Alyson Anderson, 19300 SW 65th Avenue, Tualatin, chief administrative officer of Legacy Meridian Park Hospital and vice president of Legacy Health Systems, was present and said Meridian Park Medical Center has been proud to serve the community for the last 36 years and they are a not-for-profit health center. The hospital bought the acreage east in 2003, and are asking for the plan text amendment (PMA) in order to be able to expand in the future. A public meeting was held in 2003, and Ms. Anderson has copies of letters sent yearly to the immediate surrounding property owners, exceeding the property notification requirements. There is no requirement to do so, but it has always been their intent to continue to be a good neighbor. The hospital has also made many improvements to the property and have been a good neighbor to the property owners along the site.

Thomasina Gabriele, Gabriele Services, 2424 NW Northup Street, Portland, OR 97210, and Mark Vandehey of Kittleson & Associates, consultants representing the applicant were present. Ms. Gabriele said this is the best piece of property for the campus because it is adjacent to the main facility. It benefits the hospital and the patients that receive care from the hospital. Also, by receiving the services in one place it keeps people from driving to other areas for additional services. She has heard that it would be easier if it was known what the expansion is going to be, but Legacy is not at a point to determine that at this time or when. Ms. Gabriele believes the plan map amendment is in the public interest now as it will provide Legacy Meridian Park Hospital to know they have the land to do an expansion. The City will have certainty as this will be the place where your hospital services will be served, and it would be supporting the largest employer in the city, as well as one of the uses identified in the Economic Development Plan for economic growth.

Nov. 9, 2009
Meeting Minutes
1-1-1

Ms. Gabriele said there is an opportunity to be able to have a conditional use for the property, but by proceeding with the plan text amendment the building height will be less in the Medical Center (MC) Planning District than a conditional use permit (CUP).

Linda Moholt, Tualatin Chamber of Commerce CEO, also a neighboring Fox Hills resident, said Legacy Meridian Park Hospital has been such a good neighbor and how much they have meant to the community. Tualatin is a great place to live and work, and Legacy is part of that equation.

OPPONENTS

Mark Majors, 5756 SW Joshua Street, Tualatin, OR, said his property abuts the 20 acres, and he would like Council do whatever it can to keep their property in good order.

Steve Day, 5712 SW Calusa Loop, Tualatin, OR, lives approximately 200 feet from the boundary of the property and said in reviewing the application, Legacy should discuss different aspects of the impact to natural resources. He was looking for sufficiency of statement that there are no natural resources impacted, particularly wetlands. Mr. Day said he attended a meeting a few years back where a consultant spoke that there is no wetlands on the south portion of the property, which he does not believe is an accurate statement. Mr. Day also said another concern is proof of a change to the neighborhood characteristic, Legacy only speaks to changes to the hospital.

Marylee Tolley, 5725 SW Calusa Loop, Tualatin, OR, was present and noted she also sent an e-mail. She understands the hospital has property, and hopes there will be conditions, including buffer, setback, lighting, and saving and maintaining as many trees as possible. She also did not want the three streets adjacent not become through streets, and to cap the maximum building height.

Renee Gunwater (sp?), 5755 SW Natchez, Tualatin, OR, reiterated what has been said, that the access to hospital remain on 65th and the three streets not become through streets.

Todd Allison, 5753 SW Joshua, Tualatin, OR, said it is vital to keep the hospital and not slow progress, and it is the largest employer of the city. He does not however, understand how this has come about with no notion of what will be built and encouraged Council to take their time with this proposal.

A break was taken from 9:39 p.m. to 9:44 p.m.

REBUTTAL

Ms. Gabriele said natural resources information is addressed in the materials submitted. One off-site wetland was identified as indicated on the map. Ms. Gabriele noted the required buffer area and will take that into consideration. The other issue of initial presentation is the hospital is not interested in making any connections to the subdivision local streets, other than a fire safety devices, and not in the hospital's interest to use those local streets being connected in any way. Other issues that were raised could be part of the architectural review (AR) process.

COUNCIL DISCUSSION

Mayor Pro tem Barhyte asked about the change of planning designation and if there is an opportunity to apply conditions and Community Development Director said no. He also asked about the conditional use process (CUP) which puts stringent uses on the applicant, and conditions that can be placed by the Council. The MC district setbacks are ten feet. Community Development Director Rux said a Development Agreement (DA) is another tool that could be done and explained the process. An agreement between the City and Legacy

would address certain parameters and issues would be brought up, details worked out and whatever Council would like to be considered in the agreement.

Community Development Director Rux said staff could work with the applicant on a DA and continue this hearing to sometime in January to allow time to have discussions, if the applicant is willing.

Councilor Harris asked about traffic issues, and assuming the zone change is granted, there would likely be a significant increase in traffic and level of service at the intersection. City Engineer Mike McKillip said staff will be doing a Public Facilities Report that looks at impacts of the development and conditions required, such as where does the traffic go, what directions, and what are the impacts on that, and decide what are the appropriate requirements to mitigate those impacts.

Mark Vandehey, Kittleson & Associates, said a traffic signal would go a long way to solve traffic issues at that particular intersection, and could work out a number of ways to address the transportation issue.

Ms. Gabriele clarified that 250,000 square feet is unlikely to be developed all at one time on the site, and with an already failing intersection. Beginning with the first building there would likely be funding to fix the intersection and the hospital is fine with that particular intersection.

Community Development Director Rux said it could be possible to continue this hearing to January 25, 2010, and if the applicant is willing to extend the 120-day requirement. Ms. Anderson said she would like to work on a DA, etc. instead of requesting an extension, but could continue the hearing to January 25, 2010.

MOTION by Councilor Maddux, **SECONDED** by Councilor Davis to continue the hearing to January 25, 2010. MOTION CARRIED. [7-0]

G. GENERAL BUSINESS

None.

H. 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.

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation will be held after the regular meeting.

J. COMMUNICATIONS FROM COUNCILORS

None.

ATTACHMENT J

PMA-09-03

Paul Sivley-Tualatin Planning Advisory Committee (Acting Chairman) -Questions for Applicants and Staff-

In an October 6 email message, Paul Sivley provided the following questions for consideration at the October 8, 2009 Tualatin Planning Advisory Committee Meeting regarding the proposed PMA-09-03. Responses to questions that are best answered by Staff follow individual questions. Other questions were preliminarily answered by the Applicants in an October 7, 2009 email and listed below.

1) Why not wait to grant the zoning change until we see a development plan? At this point, we don't have a clue what they want to put where. Or at least wait until they have the first couple buildings planned. Rezoning now seems to reduce our leverage on the project somewhat in terms of conditional use, project sizing, etc. I know we can get some sense of the "worst case" development on the site via our setback, height, etc requirements, but wouldn't it be more logical to wait until they have some plans so we can really assess with some accuracy actual project impact on traffic, noise, visibility, height, etc issues?

Applicant Response. Legacy wants to be sure that the entire parcel of land that is already purchased and adjacent to the existing campus will be available for medical center development regardless of the outcome with Metro about the amount of land Tualatin needs to have available to meet housing targets.

Staff Response. Tualatin uses a "one map system" that combines a "Comprehensive Plan" and a "Zoning Map" into one Map 9-1, showing the location and designation of all property within Tualatin's Planning Area. The Plan Map Amendment process is focused on consideration of the change in Planning District at the "Plan" level and consideration of the uses and physical development issues are in land use decisions such as Conditional Use, Subdivision, Partition and Architectural Review. The Plan Amendment level will look at "worst case" scenarios, but is not intended to assess specific "impact" issues of a particular development.

2) Can we quantify how "the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses"? (pg.1 staff report)

Applicant Response We will bring display boards showing height and setback lines in plan view for both RL and MC designations. Of particular note, MC allows no building within 50 feet of zoning line boundary, an allowed use in RL can be 10-15 feet of property line and a conditional use can be setback no more than 50 feet; also allowed and conditional uses can be 35 feet high at the setback line, conditional uses can be 75 high when setback 1.5 times this height from property lines, height at 50 foot setback in MC is 25 feet, 45 feet at 100 to 300 feet, and 95 feet high at 300 feet setback.

3) "Improvements directly related to development of the subject property appear to be possible using exiting right of way and possibly hospital owned property depending on actual survey of the property line" (pg 3 staff report). The terms "appear to be possible" and "possibly hospital" reinforce my concern that we are taking action on zoning with a lot of uncertainty about what will be built and the impact of the development. Can we eliminate the uncertainties in this statement in the staff report?

Applicant Response First it is important to remember that the improvements needed for future development of the property are the same for both the existing and proposed zoning (refer to the Kittelson memos). Second, the improvements needed in the future would be determined based on the "actual" development proposal, which would likely be significantly less than the "reasonable worst case" scenarios assumed in the Kittelson memos. However, if future development (under either the existing or proposed zoning) occurred to the level anticipated under the "reasonable worst case" scenarios, the transportation improvements that would be likely be needed could be accommodated within a combination of the existing Row or Row owned by Legacy.

4) "Worst case" development would add 250,000 sf of office space. What's the current sf already built and in place at Meridian?

Staff Response. Records show the Legacy Meridian Park Medical Center has approximately 419,000 sq. ft. of building area.

5) The traffic analysis notes an increase from medical development vs residential over about 1300 trips, pm and am peak. Yet only two sites suffer worsened LOS results? Seems like a fair amount of new traffic.

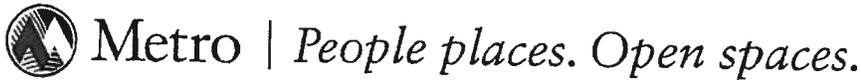
Applicant Response. The LOS results shown in the Kittelson memo are correct. A few points are worth noting. The largest increase was in the p.m. peak hour when the "reasonable worst case" scenario resulted in an increase of 830 additional trips (not 1,300). When assessing impacts to individual intersections the 830 trips is a combination of entering and exiting trips. Further, traffic is distributed in multiple directions (some coming to/from I-5, I-205, SW 65th, SW Sagert, etc). As a result, no one intersection experiences the full increase in site-generated traffic.

6) Table 2 in the traffic report seems misleading to me, as the middle column "existing zoning w/med office dev" takes into account medical office development is a secondary allowed option under current zoning. I'm not sure of the value of that one column vs the other 2.

Applicant Response. Since the focus of the transportation evaluation should be on the impact of the zone change, we felt it would be more misleading to simply compare the existing zoning (with residential development) to the proposed zoning (with medical office). As indicated earlier in the Kittelson memo, the "reasonable worst case" scenario for both the existing and proposed zoning is the same. The second column in table 2 simply reinforces that point.

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax

www.oregonmetro.gov



November 20, 2009

CITY OF TUALATIN
RECEIVED

NOV 24 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Doug Rux
Community Development Director
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97082

Dear Mr. Rux:

Metro staff reviewed the material concerning PMA-09-03, an ordinance changing the planning district designation from Low-Density Residential (RL) to Medical Center (MC) for land located on SW Borland Road. As you know, Title 1 of the Urban Growth Management Functional Plan (Metro Code 3.07.120) requires cities to provide at least the housing capacity specified in Table 3.07-1.

According to the city's Analysis and Findings (Attachment F), this zone change could affect the city's ability to meet Table 1 dwelling unit capacity. To comply with Title 1, the city must demonstrate that this zone change will not reduce the city's dwelling unit capacity in Table 1. Please submit to Metro an analysis that documents how the city will maintain the dwelling unit capacity of Title 1 Table 1. I make this request on behalf of the Chief Operating Officer pursuant to Metro Code section 3.07.820A which states that "the Chief Operating Officer may request, and if so the city or county shall submit, an analysis of the compliance of the amendment with the functional plan."

