



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager 
DATE: February 12, 2010
SUBJECT: Work Session for February 22, 2010

4:30 p.m. (30 min) – Executive Session: *ORS 192.660(2)(h) current and pending litigation issues.*

5:00 p.m. (75 min) – Water Issues Update. Staff will present and update the Council on several issues relating to water in Tualatin including our existing water system and how it works, our current purchase agreement with Portland, an analysis of our future water needs, the status of our aquifer storage & recovery project and a proposal on the table from the city of Sherwood. Attached is a short memo from Mike McKillip regarding the discussion.

Action requested: The majority of the item is informational; staff is seeking direction from the Council regarding the proposal from Sherwood.

6:15 p.m. (30 min) – Legacy Health Systems Development Agreement. Legacy's request to change the zoning on their property is scheduled for public hearing on March 8. For several months, the City and Legacy have been working on a development agreement that addresses concerns raised regarding development on the property if the zoning change is approved. The draft development agreement is attached; this is Council's opportunity to discuss with representatives from Legacy any additional concerns or things to be considered for the development agreement. A final development agreement will be presented on March 8 prior to the public hearing.

Action requested: Direction from the Council on the development agreement with Legacy.

6:45 p.m. (10 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable.

Action requested: Council review the agenda for the February 22nd City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months.

As always, if you need anything from your staff, please feel free to let me know.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Michael A. McKillip, City Engineer 

DATE: February 22, 2010

SUBJECT: WATER ISSUES UPDATE

ISSUE BEFORE THE COUNCIL:

At the February 22, 2010 work session staff will present and update on several items relating to domestic water supply in Tualatin. Most of the discussion will be informational but staff is asking for direction of the possibility of participating in the water pipeline between Sherwood and the Willamette River Treatment plant.

BACKGROUND:

The current Water Master Plan indicates that if the current City Urban Growth Boundary, Tigard Sand & Gravel, south Tualatin, and Stafford develop, peak water use could reach 20 mgd. Currently Tualatin's main source of water is Portland Water Bureau and our "share" of Washington County Supply Line is 10.8 mgd.

To address the difference, Tualatin has been pursuing Aquifer Storage and Recovery (ASR) and has been a member of Willamette River Water Coalition (WRWC). ASR would allow us to save winter water and use it in the summer. WRWC would provide us with access to Willamette River as an alternative/backup/supplement source.

Sherwood is connecting to the Willamette. They have asked if we would like to participate in their project. They are beginning construction of a 48" pipe line that will have more capacity than they need. Our immediate opportunity is to participate in the initial funding of this pipe line project. To actually have rights to Willamette River water would require purchasing shares of existing facilities and construction for some new pipe lines.

Staff plans to discuss more details of this at the work session. We plan to cover:

1. Existing water system and how it works
2. Current agreement with Portland
3. Future water needs
4. ASR status
5. Sherwood project

