



# City of Tualatin

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Approved By Tualatin City Council

Date 3-22-10

Recording Secretary MSM

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MARCH 8, 2010

**PRESENT:** Mayor Lou Ogden [*arrived 5:07 p.m.*], Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike City Engineer McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Brad King, Police Captain; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Will Harper, Associate Planner; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

**ABSENT:** None.

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

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

Mayor Pro tem Barhyte called the work session to order at 5:07 p.m.

*Council reviewed the Consent Agenda with no changes.*

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

#### *1. Basketball Hoops Discussion*

Council President Barhyte noted his proposed changes on basketball hoops in the right-of-way ordinance.

#### *2. Washington County Commissioner Andy Duyck.*

Mayor Ogden noted Washington County Commissioner Andy Duyck was present to discuss the Regional Transportation Plan (RTP) and with adoption in June said it is important Washington County weigh in on the projects, such as 124<sup>th</sup> Avenue. Commissioner Duyck said as a candidate for board chair it is important that he understands all the issues. Council briefly discussed with Commissioner Duyck projects that are included in the RTP. Council thanked Commissioner Duyck for attending the work session.

#### *3. Ordinance Regulating Filming in Tualatin*

Development Coordinator Eric Underwood explained why Tualatin has a need for a "film" ordinance. Oregon is increasingly becoming an attractive location for filming as there are incentives in place and no sales tax. Mr. Underwood said Tualatin continues to receive requests for filming, mostly from HGTV and the Discovery Channel.

Mr. Underwood said there has not been a policy in place and it is important to protect public property. Staff has established a relationship with the State Film Office, and researched other jurisdictions and their ordinances. Also looked at Portland which has a fairly extensive program. A process for Tualatin was then outlined to address minor and major filming permits. Mr. Underwood explained the difference is that the major permit requires proof of insurance. Council asked and Mr. Underwood explained about the fees

which are not a cost recovery, but more for attracting business. It was asked about construction, which is addressed in the application, but also needs to be addressed in the ordinance. City Engineer McKillip explained how this has been dealt with before, such as if there is anything structural the film crews will be doing, it has to be structurally sound, and also to coordinate with the Fire Department for access, and ensure after filming is done everything is left to its original condition.

Brief discussion followed. Council consensus by all present was to move forward with the proposed ordinance. Mr. Underwood said the ordinance will come before Council at the April 12, 2010 Council meeting.

#### 4. *Sign Design Standards*

Associate Planner Will Harper continued the discussion on appropriate standards for freestanding signs and restrictions on arterial pole signs. The information provided includes comments received from business and property owners in response to a letter describing the City's proposals, and to attend one of three meetings that were held in January. The Chamber of Commerce also participated in the meetings and reviewed comments that were received by the property owners/businesses. A PowerPoint was also provided by "Security Signs", outlining costs, elements of design, etc. Mr. Harper said there was concern by businesses that freestanding pole signs remain on arterial streets.

City Manager Sherilyn Lombos recapped the feedback received on the sign design standards by business/property owners. Discussion followed. Mr. Harper explained the businesses comments were to not restrict pole signs on main arterials, such as Tualatin-Sherwood Road. It was asked and answered that all industrial projects require monument signs. It was asked if there was a discussion on nonconforming signs, and Mr. Harper said the feedback is it is difficult times for a business to replace their sign, and there was not a lot of agreement that any length of time to replace would work, and also the concern of the cost to replace a sign could be substantial, and that there is a sense of unfairness, as signs in the freeway corridor would not have to be replaced.

Mayor Ogden asked and staff explained that this entire issue came from Council direction. Discussion followed about the aesthetic standards, pole signs, and forced replacement. Discussion continued on multiple use buildings and signs associated with each business.

Councilor Barhyte said in regards to sign design standards arose mostly from the "leftover" pole signs around Bridgeport area and how to address improving the aesthetics in the City. Councilor Barhyte also said he is fine with not placing an amortization on the sign standards.