If you have any questions, please contact Dick Benner, Richard.Benner@oregonmetro.gov, (503) 797-1532 or me, Sherry.Oeser@oregonmetro.gov, (503) 797-1721.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Oeser".

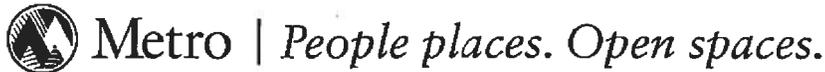
Sherry Oeser
Principal Regional Planner

c: Councilor Carl Hosticka, District No. 3
Robin McArthur, Planning & Development Director

Attachment K

600 NE Grand Ave.
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503-797-1797 fax

www.oregonmetro.gov



January 21, 2010

William Harper
Community Development Department
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

Dear Mr. Harper:

Metro staff reviewed Attachment F of PMA-09-03: Analysis and Findings for the proposed request to change the zone from Low-Density Residential (RL) to Medical Center (MC) for land located on SW Borland Road. We have concluded that this zone change could reduce the City of Tualatin's dwelling unit capacity as defined by Title 1 and displayed in Table 1 of the Urban Growth Management Functional Plan (Metro Code 3.07).

As you know, Title 1 of the Urban Growth Management Functional Plan (Metro Code 3.07.120) states that each city is required to determine its capacity for housing and to "ensure that it provides and *continues to provide*" at least the capacity for the city as specified in Table 3.07-1 (emphasis added). Metro staff understands that the City is undertaking other planning projects such as a town center plan and a Highway 99W corridor plan that could accommodate higher density residential development to offset this potential reduction. Based on the City's commitment to complete these planning efforts, Metro will not object to the request for a zone change embodied in PMA-09-03.

Metro stands ready to assist the City in your efforts to achieve your aspirations.

Sincerely,

Sherry Oeser
Principal Regional Planner

c: Councilor Carl Hosticka, District No. 3
Michael Jordan, Chief Operating Officer
Robin McArthur, Director, Planning and Development Department



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

ODOT Case No: 1284

October 26, 2009

Will Harper
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Attn: Will Harper, Associate Planner

Re: PMA-09-03: RL Change to MC
I-5 / SW Nyberg St Interchange

Dear Mr. Will Harper,

We have reviewed the applicant's proposal to amend TDC Community Plan Map 9-1 changing a 20 acre parcel from Low-density Residential (RL) planning district designation to Medical Center (MC). The site is in the vicinity of the I-5 / SW Nyberg St Interchange. ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified an Interstate Highway and the performance standard on ramp terminals is 0.85 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

The applicant provided a traffic memo prepared by Kittelson & Associates dated August 21, 2009. The memo presented the argument that the "reasonable worst case" development scenario for the proposed zoning is equivalent to the existing zoning" because Hospitals are a conditional use under the existing zoning. However, transportation system plans typically utilize allowed uses for analysis purposes and conditional uses have a higher level of adequacy criteria, therefore it is common practice not to utilize conditional uses for "reasonable worst case scenarios" in traffic analysis for TPR findings. ODOT does not consider conditional uses appropriate for the purpose of traffic analysis in making TPR findings.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT staff requested further analysis including a comparison between the land use with the highest trip generation rate allowed outright under the proposed comp plan designation

Attachment L

(Medical Center) with the land use with the highest trip generation rate allowed outright under the existing comprehensive plan designation (low-density residential).

Kittelsohn provided a follow-up traffic memo dated October 1, 2009, which compared the trip generation from 94 Single Family Residential units with 250,000 sq ft of Medical Office. The analysis showed a net increase of 830 trips in the weekday PM peak hour. This is a substantial amount of additional trips and ODOT can not currently make a determination of no significant effect. Therefore, ODOT requests additional analysis to determine the potential effect on the I5/Nyber interchange.

1. The analysis should focus on both I5/Nyberg St ramp terminals including queuing analysis.
2. The analysis can rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - local/county capital improvement plans (CIP),
 - financially constrained Regional Transportation System Plan (RTP)
 - Washington County Major Streets Transportation Improvement Program MSTIP. (OAR 660-012-0060)
3. The analysis should apply the 0.85 highway mobility standard (volume-to-capacity ratio) identified in the OHP over a planning horizon of the adopted local transportation system plan or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).

Prior to commencing the TIS, the applicant should contact Doug Baumgartner, ODOT Region 1 Traffic Analyst at (503) 731-8225 to obtain ODOT concurrence with the scope of the study. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8234.

Sincerely,



Seth Brumley
Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
CITY OF TUALATIN
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123 NW Flanders Street
Portland, OR 97209-4037
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FAX 503.731.8259

JAN 14 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

January 14, 2010

City of Tualatin Community Development Dept
Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062

ATTN: Will Harper, Associate Planner

RE: PMA-09-03: Amend TDC Community Plan Map 9-1 Changing RL (Low-Density Residential) Planning District Designation to (MC) Medical Center

Dear Mr. Harper,

ODOT has concerns regarding the City of Tualatin's interpretation of the Transportation Planning Rule section 060 (TPR, OAR 660-012-0060(2)) concerning plan amendments. In the Legacy Meridian case, the applicant is proposing to rezone a 20 acre parcel of land from R7 Residential to MC Medical Center. The City has determined that the "likely" use of hospital which is allowed as a conditional use in the R7 zone can be assumed for the reasonable worst case comparative traffic analysis between the uses in the R7 zoning and the MC zoning. The Kittelson traffic memo dated October 1, 2009 argues that hospitals are a conditional use under R7 zoning and are therefore the reasonable worst case "allowed" under the current zoning. However, transportation system plans typically utilize uses allowed *outright* for analysis purposes and conditional uses and associated traffic are not accounted for in future traffic projections within these plans.

In addition, a conditional use decision would apply to a specific development and not the parcel as a whole. In this case, the City may approve a single medical office building as a conditional use if there are adequate facilities, but this would not assure that a second, third, or fourth medical office building would be approved at some time in the future. By changing the zoning to MC the City would be implicitly approving these future developments without regard to the standard of adequacy called for under a conditional use approval or TPR analysis. Therefore, ODOT does not consider conditional uses appropriate for the purpose of traffic analysis in making TPR findings and requests that the City require further traffic analysis. LUBA has found that under the TPR local governments must evaluate the traffic generation of the reasonable worst case "allowed" land uses rather than "likely" or "proposed land uses" to make findings of no significant effect (*Mason v. City of Corvallis and Pahlisch Homes*, 49 OR LUBA 199 (2005), *Griffiths v. City of Corvallis and Group Mackenzie*, 50 Or LUBA 588 (2005)). ODOT does not consider conditional uses "allowed", and local governments should be consistent with the LUBA decision in applying TPR 060.

In particular, ODOT is concerned with the southbound off-ramp at the I-5/Nyberg Rd interchange. Recent traffic studies for plan map amendments near this interchange (PMA09-02:

ODOT Case No:

Waterman Zone Change, PMA08-03: Nyberg Lodge) have shown that peak hour traffic will be approaching the volume-to-capacity (v/c) mobility standard of 0.85 v/c in the future. ODOT requests that the City require the applicant to conduct a TPR analysis for this specific location. The analysis should apply the highway mobility standard of 0.85 v/c ratio identified in the Oregon Highway Plan (OHP) over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2). If the proposed zone change causes the ramp to exceed the v/c ratio, the applicant must conduct a queuing analysis to show that the proposal will not cause queues that exceed storage and deceleration distances and contribute to potential safety problems on I-5 in order to show "no significant effect". Please direct the applicant to contact ODOT traffic analyst Doug Baumgartner at 503-731-8225 for questions regarding the TPR analysis.

Seth Brumley

A handwritten signature in cursive script that reads "Seth Brumley". The signature is written in black ink and is positioned to the left of a vertical line.

Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic

ODOT Case No:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, Legal Department *BB*

DATE: February 8, 2010

SUBJECT: AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE.

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to grant a non-exclusive franchise to NW Natural Gas Company for a gas utility.

RECOMMENDATION:

Staff recommends that Council grant the franchise.

EXECUTIVE SUMMARY:

NW Natural Gas Company has been providing gas utility services in Tualatin for a number of years and has established a good working relationship with the City. NW Natural's most recent franchise was for a ten-year period, which expired on December 31, 2009.

The proposed franchise contains essentially the same terms and 5% franchise fee (the maximum allowable by statute) as the previous franchise agreement. Those terms include requirements for working in the rights-of-way, providing 24-hour service, restoring property to its previous condition when it is disturbed by NW Natural's work and requiring notification to the City before constructing, relocating or extending gas lines. Additionally new terms include the following:

- NW Natural will provide an Emergency Response Plan to the City with names and numbers for responsible staff.
- The City may audit NW Natural's calculations of gross revenues one time during the franchise term to assure that the City is receiving the correct amount of compensation.
- The franchise is retroactive to January 1, 2010 and is for a 10-year term.

ALTERNATIVES TO RECOMMENDATION:

- Deny the franchise.
- Modify the terms of the franchise agreement.

FINANCIAL IMPLICATIONS:

For FY 09/10, staff estimates that the City of Tualatin will receive approximately \$620,000 for the NW Franchise.

Attachments: Franchise Ordinance

ORDINANCE NO. _____

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1: Definitions and Explanations.

(1) As used in this ordinance:

- (a) "City" means the City of Tualatin and the areas within its boundaries, including its boundaries as extended in the future.
- (b) "Council" means the legislative body of the City.
- (c) "Grantee" means the corporation referred to in Section 2 of this ordinance.
- (d) "Gas mains" includes all gas transmission and distribution facilities located on or under any street, bridge or public place within the City.
- (e) "Person" includes an individual, corporation, association, firm, partnership and joint stock company.
- (f) "Public place" includes any city-owned park, place or grounds within the City that is open to the public but does not include a right of way.
- (g) "Right of Way" includes a street, alley, avenue, road, boulevard, sidewalk, thoroughfare, bridge or public highway within the City, but does not include a public place.

(2) As used in this ordinance, the singular number may include the plural and the plural number may include the singular.

Section 2: Rights Granted.

Subject to the conditions and reservations contained in this ordinance, the City hereby grants to NORTHWEST NATURAL GAS COMPANY, a corporation, the right, privilege and franchise to:

- (1) Construct, maintain and operate a gas utility system within the City.
- (2) Install, maintain and operate on and under the streets, bridges and rights of way of the City, facilities for the transmission and distribution of gas to the City and its inhabitants and to other customers and territory beyond the limits of the City; and
- (3) Transmit, distribute and sell gas.

Section 3: Use of Right of Way by Grantee.

(1) Before the Grantee may use or occupy any right of way, the Grantee shall first obtain permission from the City to do so and shall comply with any special conditions the City desires to impose on such use or occupation.

(2) The compensation paid by the Grantee for this franchise includes all compensation for the use of rights of way located within the City as authorized.

Section 4. Duration.

This franchise is granted for a period of 10 years from and after the effective date of this ordinance.

Section 5. Franchise Not Exclusive.

This franchise is not exclusive, and shall not be construed as a limitation on the City in:

(1) Granting rights, privileges and authority to other persons similar to or different from those granted by this ordinance.

(2) Constructing, installing, maintaining or operating any City-owned public utility.