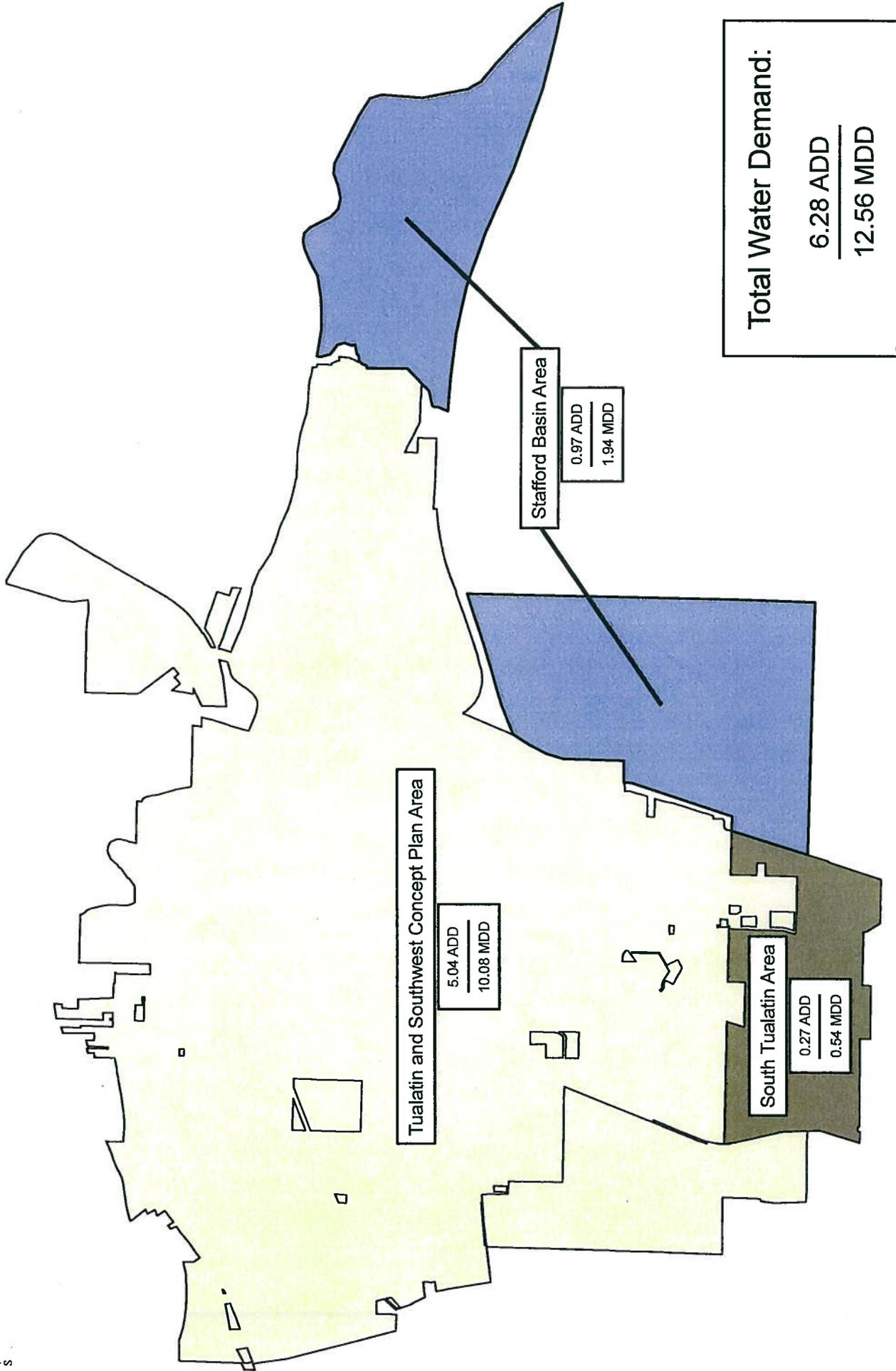
MEMORANDUM: Water Issues Update
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Items 1 through 4 above are for information and background; Item 5 requires some direction in the near future.

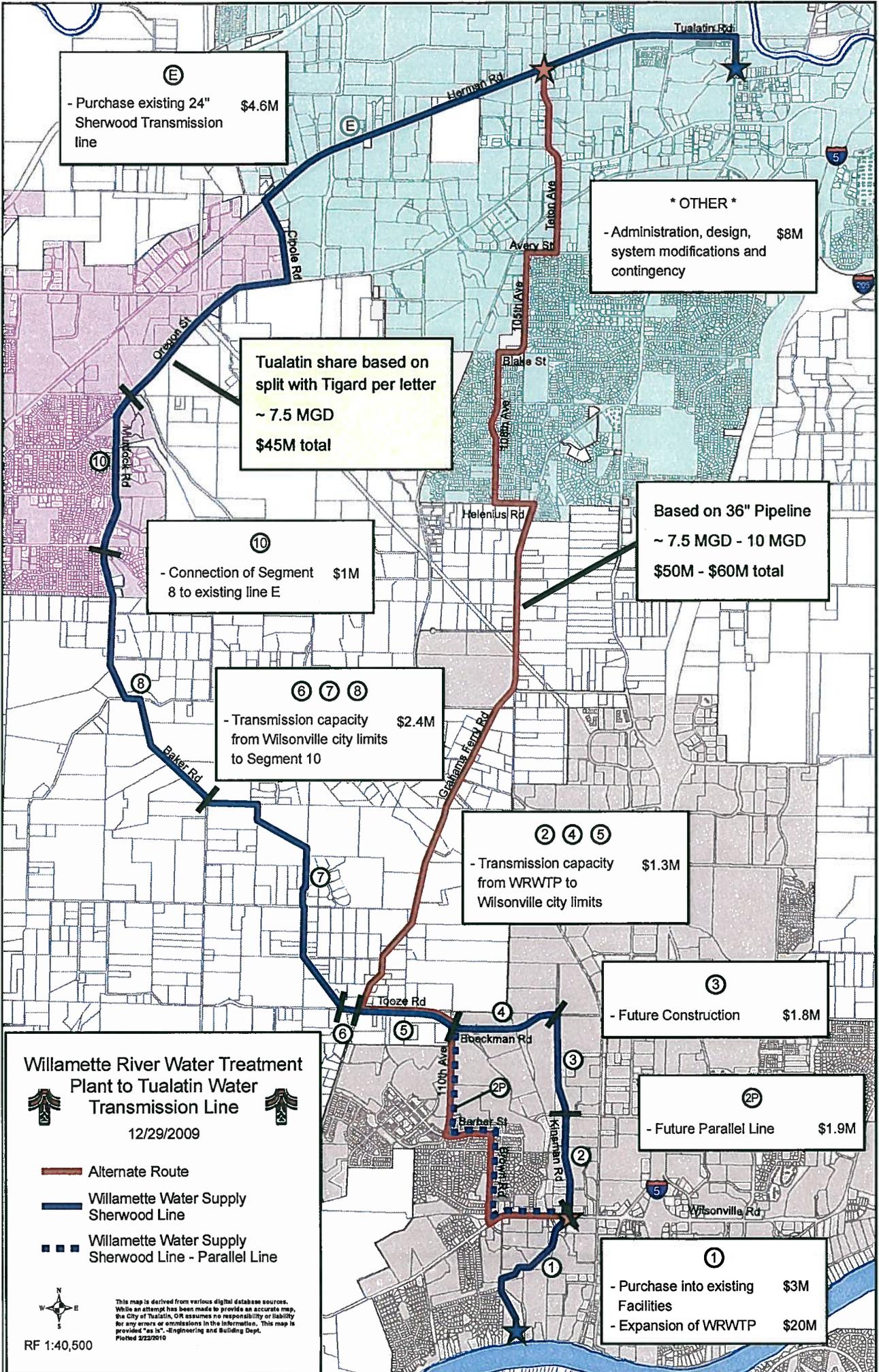
RECOMMENDATION:

Staff recommends that Council provide direction to staff..

M/McKWater/Water Update 02_22_10



Total Water Demand:
6.28 ADD
<hr/>
12.56 MDD



Ⓔ
 - Purchase existing 24" Sherwood Transmission line \$4.6M

* OTHER *
 - Administration, design, system modifications and contingency \$8M

Tualatin share based on split with Tigard per letter
 ~ 7.5 MGD
 \$45M total

Based on 36" Pipeline
 ~ 7.5 MGD - 10 MGD
 \$50M - \$60M total

⑩
 - Connection of Segment 8 to existing line E \$1M

⑥ ⑦ ⑧
 - Transmission capacity from Wilsonville city limits to Segment 10 \$2.4M

② ④ ⑤
 - Transmission capacity from WRWTP to Wilsonville city limits \$1.3M

③
 - Future Construction \$1.8M

②P
 - Future Parallel Line \$1.9M

①
 - Purchase into existing Facilities \$3M
 - Expansion of WRWTP \$20M

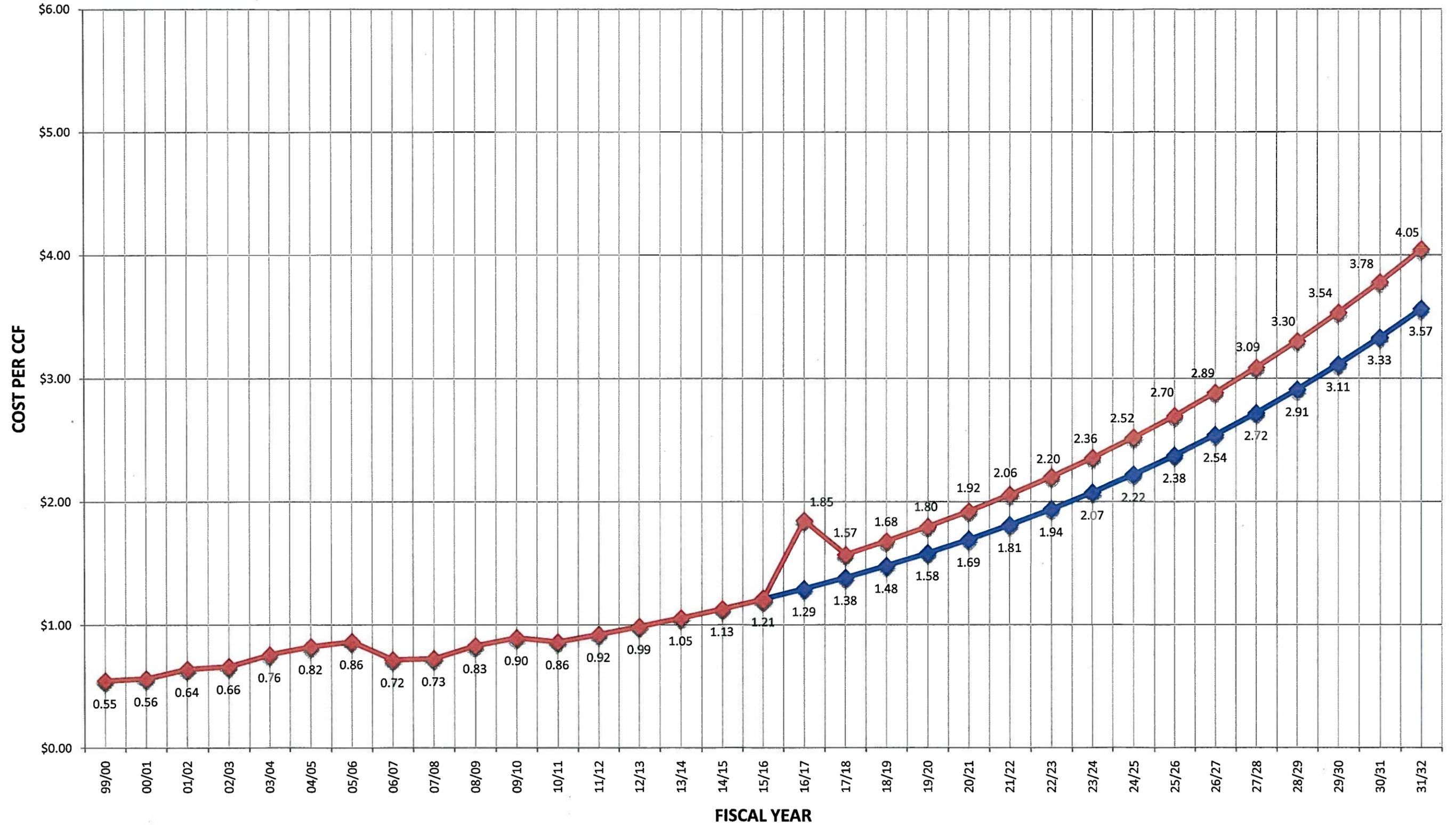
Willamette River Water Treatment Plant to Tualatin Water Transmission Line
 12/29/2009

