TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION
Monday, August 23, 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 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; ORS *192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 92.660(2)(m)* security issues. **All discussions within this session are confidential**. Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.

OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR AUGUST 23, 2010

A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Tomorrow Presentation Regarding Parks, Recreation & Natural Areas – *Connie Ledbetter*

C. CITIZEN COMMENTS
This section of the agenda allows citizens to address the Commission 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 – 4)*

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 August 9, 2010.....
2. Approval of a Change of Ownership Liquor License Application for Wong's..... Chinese Restaurant
3. Approval of a Change of Ownership Liquor License Application for Players.....
4. Resolution No. **5002-10** Authorizing a Personal Services Agreement with..... Whitecrest, LLC for Provision of Coffee Service at the Tualatin Public Library

E. PUBLIC HEARINGS – ***Legislative or Other***
None.

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Public Hearing to Consider an Ordinance Changing the Planning District Designation ..... From Low-Density Residential (RL) to Medium Low-Density Residential (RML) of Parcels of Land Located on SW Sagert Street (Tax Map 2S123DD, Tax Lot 500-Western Portion), and .29 Acres of Abutting Right-of-Way and Amending the Community Plan Map 9-1 (PMA-10-01)

   Ordinance No. **1308-10** Changing the Planning District Designation from Low-Density Residential (RL) to Medium Low-Density Residential (RML) of Parcels of Land Located at SW Sagert Street (Tax Map 2S123DD, Tax Lot 500-Western Portion), and .29 Acres of Abutting Right-of-Way and Amending the Community Plan Map 9-1 (PMA-10-01)

2. Public Hearing to Consider an Ordinance Amending the Existing Access Management ..... for Streets Connecting to SW Boones Ferry Road and Amending TDC 75.120 and Map 75-1(PTA-10-02)

   Ordinance No. **1309-10** Amending the Existing Access Management for Streets Connecting to SW Boones Ferry Road and Amending TDC 75.120 and Map 75-1 (PTA-10-02)

G. GENERAL BUSINESS

Page No.

1. Resolution No. **5003-10** Approving a Development Agreement Between the City..... of Tualatin, Tigard-Tualatin School District and Marquis Companies

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: August 23, 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.	Richard Hager	9050 SW Arapaho Rd.	Richard Hager7 @ AOL.com	TAAC (Art Com)	Arts Award
2.	~~Bob~~ / Kathy Newcomb	17515 Chegem		self	cit. com
3.					
4.					
5.					
6.					
7.					
8.					

Submitted by Kathy Newcomb under "Citizen Comments" portion of 8/23/10 meeting.

Public Comment, August 23, 2010, Tualatin City Council, from Kathy Newcomb

Partial response to the Chamber of Commerce's Report dated July 22, 2010 and presented to the Tualatin City Council on August 9, 2010 by Mr. Larry Harvey (and Ms. Terri Ward), Governmental Affairs Committee (GAC) co-chairs, providing Chamber of Commerce and GAC opposition on the proposed Charter Amendment to protect the parks.

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Paragraph 2. **A misconception**. Procedures governing operation and maintenance of the City parks are already documented, by franchise agreements and by work orders, etc.

However, <u>except for the franchise agreements</u>, they are not documented by "adopted" procedures – that is, procedures formally approved and signed off on by the city council. Such additional documentation may be appropriate in some cases, especially if there is a need to clarify procedures between PGE and the city of Tualatin.

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Paragraph 3. An **omission** in the Chamber Report. The report describes the I-5/99W vote sending 2/3 of the regional traffic through Tualatin, including the "Northern Arterial." *The Chamber omits the following:*

At the end of July 2009 the Tualatin Road Extension was approved and forwarded by Tualatin City Council to Metro, renamed Project 10731. It was not publicized in any way for the public; in fact, the reverse. It was a $44,900,000 one-mile segment with the bridge over the river.

This new version of the "NORTHERN ARTERIAL," now called Project 10731, was adopted for Metro's Regional Transportation Plan in winter, 2009. And was finally deleted in spring 2010, due to citizen requests to Tualatin City Council.

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Paragraph 4: A **major omission.** The C of C Report lists several activities subject to a vote, without awareness of the following Charter Amendment provision:

"Furthermore, this section (Section 49) is not intended to control or override adopted park management and operations that do not otherwise constitute or cause a major change in the use of a park or part thereof."