Section 6. Public Works and Improvements Not Affected by Franchise.

The City reserves the right to:

(1) Construct, install, maintain and operate any public improvement, work or facility.

(2) Do any work that the City may find desirable on, over or under any right of way or public place.

(3) Vacate, alter or close any right of way or public place, provided that the City shall make available to Grantee an alternative right-of-way for the location of its facilities.

(4) Whenever the City excavates or performs any work in any of the present and future rights of way and public places of the City, or contracts, or issues permits, for such excavation or work where such excavation or work may disturb Grantee's gas mains, pipes and appurtenances, the City shall notify Grantee in writing sufficiently in advance of such contemplated excavation or work to enable Grantee to take such measures as may be deemed necessary to protect such gas mains, pipes and appurtenances from damage and possible inconvenience or injury to the public. In any such case, the Grantee, upon request, shall furnish maps or drawings to the City or contractor, as the case may be, showing the approximate location of all its structures in the area involved in such proposed excavation or other work.

(5) Whenever the City vacates a right of way or public place for the convenience or benefit of a person or governmental agency or instrumentality, Grantee's right under this franchise shall be preserved as to any of its facilities then existing in such right of way or public place.

Section 7: Continuous Service.

The Grantee shall maintain and operate an adequate system for the distribution of gas in the City. The Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour a day service which shall at all times conform at least to the standards common in the business and to the standards adopted by state authorities and to standards of the City that are not in conflict with those adopted by the state authorities. Under no circumstances shall the Grantee be liable for an interruption or failure of service caused by an act of God, unavoidable accident or other circumstances beyond the control of the Grantee through no fault of its own.

Section 8: Safety Standards and Work Specifications.

(1) The facilities of the Grantee shall at all times be maintained in a safe, substantial and workmanlike manner.

(2) For the purpose of carrying out the provisions of this section, the City may provide such specifications as may be necessary or convenient for public safety or the orderly development of the City. The City may amend and add to such specifications from time to time.

Section 9: Emergency Operation Provisions

The Grantee will provide the City with an Emergency Response Plan detailing procedures for response to emergencies involving Gas Facilities and other system components. The Grantee may update this plan from time to time, with notice to the City. To the extent practicable, the Emergency Response Plan will include at least the following information:

(1) The names of 24-hour and telephone numbers of responsible parties with the authority to commit the resources of the Grantee.

(2) The name and 24-hour telephone numbers of the Grantee's Emergency Coordinator and other emergency contacts available to response during emergencies.

(3) How the Grantee's response personnel will interface with local first responders during emergencies.

Section 10: Control of Construction.

The Grantee shall file with the City maps showing the location of any construction, extension or relocation of its gas mains in the right of way and public places of the City and shall obtain approval from the City of the location and plans prior to commencement of the work. The City may require the Grantee

to obtain a permit before commencing the construction, extension or relocation of any of its gas mains.

Section 11: Right of Way Excavations and Restorations.

(1) Subject to the provisions of this ordinance, the Grantee may make necessary excavations for the purpose of constructing, installing, maintaining and operating its facilities. Except in emergencies, and in the performance of routine service connections and ordinary maintenance, on private property, prior to making an excavation in the traveled portion of a right of way or public place, and, when required by the City, in any untraveled portion of a right of way or public place, the Grantee shall obtain approval from the City of the proposed excavation and of its location. Grantee shall give notice to the City by telephone, electronic data transmittal or other appropriate means prior to the commencement of service or maintenance work and as soon as is practicable after the commencement of work performed under emergency conditions.

(2) When any excavation is made by the Grantee, the Grantee shall promptly restore the affected portion of the right of way or public place to the same condition in which it was prior to the excavation. The restoration shall be in compliance with specifications, requirements and regulations of the City in effect at the time of such restoration. If the Grantee fails to restore promptly the affected portion of a right of way or public place to the same condition in which it was prior to the excavation, upon thirty (30) days prior written notice to Grantee, the City may make the restoration and the cost thereof shall be paid by the Grantee.

Section 12: Location and Relocation of Facilities.

(1) All facilities of the Grantee shall be placed so that they do not interfere unreasonably with the use by the City and the public of the right of way and public places and in accordance with any specifications adopted by the City governing the location of facilities.

(2) The City may require, in the public interest, the removal or relocation of facilities maintained by the Grantee in the rights of way and public places of the City, and the Grantee shall remove and relocate such facilities within a reasonable time after receiving notice to do so from the City. The cost of such removal or relocation of its facilities shall be paid by the Grantee, but when such removal or relocation is required for the convenience or benefit of any person, governmental agency or instrumentality other than the City, Grantee shall be entitled to reimbursement for the reasonable cost thereof from such person, agency or instrumentality. The City shall provide the Grantee with timely notice of any anticipated requirement to remove or relocate its facilities and shall cooperate with the Grantee in the matter of assigning or allocating the costs of removal or relocation.

Section 13: Compensation.

(1) As compensation for the franchise granted by this ordinance, the Grantee shall pay to the City an amount equal to five percent (5%) of the gross revenue collected by the Grantee from its customers for gas consumed within the City. Gross revenue shall be computed by deducting from the total billings of the Grantee, the total net write-off of uncollectible accounts, revenues derived from the sale or transportation of gas supplied under an interruptible tariff schedule, revenues paid directly by the United States of America or any of its agencies, and sales of gas at wholesale by the Grantee to any public utility or public agency where the public utility or public agency purchasing such gas is not the ultimate consumer. Any increase in the rate of compensation payable under this franchise shall be owed only for charges both billed to and paid by Grantee's customers after the date of franchise acceptance by the Grantee.

(2) The compensation required by this section shall be due for each calendar year, or fraction thereof, within sixty (60) days after the close of such calendar year, or fraction thereof. Within sixty (60) days after the termination of this franchise, compensation shall be paid for the period elapsing since the close of the last calendar year for which compensation has been paid.

(3) The Grantee shall furnish a statement to the City showing the amount of gross revenue of the Grantee within the City for the period covered by the payment computed on the basis set out in subsection (1) of this section with each payment of compensation required by this section. The compensation for the period covered by the statement shall be computed on the basis of the gross revenue so reported. If the Grantee fails to pay the entire amount of compensation due the City through error or otherwise, the difference due to City shall be paid by the Grantee within fifteen (15) days from discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise, shall be offset against the next payment due from the Grantee.

(4) Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of this franchise occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.

(5) Late payments shall accrue interest from the due date at 9%, and shall be computed based on the actual number of days elapsed from the due date until payment is made. Interest shall accrue without regard to whether the City has provided notice of delinquency.

(6) The City may require one audit during the term of this agreement.

A) The City may audit Grantee's calculation of Gross Revenues. Within 30 days after receiving a written request from the City, or such other time frame as agreed by both parties, Grantee shall furnish, in accordance with Section 16 of this agreement, the City and any auditor retained by the City:

(a) information sufficient to demonstrate that Grantee is in compliance with this Franchise; and

(b) in accordance with Section 16, access to all books, records, maps and other documents maintained by Grantee with respect to

Grantee facilities that are necessary for the City to perform such audit., provided that only payments that occurred or should have occurred during a period of thirty-six (36) months prior to the date the City notified the Grantee of its intent to perform an audit of financial review shall be subject to such audit or financial review. Grantee shall provide access to such information to City within the City during regular Grantee business hours.

B) If the City's audit shows that the amounts due to the City are higher than those based on the Grantee's calculations of Gross Revenue, then Grantee shall pay the difference within sixty (60) days after the delivery to Grantee of the audit results. In addition to paying any underpayment, Grantee shall pay interest at the prevailing annual average yield of the State of Oregon's local government investment pool (also called the Oregon Short-Term Fund-OSTF), but not penalties, as specified in this Franchise, from Revenue resulted in an overpayment to the City by five percent or more in any one year, the Grantee may deduct such overpayment from the next annual franchise fee payment. If the City's audit shows that the amounts due to the City based the Grantee's calculation of Gross Revenue deviated by five percent (5%) or more in any one year from the City's calculation during the audit, Grantee shall reimburse the City for the cost of the audit, not to exceed one percent (1%) of the total annual franchise payment for the applicable audit period.

(7) Upon 30 days' prior written notice by either party to the other, the amount of such annual compensation shall be subject to renegotiation and redetermination at or before the expiration of the first five-year period, respectively, of the term of the franchise hereby granted, for the ensuing five-year period of said franchise term.

(8) In the event the Grantee enters into a franchise agreement with another municipality in the State of Oregon for a term comparable to this Franchise and Grantee agrees to pay a franchise fee that is higher than the fees set out in this Franchise, Grantee shall notify City in writing of the details of this arrangement within sixty (60) days of its effective date. Upon receipt by the City of this notice, City may elect to renegotiate the franchise fee for this Franchise and require payment of a similar fee as provided to the third party. Any change in the Franchise fee under this section shall become effective on January 1 of the following calendar year.

Section 14: Expiration.

At the end of the Franchise term, if the City and Grantee are negotiating another franchise and have not concluded their negotiations, Grantee's rights and responsibilities shall be controlled by this Franchise until the City grants a new franchise and Grantee accepts it.

Section 15: Books of Account and Reports.

The Grantee shall keep accurate books of account at an office in Oregon for the purpose of determining the amounts due to the City under Section 12 of

this ordinance. The City may inspect the books of account at any time during business hours and may audit the books from time to time. The Council may require periodic reports from the Grantee relating to its operations and revenues within the City.

Section 16: Supplying Maps Upon Request.

The Grantee shall maintain on file, at an office in Oregon, maps and operational data pertaining to its operations in the City. Upon reasonable notice, an authorized representative of the City may inspect the maps and data any time during business hours at an office of the Grantee. Grantee and the City may determine that the locations of certain gas facilities should be confidential as the public interest may require. In such a case, Grantee is under no obligation to provide records of the location of these facilities to the City and the City shall treat any public record disclosing the location of these facilities as confidential, subject to the provisions of state law and the Oregon Public Records Law. The City shall limit access to any such confidential record to trustworthy employees of the City with a need to know the information set out in the record. The City shall store any such confidential record in a secure and private place and avoid making and distributing copies of the record.

Section 17: Indemnification.

The Grantee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost and expense arising from damage to property and/or injury to, or death of, persons due to any wrongful or negligent act or omission of the Grantee, its agents or employees in exercising the rights, privileges and franchise hereby granted.

Section 18: Assignment of Franchise.

This franchise shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the Grantee.

Section 19: Termination of Franchise for Cause.

The City may terminate this franchise as provided in this Section, subject to Grantee's right to a court review of the reasonableness of such action, upon the willful failure of the Grantee to perform promptly and completely each and every material term, condition or obligation imposed upon it under or pursuant to this ordinance. The City shall provide the Grantee written notice of any such failure and the Grantee shall have sixty (60) days from receipt of notice to cure such failure, or if such failure cannot reasonably be cured within sixty (60) days, to commence and diligently pursue curing such failure.

Section 20: Remedies Not Exclusive; When Requirement Waived.

All remedies and penalties under this ordinance, including termination of the franchise, are cumulative, and the recovery or enforcement of one is not a bar to the recovery or enforcement of any other such remedy of penalty. The remedies and penalties contained in this ordinance, including termination of the franchise, are not exclusive and the City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance. A specific waiver of a particular breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance shall not be a waiver of any other or subsequent or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself.

Section 21: Acceptance.