Mayor Ogden summarized discussion and generally speaking all in favor of higher requirements for design standards. Also, the business community is okay with two out of the three requirements. Signs can stay nonconforming as long as they are not moved or taken down, and are allowed to be maintained and repaired. The question is whether to have new pole signs on arterials; existing signs go into nonconforming use, and if removed or relocated would have to go to a monument sign. Mr. Rux mentioned the issue of multi-tenant centers, and said staff will evaluate. No forced replacement, but the question remains does Council want to restrict pole signs on arterials, and Councilor Barhyte said the discussion held was to remove pole signs from Tualatin-Sherwood Road, but allow on secondary streets. Councilor Beikman clarified the issue of pole signs on arterials, and questioned what would be the incentive then for replacement of a pole sign. Brief discussion followed.

5. *Urban/Rural Reserves Update*

Community Development Director Rux distributed information he obtained directly from Metro's website. Mr. Rux briefly reviewed the information and the aspirations Tualatin had requested. Brief discussion followed. Intergovernmental Agreements (IGAs) have been signed by Metro and the counties. Staff is investigating what can be done and said there is a 21-day appeal period with the IGAs, and reviewed what are the next steps.

**C. CITIZEN COMMENTS – N/A**

**D. CONSENT AGENDA**

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

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

N/A

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

N/A

**G. GENERAL BUSINESS**

N/A

**H. ITEMS REMOVED FROM CONSENT AGENDA**

N/A

**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Maddux said she attended the Tigard-Tualatin Resource Center board meeting, and said the staff was appreciative of the update, and asked if there could be a link to the Resource Center on the City's website.

Councilor Beikman noted she attended the Washington County Coordinating Committee (WCCC) meeting.

**J. EXECUTIVE SESSION**

*None.*

**K. ADJOURNMENT**

The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





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Approved By Tualatin City Council  
Date 3-22-10  
Recording Secretary M. Smith

## TUALATIN CITY COUNCIL MEETING MINUTES OF MARCH 8, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux [*left meeting at 8:15 p.m.*], and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

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

### A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was led by Councilor Davis.

### B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

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

Members of the Youth Advisory Council (YAC) gave a PowerPoint update on recent activities. The YAC mentioned Project F.R.I.E.N.D.S., and other activities and upcoming events including the Health Fair and Arbor Week

#### 2. *Commuter Rail / High Speed Rail Update*

City Engineer Mike McKillip gave a brief update on the commuter rail, The design is proceeding on all of the crossings as part of the quiet zone process. In response to TriMet's waiver request, the Federal Railway Administration (FRA) indicated the portion of the line from Wilsonville to Beaverton was not granted because all safety issues were not addressed, but the portion in Beaverton was granted.

City Engineer McKillip also gave a brief update on "high speed rail." Last summer staff met with ODOT representatives who were working on gathering community feedback on a high speed rail corridor from Eugene to Vancouver BC. ODOT submitted an application for stimulus funds, requesting \$200 million and received \$8 million, which essentially stopped the project. Comments were it's a great idea, but now is not the time or need for it. City Engineer McKillip said there could be more rounds of high speed rail discussions in the future and staff is continuing to monitor what's happening.

**C. CITIZEN COMMENTS**

None.

**D. CONSENT CALENDAR**

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

1. Approval of the Work Session and Meeting Minutes of February 22, 2010
2. Approval of 2010 Liquor License Renewals Late Submittals
3. Authorization to Issue a Request for Proposals for a Provision of Canoe and Kayak Services at Brown's Ferry Park

MOTION CARRIED.

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

None.

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

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 from February 8, 2010]
- 

Mayor Ogden reopened the public hearing and noted it was continued from February 8, 2010.

Mayor Ogden also opened under *General Business*, Item G-1, Resolution Approving a Development Agreement (DA) Between the City of Tualatin and Legacy Health Systems.