- Alternate Route
- Willamette Water Supply Sherwood Line
- ■ ■ Willamette Water Supply Sherwood Line - Parallel Line

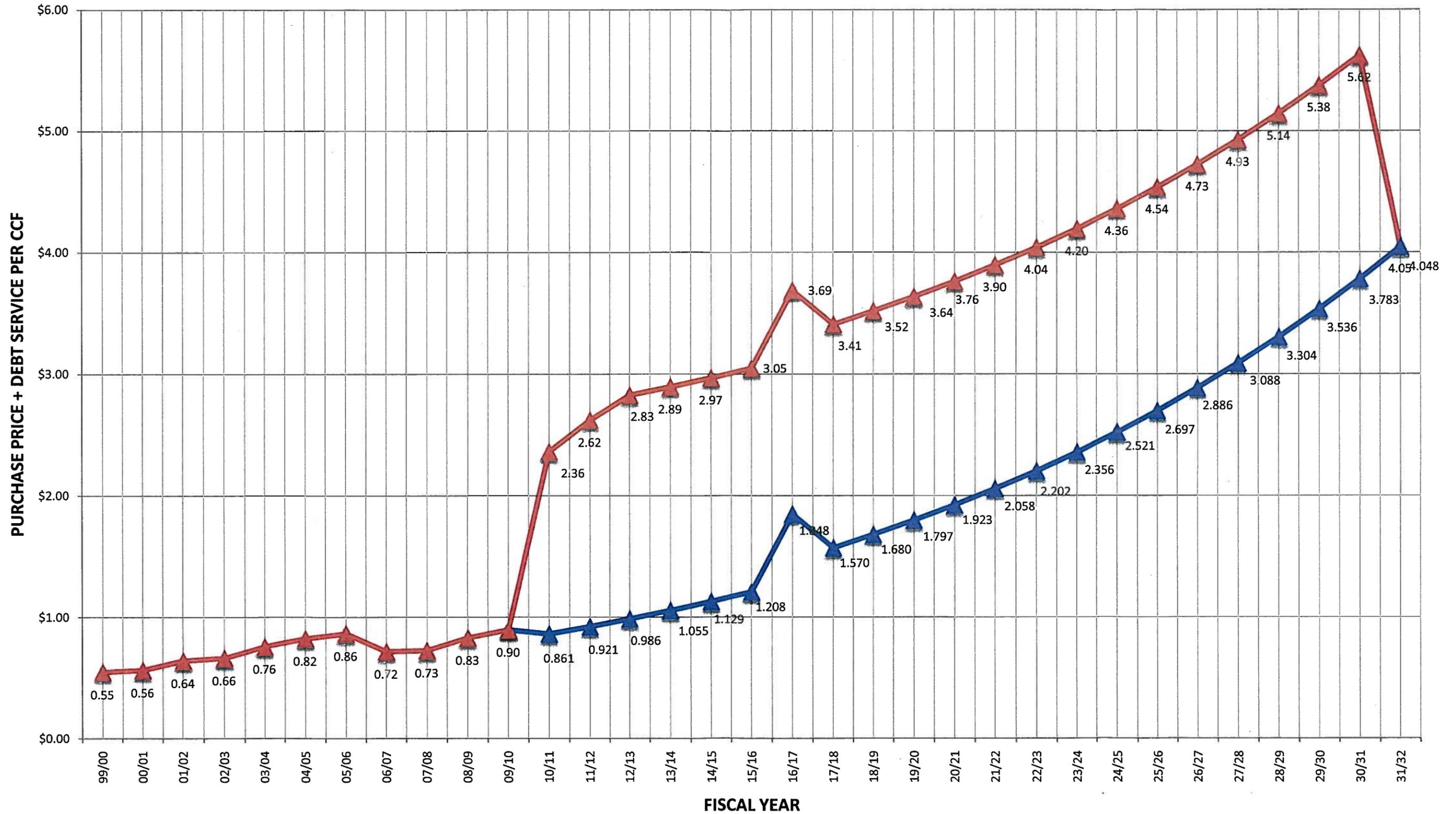
This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 02/22/2010