The Grantee shall, within thirty (30) days from the date this ordinance takes effect, file with the City its written unconditional acceptance of this franchise, and if the Grantee fails so to do, this ordinance shall be void.

Section 22. Effective Date and Repeal of Prior Ordinance

This ordinance is effective retroactively to January 1, 2010. Ordinance No. 1037-99 is repealed, effective on January 1, 2010.

INTRODUCED AND ADOPTED this 8th day of February, 2010.

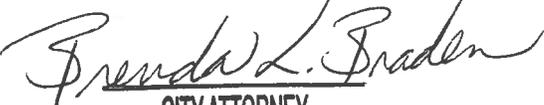
CITY OF TUALATIN, Oregon

BY: _____
Mayor

ATTEST:

BY: _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ACCEPTANCE OF FRANCHISE

TO THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON

WHEREAS, The City of Tualatin, Oregon, on February 8th, 2010, passed Ordinance No. _____, entitled:

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE.

NOW, THEREFORE, Northwest Natural Gas Company, the Franchisee, accepts the terms, conditions and provisions of Ordinance No. _____ and agrees to be bound and comply with the Ordinance for itself and its successors and assigns.

IN WITNESS WHEREOF, Northwest Natural Gas Company, by and through its duly authorized officers executes this instrument as below subscribed this ____ day of _____, 2010.

Northwest Natural Gas Company

By: _____

Title: _____

ORDINANCE NO. 1296-10

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1: Definitions and Explanations.

(1) As used in this ordinance:

- (a) "City" means the City of Tualatin and the areas within its boundaries, including its boundaries as extended in the future.
- (b) "Council" means the legislative body of the City.
- (c) "Grantee" means the corporation referred to in Section 2 of this ordinance.
- (d) "Gas mains" includes all gas transmission and distribution facilities located on or under any street, bridge or public place within the City.
- (e) "Person" includes an individual, corporation, association, firm, partnership and joint stock company.
- (f) "Public place" includes any city-owned park, place or grounds within the City that is open to the public but does not include a right of way.
- (g) "Right of Way" includes a street, alley, avenue, road, boulevard, sidewalk, thoroughfare, bridge or public highway within the City, but does not include a public place.

(2) As used in this ordinance, the singular number may include the plural and the plural number may include the singular.

Section 2: Rights Granted.

Subject to the conditions and reservations contained in this ordinance, the City hereby grants to NORTHWEST NATURAL GAS COMPANY, a corporation, the right, privilege and franchise to:

- (1) Construct, maintain and operate a gas utility system within the City.
- (2) Install, maintain and operate on and under the streets, bridges and rights of way of the City, facilities for the transmission and distribution of gas to the City and its inhabitants and to other customers and territory beyond the limits of the City; and
- (3) Transmit, distribute and sell gas.

Section 3: Use of Right of Way by Grantee.

(1) Before the Grantee may use or occupy any right of way, the Grantee shall first obtain permission from the City to do so and shall comply with any special conditions the City desires to impose on such use or occupation.

(2) The compensation paid by the Grantee for this franchise includes all compensation for the use of rights of way located within the City as authorized.

Section 4. Duration.

This franchise is granted for a period of 10 years from and after the effective date of this ordinance.

Section 5. Franchise Not Exclusive.

This franchise is not exclusive, and shall not be construed as a limitation on the City in:

(1) Granting rights, privileges and authority to other persons similar to or different from those granted by this ordinance.

(2) Constructing, installing, maintaining or operating any City-owned public utility.

Section 6. Public Works and Improvements Not Affected by Franchise.

The City reserves the right to:

(1) Construct, install, maintain and operate any public improvement, work or facility.

(2) Do any work that the City may find desirable on, over or under any right of way or public place.

(3) Vacate, alter or close any right of way or public place, provided that the City shall make available to Grantee an alternative right-of-way for the location of its facilities.

(4) Whenever the City excavates or performs any work in any of the present and future rights of way and public places of the City, or contracts, or issues permits, for such excavation or work where such excavation or work may disturb Grantee's gas mains, pipes and appurtenances, the City shall notify Grantee in writing sufficiently in advance of such contemplated excavation or work to enable Grantee to take such measures as may be deemed necessary to protect such gas mains, pipes and appurtenances from damage and possible inconvenience or injury to the public. In any such case, the Grantee, upon request, shall furnish maps or drawings to the City or contractor, as the case may be, showing the approximate location of all its structures in the area involved in such proposed excavation or other work.

(5) Whenever the City vacates a right of way or public place for the convenience or benefit of a person or governmental agency or instrumentality, Grantee's right under this franchise shall be preserved as to any of its facilities then existing in such right of way or public place.

Section 7: Continuous Service.

The Grantee shall maintain and operate an adequate system for the distribution of gas in the City. The Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour a day service which shall at all times conform at least to the standards common in the business and to the standards adopted by state authorities and to standards of the City that are not in conflict with those adopted by the state authorities. Under no circumstances shall the Grantee be liable for an interruption or failure of service caused by an act of God, unavoidable accident or other circumstances beyond the control of the Grantee through no fault of its own.

Section 8: Safety Standards and Work Specifications.

(1) The facilities of the Grantee shall at all times be maintained in a safe, substantial and workmanlike manner.

(2) For the purpose of carrying out the provisions of this section, the City may provide such specifications as may be necessary or convenient for public safety or the orderly development of the City. The City may amend and add to such specifications from time to time.

Section 9: Emergency Operation Provisions

The Grantee will provide the City with an Emergency Response Plan detailing procedures for response to emergencies involving Gas Facilities and other system components. The Grantee may update this plan from time to time, with notice to the City. To the extent practicable, the Emergency Response Plan will include at least the following information:

(1) The names of 24-hour and telephone numbers of responsible parties with the authority to commit the resources of the Grantee.

(2) The name and 24-hour telephone numbers of the Grantee's Emergency Coordinator and other emergency contacts available to response during emergencies.

(3) How the Grantee's response personnel will interface with local first responders during emergencies.

Section 10: Control of Construction.

The Grantee shall file with the City maps showing the location of any construction, extension or relocation of its gas mains in the right of way and public places of the City and shall obtain approval from the City of the location and plans prior to commencement of the work. The City may require the Grantee

to obtain a permit before commencing the construction, extension or relocation of any of its gas mains.

Section 11: Right of Way Excavations and Restorations.

(1) Subject to the provisions of this ordinance, the Grantee may make necessary excavations for the purpose of constructing, installing, maintaining and operating its facilities. Except in emergencies, and in the performance of routine service connections and ordinary maintenance, on private property, prior to making an excavation in the traveled portion of a right of way or public place, and, when required by the City, in any untraveled portion of a right of way or public place, the Grantee shall obtain approval from the City of the proposed excavation and of its location. Grantee shall give notice to the City by telephone, electronic data transmittal or other appropriate means prior to the commencement of service or maintenance work and as soon as is practicable after the commencement of work performed under emergency conditions.

(2) When any excavation is made by the Grantee, the Grantee shall promptly restore the affected portion of the right of way or public place to the same condition in which it was prior to the excavation. The restoration shall be in compliance with specifications, requirements and regulations of the City in effect at the time of such restoration. If the Grantee fails to restore promptly the affected portion of a right of way or public place to the same condition in which it was prior to the excavation, upon thirty (30) days prior written notice to Grantee, the City may make the restoration and the cost thereof shall be paid by the Grantee.

Section 12: Location and Relocation of Facilities.

(1) All facilities of the Grantee shall be placed so that they do not interfere unreasonably with the use by the City and the public of the right of way and public places and in accordance with any specifications adopted by the City governing the location of facilities.

(2) The City may require, in the public interest, the removal or relocation of facilities maintained by the Grantee in the rights of way and public places of the City, and the Grantee shall remove and relocate such facilities within a reasonable time after receiving notice to do so from the City. The cost of such removal or relocation of its facilities shall be paid by the Grantee, but when such removal or relocation is required for the convenience or benefit of any person, governmental agency or instrumentality other than the City, Grantee shall be entitled to reimbursement for the reasonable cost thereof from such person, agency or instrumentality. The City shall provide the Grantee with timely notice of any anticipated requirement to remove or relocate its facilities and shall cooperate with the Grantee in the matter of assigning or allocating the costs of removal or relocation.

Section 13: Compensation.

(1) As compensation for the franchise granted by this ordinance, the Grantee shall pay to the City an amount equal to five percent (5%) of the gross revenue collected by the Grantee from its customers for gas consumed within the City. Gross revenue shall be computed by deducting from the total billings of the Grantee, the total net write-off of uncollectible accounts, revenues derived from the sale or transportation of gas supplied under an interruptible tariff schedule, revenues paid directly by the United States of America or any of its agencies, and sales of gas at wholesale by the Grantee to any public utility or public agency where the public utility or public agency purchasing such gas is not the ultimate consumer. Any increase in the rate of compensation payable under this franchise shall be owed only for charges both billed to and paid by Grantee's customers after the date of franchise acceptance by the Grantee.

(2) The compensation required by this section shall be due for each calendar year, or fraction thereof, within sixty (60) days after the close of such calendar year, or fraction thereof. Within sixty (60) days after the termination of this franchise, compensation shall be paid for the period elapsing since the close of the last calendar year for which compensation has been paid.

(3) The Grantee shall furnish a statement to the City showing the amount of gross revenue of the Grantee within the City for the period covered by the payment computed on the basis set out in subsection (1) of this section with each payment of compensation required by this section. The compensation for the period covered by the statement shall be computed on the basis of the gross revenue so reported. If the Grantee fails to pay the entire amount of compensation due the City through error or otherwise, the difference due to City shall be paid by the Grantee within fifteen (15) days from discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise, shall be offset against the next payment due from the Grantee.

(4) Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of this franchise occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.

(5) Late payments shall accrue interest from the due date at 9%, and shall be computed based on the actual number of days elapsed from the due date until payment is made. Interest shall accrue without regard to whether the City has provided notice of delinquency.

(6) The City may require one audit during the term of this agreement.

A) The City may audit Grantee's calculation of Gross Revenues. Within 30 days after receiving a written request from the City, or such other time frame as agreed by both parties, Grantee shall furnish, in accordance with Section 16 of this agreement, the City and any auditor retained by the City:

(a) information sufficient to demonstrate that Grantee is in compliance with this Franchise; and

(b) in accordance with Section 16, access to all books, records, maps and other documents maintained by Grantee with respect to

Grantee facilities that are necessary for the City to perform such audit., provided that only payments that occurred or should have occurred during a period of thirty-six (36) months prior to the date the City notified the Grantee of its intent to perform an audit of financial review shall be subject to such audit or financial review. Grantee shall provide access to such information to City within the City during regular Grantee business hours.

B) If the City's audit shows that the amounts due to the City are higher than those based on the Grantee's calculations of Gross Revenue, then Grantee shall pay the difference within sixty (60) days after the delivery to Grantee of the audit results. In addition to paying any underpayment, Grantee shall pay interest at the prevailing annual average yield of the State of Oregon's local government investment pool (also called the Oregon Short-Term Fund-OSTF), but not penalties, as specified in this Franchise, from Revenue resulted in an overpayment to the City by five percent or more in any one year, the Grantee may deduct such overpayment from the next annual franchise fee payment. If the City's audit shows that the amounts due to the City based the Grantee's calculation of Gross Revenue deviated by five percent (5%) or more in any one year from the City's calculation during the audit, Grantee shall reimburse the City for the cost of the audit, not to exceed one percent (1%) of the total annual franchise payment for the applicable audit period.