Mayor Ogden clarified that the plan map amendment (PMA) is a quasi-judicial land use hearing, which is subject to a prescriptive process by the state of Oregon. It is appealable to the State Land Use Board of Appeals (LUBA) only, and to people that are on the record. The requirements within a zone change are certain elements that cannot be changed at this quasi-judicial hearing. However, the DA is a legislative process, meaning the City can work within the parameters of the law and the applicant to arrive at various issues of mutual agreement. The DA binds those agreed-to issues. Mayor Ogden also noted the applicant could apply for a conditional use permit (CUP) within a residential zone, if there ultimately is not a zone change or a DA in place. Mayor Ogden noted he wanted to be clear that the hearing follows quasi-judicial procedures.

Associate Planner Will Harper presented the staff report and entered the entire staff report in the record. Mr. Harper also submitted a collection of e-mails, etc. that were received regarding the application. Mr. Harper noted when the hearing was originally opened. It is for a 19.6 acre parcel of land, and the applicant is Legacy Health Systems (LHS). The staff report include attachments that include a collection of e-mails and letter regarding the PMA.

Mr. Harper spoke on the Development Agreement portion of the discussion and explained that staff has been working with LHS to deal with issues that were brought up at the November 9, 2009 hearing, as well as at work sessions with Council. The DA in this Council packet is dated March 8, 2010 and is essentially the same as what was submitted at the last Council meeting.

Mr. Harper also noted Allyson Anderson, CEO of Legacy Meridian Park Hospital, and Larry Hill, Facilities Manager of Legacy Health Systems (LHS) were present.

Mayor Ogden reiterated the procedures of the hearing.

Councilor Truax asked if there has been any updates to the DA and City Manager Lombos said there are no changes to the DA since the last time Council met in work session, primarily due to Council's direction.

Associate Planner Harper reviewed the DA and gave a quick summary. He said there are 14 sections in the proposed DA. The first two are boilerplate, the third deals with the scope, and the fourth becomes more involved relating to access. Associate Planner Harper explained the streets in the Fox Hills subdivision would not be used for access by the hospital, though could be for emergency access only. There is a minimum 20 foot setback for the property and also a setback for tree protection for residential properties on the east, as well as on Borland Road. Also looking to have compatible building design and an issue raised regarding building heights.

#### APPLICANT

Allyson Anderson, CEO, Legacy Meridian Park Hospital, and Larry Hill, LHS, 19000 SW Borland Road, Tualatin OR, were present to answer any questions Council may have.

Mayor Ogden asked and Council did not have any questions regarding the DA at this time. Community Development Director Doug Rux said it is allowable for the applicant to make comments on the zone change, but noted they do not have any comments at this time.

#### OPPONENTS

*Todd Allison, 5753 SW Joshua Street, Tualatin, OR*, said his recommendation is to vote no on the zone change. While it is important to allow the hospital to grow, he wants to keep the area Low Density Residential (RL), and also noted the issue of building heights. Mr. Allison displayed a graphic of what a multiple story building would look like up against the adjoining Fox Hills neighborhood. It was asked by Mayor Ogden and Mr. Allison said the pictures were generally to scale. Mayor Ogden commented that a building height of 75 feet is approximately five stories.

Mr. Allison said LHS has said they do not have plans for the site as yet, but it appears they have a goal for putting buildings in place. It would be much easier if those plans were known. Mr. Allison also has traffic concerns, particularly with the new tennis facility nearby and the traffic that would be generated from the facility. He also mentioned employees of the hospital that smoke, having to be outside and away from the buildings, are pushed closer and closer to the perimeter of the property, which in turn is closer to their homes. Mr. Allison said Council does not have to approve this and asked that Council not approve the zone change.

*Nancy Grimes, 19710 SW 56<sup>th</sup> Court, Tualatin, OR,* wanted to testify adamantly against the zone change as there is not a way to adequately address the numerous concerns with just a simple zone change. It becomes evident in the neighborhood with the size and scale of buildings and traffic issues. Ms. Grimes suggested the conditional use process could perhaps address some of these concerns. She also was concerned about pedestrian traffic on Borland Road, property values and livability. Ms. Grimes said she is not against jobs and a reasonable development, but people are looking for a voice in the process and want to be heard. She believes a zone change will not address everyone's concerns.