RF 1:40,500

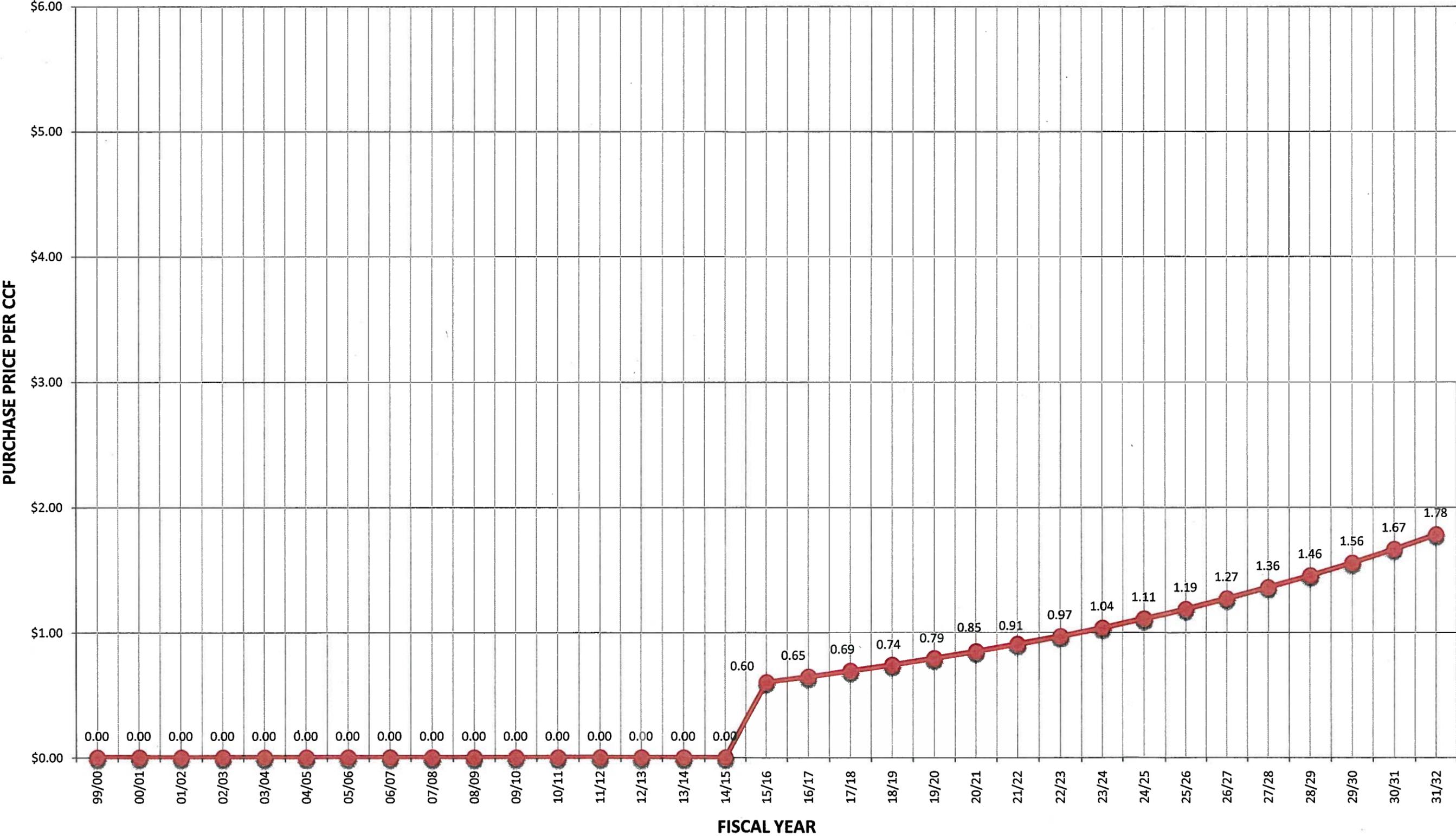
PURCHASE PRICE FROM PORTLAND



PURCHASE PRICE FROM PORTLAND + DEBT SERVICE



PURCHASE PRICE FROM WILSONVILLE





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

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

DATE: February 22, 2010

SUBJECT: DRAFT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN AND LEGACY HEALTH SYSTEMS—2nd WORK SESSION

ISSUE BEFORE THE COUNCIL:

Information for the Council to discuss the additional agreement issues proposed by Council members for incorporation into the Draft 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. Larry Hill of Legacy is expected to attend the Work Session.