(7) Upon 30 days' prior written notice by either party to the other, the amount of such annual compensation shall be subject to renegotiation and redetermination at or before the expiration of the first five-year period, respectively, of the term of the franchise hereby granted, for the ensuing five-year period of said franchise term.

(8) In the event the Grantee enters into a franchise agreement with another municipality in the State of Oregon for a term comparable to this Franchise and Grantee agrees to pay a franchise fee that is higher than the fees set out in this Franchise, Grantee shall notify City in writing of the details of this arrangement within sixty (60) days of its effective date. Upon receipt by the City of this notice, City may elect to renegotiate the franchise fee for this Franchise and require payment of a similar fee as provided to the third party. Any change in the Franchise fee under this section shall become effective on January 1 of the following calendar year.

Section 14: Expiration.

At the end of the Franchise term, if the City and Grantee are negotiating another franchise and have not concluded their negotiations, Grantee's rights and responsibilities shall be controlled by this Franchise until the City grants a new franchise and Grantee accepts it.

Section 15: Books of Account and Reports.

The Grantee shall keep accurate books of account at an office in Oregon for the purpose of determining the amounts due to the City under Section 12 of

this ordinance. The City may inspect the books of account at any time during business hours and may audit the books from time to time. The Council may require periodic reports from the Grantee relating to its operations and revenues within the City.

Section 16: Supplying Maps Upon Request.

The Grantee shall maintain on file, at an office in Oregon, maps and operational data pertaining to its operations in the City. Upon reasonable notice, an authorized representative of the City may inspect the maps and data any time during business hours at an office of the Grantee. Grantee and the City may determine that the locations of certain gas facilities should be confidential as the public interest may require. In such a case, Grantee is under no obligation to provide records of the location of these facilities to the City and the City shall treat any public record disclosing the location of these facilities as confidential, subject to the provisions of state law and the Oregon Public Records Law. The City shall limit access to any such confidential record to trustworthy employees of the City with a need to know the information set out in the record. The City shall store any such confidential record in a secure and private place and avoid making and distributing copies of the record.

Section 17: Indemnification.

The Grantee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost and expense arising from damage to property and/or injury to, or death of, persons due to any wrongful or negligent act or omission of the Grantee, its agents or employees in exercising the rights, privileges and franchise hereby granted.

Section 18: Assignment of Franchise.

This franchise shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the Grantee.

Section 19: Termination of Franchise for Cause.

The City may terminate this franchise as provided in this Section, subject to Grantee's right to a court review of the reasonableness of such action, upon the willful failure of the Grantee to perform promptly and completely each and every material term, condition or obligation imposed upon it under or pursuant to this ordinance. The City shall provide the Grantee written notice of any such failure and the Grantee shall have sixty (60) days from receipt of notice to cure such failure, or if such failure cannot reasonably be cured within sixty (60) days, to commence and diligently pursue curing such failure.

Section 20: Remedies Not Exclusive; When Requirement Waived.

All remedies and penalties under this ordinance, including termination of the franchise, are cumulative, and the recovery or enforcement of one is not a bar to the recovery or enforcement of any other such remedy of penalty. The remedies and penalties contained in this ordinance, including termination of the franchise, are not exclusive and the City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance. A specific waiver of a particular breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance shall not be a waiver of any other or subsequent or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself.

Section 21: Acceptance.

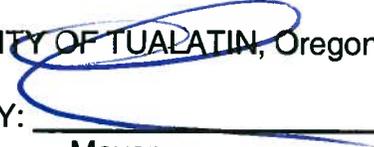
The Grantee shall, within thirty (30) days from the date this ordinance takes effect, file with the City its written unconditional acceptance of this franchise, and if the Grantee fails so to do, this ordinance shall be void.

Section 22. Effective Date and Repeal of Prior Ordinance

This ordinance is effective retroactively to January 1, 2010. Ordinance No. 1037-99 is repealed, effective on January 1, 2010.

INTRODUCED AND ADOPTED this 8th day of February, 2010.

CITY OF TUALATIN, Oregon

BY: 
Mayor

ATTEST:

BY: 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ACCEPTANCE OF FRANCHISE

TO THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON

WHEREAS, The City of Tualatin, Oregon, on February 8th, 2010, passed Ordinance No. 1296-10, entitled:

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE.

NOW, THEREFORE, Northwest Natural Gas Company, the Franchisee, accepts the terms, conditions and provisions of Ordinance No. 1296-10 and agrees to be bound and comply with the Ordinance for itself and its successors and assigns.

IN WITNESS WHEREOF, Northwest Natural Gas Company, by and through its duly authorized officers executes this instrument as below subscribed this 10th day of February, 2010.

Northwest Natural Gas Company

By: Margaret Hupatrey

Title: Vice President - General Counsel

****Con't to March 8, 2010**

Approved By Tualatin City Council

Date *2-8-2010*

Recording Secretary *Shapiro*



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Doug Rux, Community Development Director *[Signature]*
William Harper, Associate Planner *[Signature]*

DATE: February 8, 2010

SUBJECT: RESOLUTION APPROVING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF TUALATIN AND LEGACY HEALTH
SYSTEMS

ISSUE BEFORE THE COUNCIL:

City Council consideration of adopting a resolution approving a Non-Statutory Development Agreement (the "Agreement") between the City of Tualatin and Legacy Health Systems (Legacy). The purpose of the Agreement is to address the development issues associated with future expansion of the Legacy Meridian Park Medical Center facility onto the 19.6 acre Legacy property (the "Property") located on SW Borland Road. (See Attachment A for location map).

RECOMMENDATION:

Staff recommends the City Council consider the attached resolution (Attachment D) and provide direction.

EXECUTIVE SUMMARY:

- This action does not require a public hearing.
- The area affected by this Agreement is property generally referred to as the vicinity of the Property located at 6001, 6021, 6031, and 6041 SW Borland Road comprising approximately 19.6 acres (Clackamas County Assessors Map 21E 19C Tax Lots 1700 & 2000) in the RL (Low-Density Residential) Planning District. The Property adjoins the Legacy Meridian Park Medical Center (LMPMC) campus in the MC (Medical Center) Planning District.
- The City of Tualatin is currently considering an application by Legacy for a Plan Map Amendment (PMA-09-03) to change the designation of the Property from RL to MC. The first public hearing was held on November 9, 2009, continued to

January 25, 2010 and continued at the request of Legacy to a public hearing on February 8, 2010. Legacy is the owner of the unimproved Property and owns as a parent corporation the adjacent 46 acre property occupied by the LMPMC facility. In the future, Legacy intends to expand the LMPMC onto the Property with buildings and site improvements in compliance with the standards and allowed uses of the MC Planning District. The proposed PMA-09-03 would change the property designation to the MC Planning District to match the current LMPMC site designation.

- During the November 9, 2009 public hearing for PMA-09-03, there were questions and concerns raised about future development on the Property and development issues such as public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site & off-site public improvements including sanitary sewer, stormwater management & street improvements; and development standards including building & parking setbacks, building height, landscape buffers & lighting. The development issues listed are addressed in a land use process (such as Architectural Review) when a specific development or property improvement is proposed, but are not issues to mitigate or require as conditions of approval in a Plan Amendment process such as PMA-09-03.
- The Council inquired about establishing a Development Agreement (DA) with Legacy for the purpose of spelling out the issues associated with development on the Property that arose in the PMA process and provide neighbors, the City and Legacy with assurances that the issues will be addressed in a satisfactory manner. Legacy agreed to begin discussions to create a DA that would address issues raised by neighbors and the Council. The public hearing was continued to January 25, 2010.
- Mr. Larry Hill of Legacy and Staff prepared a draft of a DA that was presented to Council at the January 11, 2010 Work Session. With Mr. Hill and staff present, the Council reviewed and discussed the draft DA. Council indicated an interest in: 1. Encouraging additional tree protection in both the grove of trees on the Tax Lot 1700 portion (south) of the property (adjoining SW Borland Road & Fox Hills residential properties) and the grove of trees surrounding the former Grmitt residence at the northwest corner of Tax Lot 2000 (DA 6.2-6.2); 2. Constructing a berm and densely vegetated buffer to the residential properties on the entire east property line when the first building is developed on the Property (DA 4.7); 3. Encourage pedestrian trail or path connections from the Legacy Property and LMPMC campus to trails and paths on the Stafford Hills Racquet & Fitness Club development and the Nyberg Creek natural areas on the north of the Property (DA 4.3); 4. Consider the need for ROW dedication and street improvements on SW 65th Avenue north of SW Borland Road on the LMPMC frontage (DA 8.7).
- As the PMA-09-03 continued hearing on January 25th approached, questions from Council members about traffic conditions on the SW 65th Ave frontage and access driveways of LMPMC and impacts of a full development of the LHS properties were being researched. Discussions with Legacy about the scope and timing of street dedications and improvements by Legacy were unresolved and Legacy requested a second continuance of the PMA-09-03 hearing and

consideration of the Development Agreement. The Council granted the continuance to the February 8 meeting.

- A January 26, 2010 Kittelson Memorandum (Attachment B) provided additional information regarding: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development. Based on the January 27, 2010 comments from the Engineering Division (Attachment C), this information was incorporated into the Development Agreement (January 27, 2010 version).
- The proposed Agreement would be signed by both Legacy and the City if the proposed PMA-09-03 is approved, If PMA-09-03 is not approved, the Agreement will not be signed and will not become effective.
- A series of agreement points have been reached in the Agreement with Legacy. Details of these points are outlined in the **DISCUSSION** section of this staff report.

OUTCOMES OF DECISION:

If the City Council approves the resolution with the accompanying Agreement and if PMA-09-03 is approved, the City, and Legacy will have an agreement, which will remain in effect for a period of 30 years after the Agreement Effective Date or until buildings and site improvements such as public facilities, loading, parking and landscaping occupy 75% of the Property area (whichever occurs first).

If the City Council does not approve the resolution with the accompanying Agreement, the City and Legacy will not have an agreement addressing the development issues associated with the Property. PMA-09-03 remains a separate decision for the Council.

If the City Council approves Plan Map Amendment PMA-09-03 changing the Property to a MC Planning District designation, but does not approve the Agreement, the City and Legacy will not have an agreement on the issues contained in the DA and any development issues associated with the Property will be addressed in individual development applications such as Architectural Review.

ALTERNATIVES TO RECOMMENDATION:

If the Council wishes to approve the resolution and Agreement, but with modifications, staff will coordinate with Legacy on the modifications and return at a later date with the modifications.

If the Council chooses to not move forward with the resolution and Agreement, staff will inform Legacy of the Council's decision.

FINANCIAL IMPLICATIONS:

Staff resources have been budgeted in Fiscal Year 09-10 to work on the Agreement and subsequent review of the project.