*Tim Thornburg, 19291 SW Chesapeake, Tualatin, OR,* said he is not against development in Tualatin and is not against LHS, but for development there needs to be a systematic thought out, due diligence process, and he believes this hasn't taken place. His question is why the urgency of this zone change, and he said at an earlier Council meeting there were not any plans by LHS on the table. Also, after attending other hearings and neighbors wanting openness and transparency, he doesn't believe this is occurring. Ms. Thornburg asked why LHS sent out a notice of their plans for a zone change now. Also with regards to the DA he believes the Stafford Hills developer would not be happy with a four foot-high berm. A 20-foot setback is not acceptable or enough, and there are no conditions on lighting, arrivals, and departures. He also had issues with the building height in a residential zone. He asked that Council vote no on the zone change and consider a CUP.

*Paul Pederson, 19338 SW 55<sup>th</sup> Court, Tualatin, OR,* said he purchased his home in Fox Hills because there was not any commercial development. With not knowing how the Stafford Hills development will affect traffic, he asked that Council listen to neighbors and keep development reasonable.

*Ryan Allen, 19730 SW 56<sup>th</sup> Court, Tualatin, OR,* said in the last ten years the area feels boxed in, particularly with Siskiyou Ridge subdivision, on the north side with the new tennis club, and on the west side of the hospital. He is concerned about construction material and whether it will reflect noise back into the neighborhood, and also was concerned about the volume of traffic on Borland Road. He also asked if LHS is looking at a walking trail or something similar.

*Brian Allen, 5468 SW Natchez Street, Tualatin OR,* said he did not have a lot to add, but said he had been caught off guard about this, and wanted to encourage everyone to know there is a process. Mr. Allen said he pays taxes, and at the same time Tualatin is the citizens' community and Council has the responsibility to represent the community and a commitment to handle the process and abide by the rules. Mr. Allen said he believes the hospital has plans and he expects Council to support the community.

*Barbara Fronczak, 19135 SW 52<sup>nd</sup> Court, Tualatin, OR,* said she recognized it is a difficult problem to address LHS and the community, but it seems this is moving too fast and not necessarily needed at this time. She did not receive any notice and is concerned about traffic. The land has been zoned Low-Density Residential (RL) for many years and neighbors have relied on a low density zone, and LHS is seeking an enormous zone change, and to develop their property. Ms. Fronczak suggested tabling the DA and zone change and establish a committee of neighbors, LHS, and city representatives, and charge the committee with addressing legitimate neighbor concerns, etc. As there is no development by LHS at hand at this time, and with so many vacancies in the area, questioned whether there is a need to do this now. Ms. Fronczak suggested giving more time to review.

**Councilor Maddux left the meeting at 8:15 p.m.**

*Colleen Peachey, 5324 SW Wichita Street, Tualatin, OR,* said she was not aware this was

happening, and with people being busy in their lives, it is hard to know what is going on. She said she checked on the property area before she bought her home and said homes have recently gone down in value, and with this type of development it will not be the same neighborhood. She is worried about crime and about keeping her home safe.

*David Lillard, 5728 SW Natchez Street, Tualatin, OR* said he bought his home knowing it was zoned Low-Density Residential (RL). He would have considered not moving to this location if had known about this prior. Mr. Lillard said one of the things about this area is it is a quiet, family neighborhood. Opening the street and changing the zoning, means all aspects that drew his family to area that are out the window.

*Michael Monahan, 5743 SW Calusa Loop, Tualatin, OR*, displayed the same picture of the previous speaker Todd Allison, and said that is his backyard that is in the picture. He questioned what may happen to their property values with this development happening and asked Council to vote no.