POLICY CONSIDERATIONS:

1. Legacy has requested a Plan Map Amendment (PMA-09-03) to change the Planning District Designation on the Property from RL (Low Density Residential) to MC (Medical Center) and a continued public hearing is scheduled for January 25, 2010. The City does not place conditions of approval on a Plan Amendment decision. Does the Draft Development Agreement provide the City and Legacy with a means to assure that certain development standards, supporting public improvements and issues of concern raised by the City and by residential neighbors of the Property will be addressed if the PMA is approved and Legacy develops the Property?
2. Are the terms of the Draft Development Agreement satisfactory? Are there other subjects or terms that the Council would seek to include in an Agreement?

BACKGROUND

Legacy is the owner of the approximately 19.6 acres of unimproved property that is the subject of PMA-09-03 and owns as a parent corporation the adjacent 46 acre property occupied by the Legacy Meridian Park Medical Center (LMPMC) facility. In the future,

MEMORANDUM: Legacy Health Systems Draft Development Agreement

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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 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.

During the hearing discussions, the Council inquired about establishing a Development Agreement with Legacy that would spell out the issues associated with development on the Property that arose in the PMA and provide neighbors, the City and Legacy with assurances that the issues will be addressed in a satisfactory manner. Legacy agreed to begin discussions and try to create a Development Agreement 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 Grimitt 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).

The Draft Development Agreement was revised in respect to the Council's comments based on discussions between Mr. Hill and staff. The Staff Report to Council with a revised version of the Legacy Development Agreement and a Resolution and a Staff Report for the continued hearing on PMA-09-03 were prepared for the January 25th Council Meeting Packet.

As the January 25th meeting date to further review the Development Agreement 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.

The February 8 version of the DA is shown in Attachment A. The details of the Agreement points are outlined in the DISCUSSION section of this memorandum.

Based on staff discussions with several councilors prior to the February 8 Council Meeting to consider the DA, several issues were raised:

1. Can Legacy agree to limit the building height on the LHS (Grimitt) Property to less than the 95 ft. maximum height allowed in the MC Planning District (when greater than 300 ft. from a MC District Boundary) for more compatibility with the residential areas east of the Property.
2. Specify a 4-foot high earth berm in the landscape planters adjoining the LHS Property east property line (adjoining residential) (Section 4.7) with dense plantings to provide a better buffer or screen between development on the Property and the residential areas to the east.
3. Design the SW Joshua, SW Natchez & SW Witchita Street emergency accesses (Section 4.2) to be as narrow as possible and allow the landscape berm and planters (Section 4.7) to be extended to provide additional screening.
4. As part of the public street improvements constructed by Legacy at the SW 65th Avenue intersections of SW Sagert Street & SW Borland Road (Sections 8.3 & 8.6) and in conjunction with an access drive on SW Borland Road at the SW 60th Avenue intersection, construct a new marked pedestrian crossing of SW Borland Road. The pedestrian crossing will need to be at an approved location east of the SW 60th Avenue. The purpose of the crossing will be to improve pedestrian access across SW Borland Road in an area where there is only one marked crossing (at SW 56th Avenue) to serve residential areas to the south & north and provide safe connections to the Bridgeport School on the north side.
5. There is a concern that the number of "total trips" from a full build-out of the LHS/Grimitt Property in the MC Planning District with a LHS development would be significantly greater than the trips generated by a single-family residential development on the property. This difference in vehicle trips may be an impact on the City's transportation system and only a portion of that impact on streets such as Borland Road, SW 65th and SW Nyberg Street would be mitigated through TDT, by improvements specified in the Draft DA or required in a land use decision such as Architectural Review.

The Engineering Division is responding to questions from Council members and from Legacy.

Regardless of the projections and comparisons about future Legacy development on the property, the question for the terms of the Development Agreement becomes, can the impacts of a full build-out be measured by comparing total trips and how best to fairly account in today's agreement for a future impact on the streets in vicinity of the LHS properties. Would terms requiring additional improvements, additional contributions, a cap on total trips, or other actions by Legacy be appropriate in the DA?

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.

RECOMMENDATION:

Staff seeks direction from Council regarding the Draft Development Agreement. If directed by the Council, a final version of the Development Agreement will be on the March 8, 2010 Council Meeting Agenda for consideration.