DISCUSSION:

There are 14 sections contained in the Agreement. Each is briefly described below:

1. Section 1 identifies the area affected by the Agreement.
2. Section 2 identifies the property affected by the Agreement.
3. Section 3 outlines the scope and characteristics of development on the Property including:
 - Development consistent with the purposes, uses and standards of the MC Planning District; and
 - Design compatibility with surrounding residential and medical center development.
4. Section 4 identifies specific development standards for improvements on the Legacy Property, including:
 - Access may be obtained from one new public street access on SW Borland Road and shared access with the existing LMPMC accesses on SW Borland Road and SW 65th Avenue;
 - Restrict direct motor vehicle ingress/egress access to the adjoining SW Joshua, SW Natchez & SW Wichita residential streets on the east except for emergency access as required;
 - Provide pedestrian access between the Legacy Property and LMPMC to adjoining public streets and encourage connections to a future path or trail system on the nearby Stafford Hills Racquet & Fitness Club and Nyberg Creek wetlands (located to the north);
 - Provide a minimum 20 foot setback from property line to parking area and a minimum 50 ft. for tree protection on the south and east boundaries of Tax Lot 1700 (in the tree grove adjoining SW Borland Road);
 - Provide adequate on-site parking and place parking away from public streets;
 - When the first building is developed on the Property, provide landscape berms with dense evergreen tree & shrub landscaping on the Property's east perimeter to create a buffer to adjoining residential development;
 - Building design compatible with nearby residential and medical center development; and
 - Limit building height to MC Planning District standards for height and setbacks.
5. Section 5 addresses identifying wetlands on the Property:

6. Section 6 sets out standards for protection of existing trees in the portion of the Property adjoining residential properties and SW Borland Road and trees on the northwest corner of the Property.
7. Section 7 addresses the Historic Landmark on the Property with a commitment to work with the Tualatin Historical Society on relocating it or preserving historic features.
8. Section 8 outlines existing transportation conditions in the LMPMC area and transportation impacts associated with MC development on the site and identifies transportation improvements that Legacy will construct, including:
 - SW 65th Avenue/ SW Sagert Street & SW 65th Avenue/SW Borland Road intersection improvements to improve the capacities, function and level of service through the intersections, and
 - Dedication along SW Borland Road frontage of the Legacy Property and the LMPMC campus.The section also discusses Transportation Development Tax credits. The City cannot guarantee future application of TDT credits for Legacy's public street improvement construction, but under current and soon to be adopted TDT provisions for this area, the capacity-improving street and intersection improvements addressed in the Legacy DA are eligible for full TDT credit for a period of 10 years from completion.
9. Section 9 discusses public improvements including:
 - Water, Sanitary Sewer, & Stormwater.
10. Section 10 is a general statement about a Non-Statutory Development Agreement.
11. Section 11 is the Term of Agreement. As proposed, the Agreement would remain in effect until the Property is 75% developed or 30 years has elapsed.
12. Section 12 establishes the Agreement as a Final Agreement between the parties.
13. Section 13 concerns the Agreement as a whole and in parts.
14. Section 9 is a statement concerning general compliance with laws.

PUBLIC INVOLVEMENT:

A formalized public involvement program is not required in the development and approval of a Development Agreement. The City received email comments from several persons during the course of the PMA-09-03 and Legacy Development Agreement process. The comments are collected in Attachment E.

Attachments:

- A. Location Map
- B. Kittelson Memorandum-Supplemental Information January 26, 2010
- C. Engineering Division Memorandum-January 27, 2010
- D. Resolution with Development Agreement Exhibit
- E. Public Comments Received regarding the Development Agreement



Site Plan
Scale 1" = 300'-0"

LEGACY MERIDIAN PARK MEDICAL CENTER
Tualatin, OR

Attachment A
Vicinity Map



JAN 26 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

Date: January 26, 2010 **Project #:** 9760.0

To: Will Harper
City of Tualatin
18880 SW Martinazzi
Tualatin, OR 97062

From: Mark Vandehey, P.E.

Project: Legacy Meridian Park Plan Map Amendment

Subject: Transportation Analysis – Supplemental Information

This memorandum provides additional transportation information associated with Legacy Health System's proposal for a zone change and plan amendment for their 20-acre site immediately east of the Meridian Park Hospital. The four issues addressed in this memorandum are: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development Agreement between the City of Tualatin and Legacy.

Need for Borland Road Five Lane Improvement

Our understanding City Council have asked about the need for improving SW Borland Road to five lanes along the frontage of property owned by Legacy Health System. Using the forecast 2028 volumes improving SW Borland Road in the vicinity of the site to five lanes from its existing three lane cross-section is not required to meet the City's standard of Level of Service "E" or better. As discussed in the next section, the capacity constraint to SW Borland Road is at its intersection with SW 65th Avenue.

Need for SW 65th Avenue Five Lane Improvement

We understand City Council also had some questions regarding the need for improving SW 65th Avenue to five lanes in the future. The capacity constraints along SW 65th Avenue between SW Borland Road and SW Nyberg Road are located at the signalized intersections of SW 65th Avenue/SW Nyberg Lane and SW 65th/SW Borland Road. The other capacity constraint along SW 65th Avenue is at the existing four-way stop controlled intersection at SW Sagert Street. Table 1 below shows the Level of Service results for future 2028 conditions presented in our October 1, 2009 memorandum. As indicated in the our memorandum, through the year 2028 only the SW 65th/SW Borland and SW 65th/Sagert intersections are operating at or below the City's Level of Service "E" standard.

The future 2028 forecasts assume reasonable worst-case build-out assumptions for the 20-acre site that is the subject of the proposed zone change, but also include general growth in employment and population for other properties throughout the City of Tualatin.

Table 1 Comparison of Intersection LOS Results

Intersection	Existing Zoning w/Residential Development	Existing Zoning w/Medical Office Development	Proposed Zoning w/Medical Office Development
	AM/PM	AM/PM	AM/PM
SW Nyberg Road/ SW Nyberg Lane	B/C	B/C	B/C
SW 65 th / SW Borland Road	D/D	E/E	E/E
SW 65 th / SW Sagert	F/F	F/F	F/F

Recommended Improvements to SW 65th Avenue at SW Borland Road and SW Sagert Street

As discussed above, the capacity constraints within the vicinity of the site are located at the intersections of SW 65th/Sagert Street and SW 65th/SW Borland Road. Accordingly, it is recommended that future transportation improvements tied to Legacy’s development of the 20 acre site be focused on the SW 65th Avenue intersections with SW Borland and SW Sagert Street. Figure A1 illustrates a conceptual improvement that could be constructed by Legacy as part of future development of the 20 acre parcel. It appears as though all of the right-of-way needed to construct this improvement would come from property that is currently owned by Legacy Health System. A “planning level” estimate to design and construct this improvement is approximately \$800,000 (not including right-of-way).

Table 2 shows the results of the improvements illustrated in Figure A1. As indicated in the figure, the proposed improvements will significantly improve the performance of both intersections.

Table 2 Comparison of Intersection LOS Results

Intersection	2028 Conditions w/Medical Office Development
	AM/PM
SW 65 th / SW Borland Road	D/D
SW 65 th / SW Sagert	C/C

Recommended Phasing of Improvements for the Development Agreement

Based on the results of our analysis to date as well as discussions with representatives from both the City and Legacy, we recommend that the Development Agreement between the City of Tualatin and Legacy include the conceptual improvements shown in Exhibit A1 to be constructed with the first phase of development on the 20 acre parcel subject to the following three conditions: 1) the first phase includes a minimum of 50,000 square feet of medical office development, 2) the cost of the improvements result in a credit against the City’s Transportation Development Tax, and 3) the total cost of the improvements do not exceed \$900,000.

It is also recommended that no additional frontage improvements be constructed on SW Borland Road along the 20 acre site’s frontage, but that right-of-way be dedicated to accommodate the City’s standard five lane cross-section.



SW 65TH AVE/SW BORLAND RD
 CONCEPTUAL INTERSECTION IMPROVEMENT
 TUALATIN, OREGON

FIGURE
A1

KITTELSON & ASSOCIATES, INC.
 TRANSPORTATION ENGINEERING PLANNING

H:\projects\9700 Meridian Park Hospital\Zone Change\Mapings\stiles\gms19700ds\gn01_new.mxd.dwg Jan 26, 2010 3:05pm - mckadden Layout Tab: Layout

MEMORANDUM

DATE: January 27, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Dayna Webb, PE
Project Engineer 

SUBJECT: **PMA-09-03 – Proposed Zone Change from RL to MC
21E 19C #1700 & 2000 – SW Borland Road**

On August 31, 2009 the Engineering Division received Plan Map Amendment Application Notice PMA-09-03 for two properties adjacent to Meridian Park Hospital. The properties are located at 6001, 6021, 6031 & 6041 SW Borland Road and are 4.97 acres and 14.62 acres, respectively. The applicant is requesting a Planning District designation change from Low Density Residential (RL) to Medical Center (MC).

The requested Plan Map Amendment includes a total of 19.59 acres. A reasonable worst-case scenario of trips based on the existing and proposed zoning indicates an additional 545 AM Peak Hour Trips (470 In and 75 Out) and 830 PM Peak Hour Trips (190 In and 640 Out).

The applicant submitted a Memorandum – Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009. The analysis summary of findings states the following:

- The TPR institutes criteria under which the transportation impacts of a post-acknowledgment plan amendment and zoning map amendment must be evaluated under OAR 660-12-0060(1). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

The applicant also submitted a Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009. The supplemental information includes figures for trip generation and information to support TDC 1.032(8).

Additionally, the applicant submitted a Memorandum – Transportation Analysis – Supplemental Information on January 26, 2010. This supplement provides additional information associated with the proposed plan map amendment.

SW Borland Road

Clackamas County designates SW Borland Road as a Minor Arterial. The function of an Arterial is described as connecting collectors to higher order roadways. They carry moderate volumes at moderate speeds.

The City of Tualatin designates SW Borland Road as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

SW 65th Avenue

Washington County designates SW 65th Avenue as an Arterial. Washington County states the function of an Arterial is to interconnect and support the Principal Arterial highway system. Arterials intended to provide general mobility for travel within the region. Correctly sized Arterials at appropriate intervals allow through trips to remain on the Arterial system thereby discouraging use of Local streets for cut-through traffic. Arterial streets link major commercial, residential, industrial and institutional areas.

The City of Tualatin designates SW 65th Avenue as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

Following are the trip generation estimates, provided by Kittelson & Associates, Inc based on Trip Generation, 7th Edition:

Land Use	ITE Code	Size	Estimated Trip Generation					
			Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

TDC 1.032 Burden of Proof (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Because the proposed land use action will result in an amendment to the City of Tualatin's zoning map, Section 660-012-0060 of the State's Transportation Planning Rule applies. Division 12 of the State's Transportation Planning Rule (OAR 660-012) gives the Oregon Department of Land Conservation and Development (DLCD) and the City of Tualatin the power to interpret and implement Statewide Planning Goal 12 (Transportation). Section 660-012-0060 of the TPR provides specific language on how to deal with amendments to adopted plans and land use regulation.

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

(a) Change the functional classification of an existing or planned transportation facility

(b) Change standards implementing a functional classification system

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Based on the results presented in the Memorandum – Transportation Planning Rule Analysis, Kittelson & Associates believes the proposed zone change satisfies all of the requirements set forth in the TPR.

TDC Section 1.032 Burden of Proof: (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area. Based on TDC Map 9-4 the site is located in the IN (Inner Neighborhood) Design Type.

The submitted Supplemental Information states "this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario".

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal.

As part of the development agreement, the applicant has proposed constructing improvements to the SW 65th/SW Sagert intersection & the SW 65th/SW Borland Road intersection which will meet the criteria of TDC 1.032 (8).

Comments Received:

No comments were received from Washington County or Clackamas County regarding the proposed Plan Map Amendment.

We received comments from ODOT on October 27, 2009 requesting additional information before they can make a determination on the potential effect on the I5/Nyberg interchange.