*Larry McDonald, 7800 SW Sagert, Tualatin, OR*, said this directly affects him as he lives in the area. The City needs to balance property rights and hearing citizens speak on this issue and how upset they are, he would not want such an opposing structure in his backyard either. Mr. McDonald said normally he would support the conditional use process, and he would like to oppose this zone change.

*Aaron Doerr, 5734 SW Calusa Loop, Tualatin, OR*, said he appreciates LHS and it is a wonderful organization, and added he is an employee of a large structure on Borland Road. He doesn't doubt the goodwill of LHS but doesn't want to make the wrong decision and urged Council not to allow such a carte blanche zone change. It appears that LHS will bring the core of the downtown to the edge of a residential area with some sort of buffer.

*Bjorn Gullaksen, 5716 SW Joshua Street, Tualatin, OR*, said since LHS has no plans at this time means that Council doesn't have to approve the zone change now. He suggested building parking lots, have levels of parking across the street and a lot on the northwest corner of the property, and a tree line to protect any initial line of sight.

Mr. Thornburg spoke again and said he wanted it known for the record that neighbors are signing their own sign-up sheet regarding this issue.

#### APPLICANT

Allyson Anderson, LHS, spoke on the declaration made that LHS did not conduct due process. Ms. Anderson said they are required to and have followed the correct process, and also extended past the required notification boundaries of the notice of hearing, and also conducted several hearings when LHS bought the property. In answer to the question of "why now", Ms. Anderson said LHS is a medical campus and as health care needs expand, the best place for expansion is contiguous to their campus. Ms. Anderson also clarified the statement that LHS has "plans in place", said there are not any definitive plans in place; the economy has also affected LHS. They are working in concert with the needs of the community and know those needs are medical, which is why LHS is seeking the zone change. Also Ms. Anderson said regarding the size of buildings, a 75 foot building would not exceed any other current buildings on their campus.

Councilor Barhyte asked about the current structure heights on the hospital site. Associate Planner Harper explained the heights of buildings and how they are perceived in looking at the property from various locations, with the topography etc., and how the calculations are arrived at from measured heights from different areas.

Councilor Barhyte said with regards to the DA, asked and staff explained the differences if

this was submitted as a Conditional Use Permit (CUP). Associate Planner Harper said Council would review certain aspects of what the developer would be proposing. Councilor Barhyte said as part of the CUP process Council could apply conditions and review the building heights.

Councilor Davis asked about the three dead end streets in the subdivision and how the streets would be restricted from having emergency vehicles going through the neighborhood at high speed. Associate Planner Harper said the standard for restricting access is a gate method, and only emergency-type vehicles such as fire and police would be able to use the access, and added it wouldn't be a "quicker way" for ambulance traffic to get to Emergency.

Councilor Truax wanted to better understand the suggestion of doing a CUP, and Associate Planner Harper explained the differences, such as access and public improvements would be difficult to obtain with a CUP. Community Development Director Rux added the DA has areas that address level of improvements, and with a CUP it is unlikely those issues could be addressed as they could in the DA. Staff explained the traffic issues would be presented upfront in the DA. It was asked and answered that doing a DA in association with a CUP doesn't have the leverage and the DA would apply to the whole acreage.

Mayor Ogden asked about site impacts, and said he appreciates the pictures shown by the neighbors, but is not sure if it is an accurate depiction, and asked if there has been any other suggestions other than a proposed four foot berm. Mr. Hill said LHS has not thought about anything other than that at this point, and said in the DA discussions, it started off as a dense evergreen buffer and moved to a four-foot high berm. Mr. Hill said that as issues occur, there would be a public process with architectural review, etc. Mayor Ogden asked if there is some way to address the scale of the berm and if there is a reasonable approach to the site issues that could deal with the neighbors' concerns.

***A break was taken from 8:54 p.m. to 9:09 p.m.***

Mayor Ogden reconvened the hearing and continued the discussion. Mayor Ogden said there was a question asked about the area already zoned Medical Center (MC), and staff said there are two on Borland, two on 65<sup>th</sup>, and on the subject property.