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Attachments: A. Draft Development Agreement (February 8 Version) between the City of Tualatin & Legacy Health Systems

**DRAFT VI 2-8-10
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.

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

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LEGACY DEVELOPMENT AGREEMENT

- 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 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

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LEGACY DEVELOPMENT AGREEMENT

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.
- 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

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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 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

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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.

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.

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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: _____

WORK SESSION ITEMS

PowerPoint?

1. Advisory Committees Overview
2. Ordinance re: filming in city limits (Comm. Dev.)
3. PTA-08-06 Sign Design Standards Update (Comm. Dev.)
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. Commuter Rail
- 3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Heritage tree designation for Library tree
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PMA-09-03 Legacy Meridian Park [*continued from 2/8/10*]
2. PTA-09-10 CURD Maximum Indebtedness (TDC Agenda) (**Other Hearing**) (Comm. Dev.)
3. CUP-10-01 MITCH Charter School (**Quasi-judicial**) (Comm. Dev.)

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Ordinance CAPD Tax (Comm. Dev.)
2. Development Agreement – Legacy Meridian Park
- 3.
- 4.
- 5.

EXECUTIVE SESSION ITEMS

1. Labor executive session - TPOA

WORK SESSION ITEMS

PowerPoint?

1. Land Use Application Fees (Comm. Dev.)

2. Fee Schedule Update (Comm. Dev.)

3. Tonquin Employment Area Update (Comm. Dev.)

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Tree City USA / Arbor Week Presentation

2. Police Ofcr. Swearing-In (Matthew Messina, Matthew Randolph, Evelina Powlison, Seth Cecilian)

3. Crime Reports on City Web Page – Police (Chief Barker)

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2. URAC Annual Report -TDC (Comm. Dev.)

3. TPAC Annual Report (Comm. Dev.)

4. Resolution UPAA Amendment with Washington County (Comm. Dev.) (Tentative)

5. Budget Adjustments (Finance)

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-09-10 CURD Maximum Indebtedness (City agenda) (Legislative) (Comm. Dev.)

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Acceptance of SW Concept Plan [tentative]

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1. Stop Sign/Speed Hump Review Process (Eng)
2. Volunteer of the Year selection
- 3.
- 4.
- 5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. 3rd Annual Health and Safety Fair Announcement (April 17)
3. Proclamation – Volunteer Appreciation Week April 18-24, 2010 (Volunteer Svs.)

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Resolution Fee Schedule Update (Comm. Dev.)
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-10-01 Doggie Day Care in CG (**Legislative**) (Comm. Dev.)
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Ordinance regarding filming in city limits (Comm.Dev.)
- 2.
- 3.
- 4.
- 5.

EXECUTIVE SESSION ITEMS

- 1.

SPECIAL WORK SESSION ITEMS

PowerPoint?

1. FY 10/11 Budget Discussion

2.

3.

4.

5.

WORK SESSION ITEMS

PowerPoint?

1. PTA-09-03 Historic Regs Update (Comm. Dev.)

2. PTA-09-04 Tree Preservation Regs Phase 3 (Comm. Dev.)

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Tualatin Tomorrow – Growth/Housing/Town Center

2. Historic Week Proclamation (Comm. Dev.)

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-09-02 For Sale/Lease Signs (**Legislative**) (Comm. Dev.) (**Tentative**)

2. CUP-09-07 Doggie Day Care (**Quasi-judicial**) (Comm. Dev.) (**Tentative**)

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1.

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1. PTA-09-09 CUP Criteria and List of Uses (Comm. Dev.)

2.

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update

2.

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA -08-06 Sign Design Standards (**Legislative**) (Comm. Dev.)

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Clackamas County TDT ordinance

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

February

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1 6:00p Special Work Session Location: TBD 6:00p CIC Meeting	2 11:30a – Tasty Tuesday (Clair Jumper) 6:30p TLAC	3	4 5-7:30p CURD Maximum Indebtedness Open House Council Chmbrs 6:30p Hazelbrook Evening of Art @ Library 6:45p Clackamas County C-4 Meeting @ County Dev. Services Building	5 7:30a Chamber Networking Roadrunner Sports, 7063 SW Nyberg Street	6 6:30p Library Foundation Silent Auction
7	8 5:00p Work Session 7:00p Council/TDC Mtg	9 11:30a – Tasty Tuesday (Haggen's Food Court) 6:00p TPARK	10	11 7:00p TPAC Meeting, Council Chambers	12 7:30a Chamber Networking sponsored by Armstrong Tile @ Heritage Center	13
14	15 Presidents Day Holiday CITY OFFICES CLOSED LIBRARY OPEN 1-9p	16 11:30a – Tasty Tuesday (501 Sports Cafe) 6:30p TAAC 7:00p URAC Meeting Council Chambers	17 12:00p Core Area Parking District Board, Council Chambers 5:30p Chamber Alive After 5 @ Silverado, Bridgeport	18	19 7:30a Chamber Networking, River Valley Landing, 19200 SW 65th Avenue	20
21	22 5:00p Work Session 7:00p Council/TDC Mtg	23 11:30a – Tasty Tuesday (Village Inn) 6:30p Tualatin Tomorrow VIC Steering Committee; Council Chambers	24	25 11:30a Chamber Luncheon @ Hayden's Lakelront Grill State of the City 7:00p CURD Maximum Indebtedness City Committee Meeting, Council Chambers 7:00p Student Visual Chronicle Reception	26 7:30a Chamber Networking Sponsored by Metro IT @ Heritage Center 6:30p Police Awards Banquet – Hazelbrook School	27
28						