Additionally, we received a second comment letter from ODOT on January 14, 2010 regarding the ability to use conditional use when evaluating TPR impacts on ODOT facilities.

Please let me know if you have questions, I can be reached at extension 3036.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF TUALATIN AND LEGACY HEALTH
SYSTEMS**

WHEREAS Legacy Health Systems has applied for a Plan Map Amendment to change a 19.6 acre parcel site located at 6001, 6021, 6031, and 6041 SW Borland Road from RL (Low-Density Residential) Planning District (Assessors Map 21 E 19C 1700 & 2000) to MC (Medical Center) for the purpose of constructing additional medical center uses on the site in the future; and

WHEREAS the proposed Agreement has been prepared to assure that if the Council approves proposed PMA-09-03 Plan Amendment after considering the evidence in a quasi-judicial public hearing, the approval will apply to the 19.6 acre parcel that is the subject of the Development Agreement; and

WHEREAS if the Council does not approve the requested Plan Map Amendment, the agreement will be null and void and the Plan Amendment will not be enacted.

WHEREAS a series of agreement points have been reached in the Agreement with the Property Owner and Developer, all of which are incorporated by reference in the agreement attached as Exhibit A; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF TUALATIN, that:

Section 1. The City Council approves the accompanying Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

INTRODUCED AND ADOPTED this 8th day of February, 2010.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:
By _____
City Manager

DRAFT V 1-27-10
NON-STATUTORY DEVELOPMENT AGREEMENT

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the ____ day of ____, 2010 (the "Effective Date") by and between Legacy Health System, an Oregon-based not-for-profit corporation ("Legacy") and the City of Tualatin, Oregon (the "City").

RECITALS

- A. Legacy is the owner of the approximately 19.6 acres of unimproved real property located within Tualatin (the "Property") (Exhibit A). Legacy owns as a parent corporation the adjacent 46 acre property occupied by the Legacy Meridian Park Medical Center (LMPMC) facility.
- B. Legacy has applied to the City for approval of a Plan Map Amendment (the "Amendment") PMA-09-03 to change the Property designation from Low-Density Residential (RL) to Medical Center (MC). In the future, Legacy intends to expand the LMPMC onto the Property with buildings and site improvements in compliance with the standards and allowed uses of the MC Planning District.
- C. The City wishes to assure that if the Amendment is approved by the City Council after a public, quasi-judicial hearing, the Amendment would only apply to the Property.
- D. The Parties desire to enter into this Agreement for the purpose of addressing the development-related issues (such as, but not limited to: public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site and off-site public improvements including sanitary sewer, stormwater management, and street improvements; development standards including building & parking setbacks, building height, landscape buffers & lighting) for Legacy's future development of the Property (see Section 1). Because future development on the Property is subject to land use approval by the City, the City cannot predetermine conditions of approval; however, the Agreement sets forth the Parties' expectations for development on the property.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants of the parties set forth herein, THE PARTIES AGREE AS FOLLOWS:

SECTION 1. AREA AFFECTED BY THIS AGREEMENT. The area affected by this Agreement is property generally referred to as the vicinity of the Property located at 6001, 6021, 6031, and 6041 SW Borland Road comprising approximately 19.6 acres (Clackamas County Assessors Map 21E 19C Tax Lots 1700 & 2000).

SECTION 2. PROPERTY AFFECTED BY THIS AGREEMENT. This Agreement shall apply at such time as the Property is designated as the MC Planning.

DRAFT V 1-27-10
LEGACY DEVELOPMENT AGREEMENT

SECTION 3. SCOPE OF DEVELOPMENT. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following characteristics:

- 3.1. Development consistent with the purposes of the MC (Medical Center) Planning District including: "...to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff." [TDC 56.010]
- 3.2. Development consistent with all the allowed uses and standards of the MC Planning District including out-patient care, medical clinics and medical office facilities [TDC 56.040-56.150].
- 3.3. Development that complies with the criteria and standards for Architectural Review Approval as specified in TDC 73.050 including: (1)(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved; (b) The proposed design of the development is compatible with the design of other development in the general vicinity; and (c) The location, design, size, color and materials of the exterior of all structure are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

SECTION 4. DEVELOPMENT STANDARDS. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following:

- 4.1. Access for the Property may be obtained from a new public street access on SW Borland Road that aligns with the existing SW 60th Terrace intersection and from shared access with the existing LMPMC accesses on SW Borland Road and SW 65th Avenue.
- 4.2. The Property will not have direct motor vehicle ingress/egress access to the adjoining SW Joshua, SW Natchez & SW Wichita Streets except for emergency access as required. Based on current standards at the time of an Architectural Review for buildings on the Property, emergency vehicle turnarounds located on the Property at SW Joshua, SW Natchez and SW Wichita will be provided.
- 4.3. Provide pedestrian access connections between the pedestrian walkway system on the Property to SW Joshua, SW Natchez & SW Wichita Streets on the east and SW Borland Road on the south as identified in the Architectural Review process. In the future, provide pedestrian connections to publicly accessible trails and paths to the Stafford Hills

DRAFT V 1-27-10
LEGACY DEVELOPMENT AGREEMENT

Racquet & Fitness Club development and the Nyberg Creek wetlands to the north of the LMPMC campus and the Legacy Property.

- 4.4. Provide a minimum 20 ft. setback from the Property's parking areas and drive aisles to adjoining public streets and to properties adjoining the east property lines parking areas and drive aisles. A 50 ft. setback for parking areas will be provided for tree protection as stated in Section 6.1.
- 4.5. Provide adequate on-site surface and structured parking for medical center facility staff, patients and visitors as approved in the Architectural Review process. Design parking areas in a manner that locates surface parking at the rear or side of all buildings located within 100 ft. of the Property's SW Borland Road frontage.
- 4.6. Limit the height of freestanding outdoor lighting fixtures to a maximum 20 ft. height. Provide outdoor lighting that does not glare onto neighboring residential property and can meet or exceed the LEED SS Credit8 LZ2 (LEED Reference Guide for Green Building Design and Construction, pg. 130) residential illumination standards.
- 4.7. At the time the first building is developed on the Property, provide landscape berms with evergreen tree & shrub landscaping on the Property's east perimeter to create a buffer to adjoining residential development as approved in the Architectural Review process.
- 4.8. Legacy will comply with all of the design criteria in the MC Planning District and will strive to make sure any new buildings will be similar in nature to existing buildings on the campus and surrounding medical developments.
- 4.9. Building height will be in compliance with the maximum structure height standards of the MC Planning District in TDC 56.070(1-6).

SECTION 5. WETLAND PROTECTION. The intent of this section is to establish the interest of the City and Legacy to identify wetlands on the property and preserve wetlands to the extent possible during a development process.

- 5.1. Legacy or a succeeding property owner shall identify and delineate wetlands on the Property and submit documentation with Architectural Review applications for development on the Property.

SECTION 6. TREE PROTECTION. The intent of this section is to establish the interest of the City and Legacy to preserve existing trees in the groves of conifer and deciduous trees located on the south portion of the Property where it adjoins the Fox Hills neighborhood and SW Borland Road and on the northwest portion of the property surrounding the former Grimitt residence. Trees should be preserved to the extent possible to provide a buffer for neighboring residential properties to the east and south

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and retain the character of the tree grove on the Property when viewed from SW Borland Road. Legacy or a succeeding property owner shall submit a Tree Protection Plan with Architectural Review applications for development on the Property that shows the following:

- 6.1. Identify existing trees on the Property that will be preserved, including trees within 50 ft. of the new ROW for a 5-lane arterial street on SW Borland Road and trees within 50 ft. of the east property line adjoining the Fox Hills neighborhoods.
- 6.2. Trees within a new ROW & Slope easement on the Property for a 5-lane SW Borland dedication and improvements may be removed when Clackamas County or City permits for construction of the improvements are issued. Trees within a proposed or required ingress/egress access improvement on the Property may be removed as approved in the Architectural Review process.
- 6.3. Trees located on the Property where a proposed medical center building will be located may be removed as approved in the Architectural Review process.
- 6.4. Avoid or minimize tree removal from the tree grove adjacent to SW Borland Road for purposes of surface parking area development.

SECTION 7. HISTORIC LANDMARK. Legacy will consult with the Tualatin Historical Society to identify ways to preserve or relocate the Minnie Skog Historic Landmark house in its entirety or its significant features. Legacy will provide documentation of the consultations and a narrative of actions recommended and taken by the Tualatin Historical Society or Legacy to preserve or relocate the landmark. If the house cannot be preserved or relocated, demolition of the house shall be reviewed as a Historic Landmark Demolition application.

SECTION 8. TRANSPORTATION IMPACT ANALYSIS AND IMPROVEMENTS.

- 8.1. The transportation impact information for PMA-09-03 (Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009 and Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009) identified that the SW 65th Avenue/SW Sagert Street intersection located west and south of the Property currently is currently functioning at Level of Service (LOS) “F/F” and would not improve in Year 2028 under the worst case scenario for a MC Planning District designation as proposed in PMA-09-03. To meet the requirement of Plan Map Amendment Criterion #8, the SW Sagert Street/SW 65th Avenue intersection should function at LOS E/E or better.

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- 8.2. The January 26, 2010 Kittelson Memorandum-Supplemental Information discusses the existing capacity constraints on SW 65th Avenue at both the SW Borland Road and SW Sagert intersections with conceptual design of the intersections that would alleviate the constraints. Kittelson states "...it is recommended that future transportation improvements tied to Legacy's development of the 20 acre site be focused on the SW 65th Avenue intersections with SW Borland Road and SW Sagert Street." The Engineering Division agrees that the constraints to expanding capacity on SW 65th south of the Nyberg Lane intersection and along the LMPMC frontage and access are considerable and SW Borland Road & SW Sagert Street intersection improvements create more capacity and function at a cost that is proportional to development on the Legacy Property and the LMPMC site.
- 8.3. As a means to meet Plan Amendment Criterion #8 for PMA-09-03 and to increase the capacity and function of the transportation system in the vicinity of the Legacy Property, Legacy agrees to:
 - 8.2.1 Prior to issuance of a Building Permit for the first building on the Property, dedicate SW Borland Road ROW (sufficient for a 5-Lane Arterial Street) from SW 65th Avenue to east end of the Property.
 - 8.2.2 Prior to Occupancy for the first building on the Property, construct improvements to the SW 65th Avenue/SW Sagert Street and SW 65th Avenue/SW Borland Road intersections comparable to the configurations shown in Figure 1 of the January 26, 2010 Kittelson Memorandum and as approved by Washington and Clackamas Counties for their respective jurisdictions.
- 8.4. The October 28, 2009 Engineering Memorandum for PTA-09-03 determined "The submitted (Kittelson) Supplemental Information states 'this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario'. The City of Tualatin Transportation System Plan (TSP) Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal."
- 8.5. Washington County and Clackamas County have shared jurisdiction over SW 65th Avenue. Washington County has responsibility for operations, maintenance and improvements of SW 65th Avenue and will participate in the design & permitting of the intersection improvements.
- 8.6. If the improvements to the SW 65th Avenue/SW Sagert Street & SW 65th Avenue/SW Borland Road intersections are approved, Legacy agrees to

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obtain necessary permits, construct the required improvements, and pay all associated costs of permitting, construction and installation (8.2.2). Legacy may be eligible for Transportation Development Tax (TDT) credits for these improvements depending on the TDT Rules at the time of the Permits and the scope of the Permits. When Legacy initiates a pre-application conference for development on the Property, the Engineering Division will work with Legacy on the details of the intersections improvements shown in Figure A1 and work together to match the value of the improvements to the anticipated TDT Credit available for the improvements, without going over the anticipated credit.