Traffic flow and am/pm peak times were discussed and how it would affect the transportation system. Staff said there was an analysis done on key intersections, with existing and projected worst case scenario in all directions. There is one access proposed in the DA, and the trips would be distributed, but the primary access worst case scenario would be from the new access driveway on Borland. It was asked and answered what the current service levels are at key intersections and that with improvements the service levels would be better. It was also asked and answered that improvements can be as far out as 15 years. It was asked and discussed what is current trip traffic and how much it would increase if offices were placed on the property.

Council discussed the Oregon Department of Transportation (ODOT) letter which appears to be speaking on trip reduction in terms of capacity improvements. Staff said some ODOT issues go back to staff reports in November and there has been at least two ODOT communications during the months leading up to this hearing.

ODOT is trying to find a way that it does not affect their transportation system and is proposing a method of cooperation to get there. ODOT is proposing to use a transportation management plan as a way to establish LHS to keep the number of trips down over time by using alternate methods of transportation, that could be applied to the I-5/Nyberg interchange and satisfy ODOT's need to apply to the transportation planning rule.

It was asked and answered that the CUP process is only good for one year, and Community Development Director Rux said there is not a master plan process for a Medical Center.

Discussion on how improvements could be done and how the use of tax credits could be used. Community Development Director Rux said addressed in the DA are what improvements could be done, and those would come back in a CUP as to what could occur.

*Denise Cooper, 5845 SW Wichita Street, Tualatin, OR*, said she has lived in the area for 19 years on the north end of the hospital complex, and two houses from the proposed development. Her back deck has a view of the sunset and she is concerned where the building will be located. Ms. Cooper said she always knew something would happen with that property, and mentioned also with the tennis club development, a concern about the wetlands that no one has addressed. With the summer arts program at Brown's Ferry Park, there will be traffic problems. It was asked and staff replied that wetlands are not on this property.

Mayor Ogden said he is not certain that all the neighbor issues can be addressed at this hearing. Councilor Harris suggested keeping the same DA, have some sort of AR process, have a design of the site and a review that will address the issues. Community Development Director Rux said there is not a master plan for this property and a plan text amendment (PTA) would have to be done to address some of those concerns. Councilor Davis said she is having a hard time with the project, and if not knowing what the applicant is planning, asked why this couldn't be addressed in the Tualatin Development Code (TDC). Community Development Director Rux said staff would need some time to address this issue, and said it would envision creating a master plan process identifying where the buildings would be, etc. and Council approving the master plan, and issues could be addressed in the AR process. It was done with the Novellus project and could be done the same way for a Medical Center.

Mayor Ogden said he doesn't appear that Council will get to approving a DA at this meeting and said an approach is to defer the DA and address the PMA, and during that time there could be some sort of neighborhood process and asked if LHS would consider this. Mr. Hill said they can hold meetings with the neighbors, but did not want to continue the hearing.

Community Development Director Rux said staff would need an extension before the 120-day period is up, and would need the applicant to determine a date for the continuance. Mayor Ogden asked LHS and Ms. Anderson wanted to recognize that in three months, LHS really won't know what their plans are. Mayor Ogden said perhaps LHS could address the site concerns and look at the traffic issues, and be able to discuss with neighbors to come to an agreeable conclusion. Mr. Hill said they would be willing to continue the hearing for 60 – 90 days and work with the neighbors rather than taking a vote at this hearing.

Councilor Truax said it is a great idea by LHS and he will be at each meeting. He said he and other councilors live in Fox Hills and recognize the neighbors' concerns, and if the concerns can be addressed with all parties it would be great.

*Todd Allison, 5753 SW Joshua Street*, said he likes the idea of this, and more than anything encourage people to become involved in their community and get educated, not only about the process, but what the options are. He encouraged LHS not to take a minimalist approach as to who is included, and everyone in the Fox Hills and Sequoia Ridge neighborhoods, and possibly the apartments on the other side of 65<sup>th</sup> Street.