2010

March

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1 6:00p CIC Meeting 6:30p Tualatin Tomorrow- Tualatin Road Extension Forum Police Dept. Training Room	2 11:30a – Tasty Tuesday (Costco Wilsonville) 6:30p TLAC	3	4 7:30a Key Leaders Breakfast (Country Club) 6:45p Clackamas County C-4 Meeting @County Develop. Services Bldg.	5 7:30a Chamber Networking Sponsored by True Health Med. @ Heritage Center,	6
7	8 5:00p Work Session 7:00p Council/TDC Mtg	9 11:30a – Tasty Tuesday (Hayden's) 6:00p TPARK	10	11 7:00p TPAC Meeting, Council Chambers	12 7:30a Chamber Networking @ Lakeside Dental, 8225 SW Tualatin Sherwood Road	13 NLC Conference (Washington D.C.)
14 NLC Conference (Washington D.C.)	15 NLC Conference (Washington D.C.)	16 NLC Conference (Washington D.C.) 11:30a – Tasty Tuesday (Cheer Me Up Coffee) 6:30p TAAC	17 NLC Conference (Washington D.C.) 5:30p Chamber Alive After Five @ Farmers Insurance, 8380 SW Nyberg Ste. B	18 NLC Conference (Washington D.C.)	19 7:30a Chamber Networking sponsored by TKM Design @ Heritage Center	20
21	22 5:00p Work Session 7:00p Council/TDC Mtg	23	24	25	26 7:30a Chamber Networking sponsored by Clackamas Women's Services @ VFW, 18820 SW Boones Ferry Rod.	27
28	29	30 11:30a – Tasty Tuesday (Holiday Inn-Wilsonville) 6:30p Tualatin Tomorrow VIC Meeting @ Police Training Room	31			

2010

April

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
				1	2	3
				6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg.		
4	5	6	7	8	9	10
	6:00p C/C Meeting	11:30a – Tasty Tuesday (Bellagio's Pizza)		7:00p TPAC Meeting, Council Chambers		
11	12	13	14	15	16	17
	5:00p Work Session 7:00p Council/TDC Mtg	11:30a – Tasty Tuesday (Mashita's) 6:00p Sp. Work Session: Budget review		7:00p Urban Renewal Advisory Committee, City Offices 18876 SW Martinazzi Avenue		10a-1p Health & Safety Fair (Pohl Center)
18	19	20	21	22	23	24
		11:30a – Tasty Tuesday (Hot Seat)		11:30a Chamber Celebrate Tualatin Luncheon @ Country Club 5:30p Volunteer BBQ @ Hazelbrook		
25	26	27	28	29	30	
	5:00p Work Session 7:00p Council/TDC Mtg	11:30a – Tasty Tuesday (Fred Meyer) 6:30p Tualatin Tomorrow V/C Steering Committee; Council Chambers				

2010

May

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						1
2	3 6:00p CIC Meeting	4 11:30a – Tasty Tuesday (Famous Dave's)	5	6 5p Metro RTP Public Hearing 6:45p Clackamas County C-4 Meeting @County Develop. Services Bldg.	7	8 10-2:00p Bulky Waste Day @ Allied in Wilsonville
9	10 5:00p Work Session: 1st Budget Committee Mtg. 7:00p Council/TDC Mtg	11 5:30p-7:30p Tualatin Tomorrow Annual Event; Juanita Pohl Center	12	13 7:00p TPAC Meeting, Council Chambers	14 9:30a YAC Project F.R.I.E.N.D.S.	15
16	17 Chamber Crawdaddy Open Golf Tournament	18	19 12:00p Core Area Parking District Board, Council Chambers	20	21	22
23	24 Public Works Week 2010	25 6:00p 2nd Budget Committee Meeting 6:30p Tualatin Tomorrow V/C Steering Committee	26	27 6:00p 3rd Budget Committee Mtg (if needed)	28	29
30	31 Memorial Day Holiday CITY OFFICES AND LIBRARY CLOSED					

2010