SECTION 9. OTHER PUBLIC FACILITY IMPROVEMENTS. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following public facility improvements:

- 9.1. Sanitary Sewer. The Sanitary Sewer Master Plan identifies adequate capacity in the existing public sewer collector and transmission lines to serve residential development on the Property. Legacy will submit calculations in an Architectural Review application that verify the sewer system capacity is adequate to serve a medical center development on the Property. Legacy agrees to provide public or private sanitary sewer facilities to serve development on the Property as required in Architectural Review and acquire any offsite easements needed to extend service to the Property.
- 9.2. Water. The Property will be served from the B Level Service Area. Legacy will submit calculations for water demand for the Property in an Architectural Review application for the first medical center building on the Property. Legacy will make improvements and obtain easements to provide water service for the Property.
- 9.3. Stormwater Management. On-site stormwater detention may be necessary to address the stormwater system downstream capacity and water quality facilities will be required to serve the Property when development occurs. Legacy agrees to provide public or private stormwater facilities and acquire easements to serve development on the Property as required in Architectural Review.

SECTION 10. The parties acknowledge and agree that this Agreement is not intended to be a statutory Development Agreement.

SECTION 11. This agreement will remain in effect until buildings and site improvements such as public facilities, loading, parking and landscaping occupy 75% of the Property area, or for a period of 30 years from the enactment of the agreement, whichever occurs first.

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SECTION 12. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and supersedes all prior negotiations, discussions or writings with respect thereto.

SECTION 13. This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute but one and the same instrument.

SECTION 14. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

IN WITNESS WHEREOF, the parties hereby execute this Agreement as of the day and year first set forth above.

Legacy Health System

By: _____
Its: _____

By: _____
Attorney: _____

City of Tualatin

By: _____
Its: _____

By: _____
Attorney: _____

Legacy Development Agreement/PMA-09-03
Collected Comments-February 8, 2010

From: Bjorn Gallaksen [mailto:bjgull@gmail.com]
Sent: Sunday, January 24, 2010 8:47 PM
To: lou.ogden@jun.com; joelle.d.davis@gmail.com; maddux01@verison.com; etruax@rayalaa.com; Sherilyn Lombos
Cc: Bjorn Gullaksen
Subject: Re: Meridian Park Hospital Rezoning Project

> A thank is deserving to all of you for requesting additional
> information and delaying a decision on rezoning the easterly partial
> of Meridian Park Hospital to a MC zone. In the council meeting on
> November 9th, 2009 the representative from Meridian Hospital indicated
> the hospital has no present plans on adding to the existing facility.
> I can understand why the hospital would like a MC zone, but if there
> is no plan to develop the property why the push?
> Maybe there is a legal reason behind having your agreement to the
> rezoning at this time, but one becomes suspicious to any hidden agenda
> when the hospital is so eager to get this decision executed before
> plans are in the works. This in particular when the representative is
> so accommodating making quick concessions. Thus I respectfully request
> any decision further being delayed until some preliminary plans can be
> presented, agreed to prior to any rezoning of the affected property
> and not rely on the architectural review to solve all issues/concerns.
>
> Sincerely;
>
> Bjorn S. Gullaksen
> 5716 SW Joshua Street
> Tualatin, Oregon, 97062

From: Kalilimoku, Ernest [mailto:KalilimokuE@bv.com]

Sent: Monday, November 09, 2009 7:51 AM

To: lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net; slombos@ci.tualatin.or.us

Cc: Kalilimoku, Ernest

Subject: Meridian Park Hospital vs. Fox Hills resident(s)

My apologies for not being present at this Monday night meeting. I feel that I need to voice my opinions and concerns in support of fellow neighbors and myself. Why can't Meridian Park Hospital maintain the initial 20 acres as a low density zone? I'm opposed to such commercial obstructions so close to the Fox Hill neighborhood. I would consider a landscape buffer separating Fox Hills from the hospital. A berm separating both properties would be good. It would be nice to save the existing conifers and plant more deciduous trees – trees are good for hiding commercial obstructions. It would have been better if the hospital had developed plans to expand their facility on the East side of Borland towards I-205 (adjacent to the substation). Fox Hills is a good neighborhood that deserves preservation of our quality of life.

Ernest W. Kalilimoku

Project Controls

Black & Veatch - Building a World of Difference™

Phone: 503.697.6805

Fax: 503.697.3699

Email: kalilimokue@bv.com

From: Spalding, Robert [mailto:Robert.Spalding@qwest.com]
Sent: Thursday, November 19, 2009 1:49 PM
To: 'lou.ogden@juno.com'; 'Jay@H-Mc.com'; 'smbeikman@verizon.net';
'maddux01@verizon.net';
'etruax@royalaa.com'; Chris Barhyte; 'joelle.d.davis@gmail.com';
'slombos@ci.tualatin.or.us'
Subject: New Meridian Park construction

I am one of the many residents who's homes are right on the border of the Meridian Park Hospital property and am worried about potential interference and traffic to my property. I was told to email the council and ask if there is any chance the hospital can put up some sort of fence or border to block the view of the new structures that will inevitably be built. Please put my name on record as someone who wants this.

Thank You,
Rob Spalding
5769 SW Joshua St
Tualatin OR
503-799-7675

From: Marylee Tolley [mailto:maryleel@verizon.net]
Sent: Saturday, November 07, 2009 11:02 AM
To: Lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net;
joelle.d.davis@gmail.com; jay@h-
mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Medical use zone change for Meridian Park Hospital

As you know, Meridian Park Hospital is requesting a zone change from low density residential to a medical complex zone, and the City Council hearing is scheduled for Monday, 11/9.

Neighborhood & Livability Impacts:

- * Parking lots located ten feet of residential yards
- * Light pollution in our neighborhood
- * Building heights between 25 and 95 feet
- * Loss of trees on the south portion of the property
- * Increased traffic on neighborhood streets: Wichita, Natchez, Joshua and 57th

- * Increased traffic on collector and arterial streets: 65th, Nyberg, Nyberg Lane, and Borland.
- * A possible 95' medical office building within view of residences.
- * Significant increased traffic compared to the current zoning.

If the City Council finds that they do need to change the zoning, it is strongly urged that the property owner sign a development agreement that requires the following:

- * Create a minimum 40' landscape buffer to create a sound and visual barrier.
- * Replace existing fencing on the property line.
- * Create a parking lot lighting plan that does not create light pollution
- * Save and maintain as many of the "old growth" trees as possible on the south portion of the site.
- * Wichita, Natchez and Joshua do not become thru streets.
- * The primary access point for any new facilities is the current 65th avenue entrance.
- * Pedestrian and traffic improvements are made to 65th between the new primary entrance and McDonald's. (This should include widening the road and adding a pedestrian path on the east side of 65th.)
- * Cap the maximum structure height at 45'.

When making your decision, please take into consideration the livability of the neighborhood which we currently enjoy.

Marylee Tolley

To: Community Development Department

From: Janice Dove, 19135 SW Mobile Pl., Tualatin OR 97062

Re: Meridian Park Hospital Zone Change, Tax Map 21E 19C, Tax Lots 1700 & 2000

Without any plan for this property, besides a zone change to MC, it's hard to comment. So at this time I only have two concerns about the effects of what could happen if the property was built out as a medical use.

1. If the roads adjoining the property (Joshua, Wichita, Natchez) are connected as through streets, I have concerns about the additional traffic that would travel through the Fox Hill neighborhood. With the recent approval of the Stafford Hills Racquet & Fitness Club (SHRFC) traffic increase, I would ask that the city consider not extending the above streets so that no additional commercial traffic will come through a residential neighborhood.
2. When the property eventually has buildings and parking lots built, I have concerns about the water runoff. With the recent approval of the SHRFC build-out to pave over the property directly below the Hospital, water runoff down to Nyberg Lane is already a concern. If mass amounts of impervious surface are added to the hospital property, the below properties (including mine) and Nyberg Lane will be impacted to an even greater extent than they are now.

Thank you for considering these concerns.

From: Tallie Steele [mailto:tallie@macadamshillandgrill.com]
Sent: Saturday, January 23, 2010 1:21 PM
To: lou.ogden@juno.com
Subject: Meridian Park Hospital Rezoning

Tualatin City Council Members-

It is my understanding that the council is still discussing the Meridian Park Rezoning Project. As a member of the Fox Hill neighborhood, I wanted to express concern over the effects expansion would have on traffic through our neighborhood. Even the remote possibility of opening the entrances to Fox Hills at Natchez, Joshua and Wichita streets puts countless young children in our neighborhood in danger.

Although the increased traffic is my largest concern, I also worry about what a building the size Meridian Park is discussing will do to the resale and livability of the homes in the area. If rezoning is ever approved, I hope the city does not allow any buildings taller than what already exist on the hospital grounds and that Meridian Park is also required to create a landscape buffer between the neighborhood and themselves prior to any construction.

I realize the hospital has "claimed" they do not intend on building anytime in the near future. If this is true, there is no reason to allow the rezoning at this time. However, it is my opinion that they would not be making the request unless they have intentions to expand. It is important for you to know that I am not an individual who is typically against growth; I do understand its importance. However, I can not tolerate it at the expense of my family's safety.

Thank you for your time and consideration,

Tallie Steele
19539 SW 57th Ave.
Tualatin, OR 97062
503.612.1744

Tallie Steele
wk: 503.246.6227
fax: 503.445.0351
cell: 503.939.7770

From: kbrazier@comcast.net [mailto:kbrazier@comcast.net]
Sent: Tuesday, January 19, 2010 8:26 AM
To: lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Let's get the Meridian Park Hospital Rezoning Project Verbal Agreements in Writing AND THANK YOU FOR YOUR SERVICE TO OUR COMMUNITY !

Good Morning!

My name is Harold "Kit" Brazier and I live at 5744 SW Joshua St in Tualatin. My wife and I live very close to the field that will developed by Meridian Park Hospital. We have 10 children that live on our short, 12-house dead-end block. 8 of those children are under 7 years of age. Three more young children will be moving into our neighborhood soon. I do not want to see our dead-end street opened up for traffic to access this newly-developed Meridian Park Hospital site.

I would like to speak for our neighbors who live on Natchez and Wichita streets as well. We would like the dead ends barriers to remain so as to minimize the traffic on our streets.

Additionally, I would like to see the following items to be put in writing for Meridian Park's signature:

- . Create a forty foot landscape buffer before structure or road to create a visual and sound barrier.
- . Create a lighting plan that does not shine harsh light onto the surrounding neighborhoods.
- . Save as many trees as possible on the South end of the field and throughout the property.
- . Keep Joshua, Natchez and Wichita dead-end streets and maintain the barriers.. Make the property entrance on 65th Street. Widen 65th to accommodate the increased traffic.

Please do not approve this re-zoning project until these stipulations have been agreed to in writing.

Thank you for your service to our community and for considering these requests. I am pleased to answer any questions relevant to these issues. My telephone number is 503-612-9490.

Wishing you wisdom and patience as you carefully consider every development decision. Our city is quite lovely and it's character will be further enhanced by your careful decision-making.

Harold "Kit" Brazier
5744 SW Joshua St.
Tualatin, Oregon
503-612-9490