Mayor Ogden said the neighbors need to make it a priority to participate in these meetings. Councilor Barhyte said he is fearful that in 90 days, while they may come up with concepts, it may not come to the point to address all the concerns adequately. He wants to make sure Council can get there in the next 90 days. Councilor Davis said she would still encourage a master plan process which will give citizens an assurance that this would be what was determined.

Mayor Ogden cautioned about being in deliberation on the DA, and Councilor Barhyte said he remains concerned about pushing this out and who would be responsible. Mayor Ogden said he believes it is the applicant's place to address the meetings with the neighbors, etc.

*Victoria Thurson, 19253 SW Chesapeake, Tualatin, OR*, said she has lived in the neighborhood and attended schools in the area. She is willing to work with LHS, and said she always knew there would be something developed on that property. Seen change, and willing to adjust to it, and said not seen anything at this meeting and expecting to come in to be shown alternatives, etc. Ogden said the issues she mentioned, were likely not necessarily part of the zone change or CUP process addresses those types of questions. Just asked to continue to work with the neighbors.

*Mayor Ogden closed the Development Agreement (DA) portion of the hearing.*

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the DA hearing to June 14, 2010.

Discussion on Motion

Councilor Barhyte said he will not vote in favor of this now, and suggested voting on the zone change and go with the process suggested of a master plan development for a Medical Center (MC) Planning District and move forward in that direction. Mayor Ogden said he believes it is counterproductive and continuing the hearing will give LHS and the neighbors a chance to work together. Councilor Barhyte said he is still concerned about the process. Councilor Harris said the burden is on the applicant and he is hopeful they will work with the neighbors. Councilor he also hopes that will happen and he wants to be part of the process and wants everyone to be invited and be happy to work with LHS.

Councilor Beikman called for the QUESTION.

AMENDMENT to the MOTION to continue the hearing on the DA to *July 12, 2010*.  
MOTION CARRIED. [Vote: 5-1-1; NO – Barhyte; Maddux absent]

*Mayor Ogden closed the public testimony of the PMA hearing.*

### COUNCIL DELIBERATION

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the public hearing for PMA-09-03 to July 12, 2010. MOTION CARRIED. [Vote: 5-1-1; NO – Barhyte; Maddux absent]

***A break was taken from 10:54 to 11:10 p.m.***

2. Public Hearing to Consider a Resolution Granting a Conditional Use Permit for a Kindergarten through 12<sup>th</sup> Grade School, in the Light Manufacturing (ML) Planning District at 19550 SW 90<sup>th</sup> Court (Tax Lot 2S1 23DC, 100); (CUP-10-02)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The applicant is Debi Lorence, for a conditional use permit (CUP) for a K-12 grade school in the Light Manufacturing (ML) Planning District, located at 19550 SW 90<sup>th</sup> Court. The applicant has approval from the Tigard-Tualatin School District to have up to 250 students; currently there are 147. Staff noted that Council has twice before approved schools in an industrial district. Assistant Planner Cortes also noted for the record an additional e-mail was received regarding CUP-10-02.

### PROPOSONENTS

*Lans Stout, TM Rippey Consulting Engineers, and Debi Lorence, founder of M.I.T.C.H. School, were present. Mr. Stout distributed some clarifying points for the staff recommended conditions. Mr. Stout said in the site process it is difficult for a charter school to find a site that still meets the criteria. This site met all the criteria and is a great location for the school. It will be in cooperation with the Northwest Regional Education Service District (NWRESA) Early Intervention Center also located there. The staff report does a good job in addressing all aspects and the material he distributed suggests alternative wording for three staff recommended conditions. Mr. Stout suggested Council consider those changes and he concluded his testimony.*

*Debi Lorence, principal and founder of M.I.T.C.H Charter School, gave a brief background on the school. She has grown up in the area her entire life and is very proud of the school, and Tualatin should also be proud to have the school locating here. Ms. Lorence read a letter from the Early Childhood Intervention Center principal that strongly supports the M.I.T.C.H. Charter School. Ms. Lorence explained there are 104 charter schools in Oregon, and it is the only charter school choice in the Tigard-Tualatin School District (TTSD) that is K-8. It is not an alternative school, but students come to the school by choice. They wear uniforms and are expected to rise to the expectations of the school.*

*Ms. Lorence said they have had difficulty in finding a permanent building and have been at various locations. They have been looking at the proposed location for awhile and appreciate that Council is concerned about all issues. They also do have a lot of carpools for the current students attending the school.*

*Joel Smith, 22355 SW Mandan Drive, Tualatin OR, M.I.T.C.H. School Board vice-chair,* said he has five children and education is important. Council has a big job and if he were to look at the proposal before Council as a Tualatin resident, he would want all the issues addressed, and he does recognize the issue of traffic. Mr. Smith said there are also many supporters in the audience as residents of Tualatin and members of the school.

*Shana Hildreth, 9355 SW Quinault, Tualatin, OR, M.I.T.C.H Charter School Board chair,* said she has been a resident of Tualatin for almost 20 years and has two children at the school. She believes Tualatin is a great place to live. She recognized the Tualatin-Sherwood Road traffic issue, but does not believe there would be a problem with the school traffic.

*Holly Stewart, 21726 SW Fuller Drive, resident of Tualatin for six years, has two children at the M.I.T.C.H. School. Her family moved to this area for the schools and she is thrilled to be in Tualatin and having the school would be an asset to the City.*

### OPPONENTS

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR,* said she is more for the school than anything, but her question however is toxic waste inventory and concern for the air. She hopes this is something that is already being considered and said it is worth checking out. Information is available online at [www.epa.gov](http://www.epa.gov) to find out how the air quality is, particularly in the industrial area.

### COUNCIL QUESTIONS

Councilor Harris said most of the people live in Tualatin and not necessarily creating more traffic, but he asked about the number of users that would be coming from somewhere else.

*Todd Mobley, Lancaster Engineering, 321 SW 4<sup>th</sup> Avenue, Portland, OR,* said he does not have that type of data available, but Ms. Lorence said she spoke with a number of parents on the various routes they take to get to the school, and also said the school will be open 15 minutes early and close 15 minutes later than the Early Intervention Center, which will help with traffic.

Councilor Beikman said about 75% of students not currently Tualatin residents so the population has changed. Ms. Lorence said it will change again over time when the school is located in Tualatin and will become more Tualatin residents attending the school.

It is presumed that more than half of the student population carpools, and it was asked and answered if school buses are included in the trip model. Mr. Lancaster said school buses are included in the data but they use a private school trip rate, and private schools typically do not have buses and utilize carpooling.

Parents coming from a location other than Tualatin and the impact to Tualatin-Sherwood Road traffic was discussed. Staff said the small impact that would happen would not affect the traffic on Tualatin-Sherwood Road.

It was asked and answered about family size and Ms. Lorence said there are currently 100 families with 147 children. It was asked and answered by Mr. Stout what other businesses are located in the building area, of which there is no retail. He said the nature of the businesses are small and do not deal with large products and truck traffic. It was asked and explained by Ms. Lorence how the school is looking to be an agriculturally-based school and what the types of things they would do. It was also asked and answered that Tualatin Valley Fire & Rescue (TVFR) was contacted and did not have any negative comments.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to grant CUP-10-02 for the M.I.T.C.H. Charter School, and incorporate the clarifications as submitted by the applicant. MOTION CARRIED. [Vote: 6-0-1; Maddux absent.]

**G. GENERAL BUSINESS**

1. Resolution No. \_\_\_\_\_ Approving a Development Agreement Between the City of Tualatin and Legacy Health Systems  
**[CONTINUED to July 12, 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. EXECUTIVE SESSION**

*None.*

**J. COMMUNICATIONS FROM COUNCILORS**

*None.*

**K. ADJOURNMENT**

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adjourn the meeting at 12:04 a.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