FOLLOWUP IN THE FRANCHISE AGREEMENT:

The franchise agreement provides for "**Adopted park management and operations"** as shown above from the Charter Amendment. **The franchise agreement for PGE, "Ordinance No. 1295-09, apparently provides for all the functions needed.** (It provides the right to erect, construct, repair, maintain, upgrade and operate facilities in the city, and also, see next in the city park property.)

Specific language at Section 1(B) provides "the privilege to repair, maintain, upgrade and operate" (PGE) facilities located in City park property. "Adopted park management and operations" is provided for through franchise agreements. The franchise agreement for PGE, "Ordinance No. 1295-09, apparently provides for all the functions needed.

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Paragraph 6. The C of C Report is unaware that there are already many power lines crossing over the boundaries of Tualatin parks. These are already mapped out and covered by PGE's franchise agreement.

Also the C of C Report expresses concern about new power lines. However, new power lines according to the franchise agreement are required to go through a city "permitting process," as described next.

From PGE's Franchise Agreement, Section 1(B): "Grantee's right to install Grantee Facilities in <u>City park property</u> on or after the effective date of this Franchise, and to repair, maintain, upgrade and operate such after-installed Grantee Facilities, SHALL BE SUBJECT TO THE CITY'S PERMITTING PROCESS."
Emphasis added.

FINALLY:

C of C's Paragraphs 12 and 13 are about "the cumbersome requirements of placing every major parks transaction before the voters for approval." And requesting a vote for "all parks transactions."

However these statements are inaccurate. **The Charter Amendment requirement in Section 47, "Purpose," is about placing MAJOR NON-PARK transactions before the voters for approval.**

(I will provide a complete listing of all the errors and misconceptions later on to the Chamber of Commerce Board and its Governmental Advisory Committee, and to the Tualatin City Council, etc. KN)

Please note: I personally believe, and I believe many others feel the same way, that our Community Service (and also the Library) /Parks and Operation personnel are of the highest quality, and provide the very best quality of service we could possibly ask for. Paul Hennon and Carl Switzer, and Dan Boss and Bob Martin, and all those working with them have done superb jobs for our citizens. We can take great pride in the design of our parks and in the fresh and clean look of our parks and city also. (Also we take great pride and pleasure in our library.)

Contact: 503-692-5227 after 10 a.m.

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

STAFF REPORT
CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: August 23, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF AUGUST 9, 2010

ISSUE BEFORE THE COUNCIL:
The issue before the Council is to approve the minutes of the Work Session and Meeting of August 9, 2010.

RECOMMENDATION:
Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:
There are no financial impacts associated with this item.

Attachments: A. Minutes

City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary M Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF AUGUST 9, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Donna Maddux, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Kent Barker, Police Chief; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Nancy McDonald, Human Resources Director; Carina Christensen, Assistant to the City Manager; Carl Switzer, Parks and Recreation Manager; Eric Underwood, Development Coordinator; Dayna Webb, Project Engineer; Aquilla Hurd-Ravich, Senior Planner; Colin Cortes, Assistant Planner; Maureen Smith, Recording Secretary

ABSENT: Councilor Ed Truax* *[* denotes excused]*

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

A. CALL TO ORDER

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

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Sustainability Update*

Assistant to the City Manager Carina Christensen and Operations Maintenance Supervisor Clay Reynolds presented a PowerPoint on the City's sustainability plan for City operations, and new Sustainability Team.

Council's November 2008 strategic plan outlined goals and objectives with sustainability a focus area. The plan outlines two-year performance objectives, one of which is creating a city Internal Sustainability Plan, and the other to define what sustainability means for city operations. Staff researched other cities and then began a volunteer employee sustainability team with employees from each department. Audits were conducted as part of the program. Assistant to City Manager Christensen explained the paper and energy audits that were done. The energy audit looked at fuel, natural gas, and electricity. Discussion followed on energy use consumption and various ways it can be addressed.

Assistant to City Manager Christensen concluded with review of the next steps, such as having measurable goals, a webpage with in-depth information, and staff will also be giving regular updates to Council.

Operations Facilities Manager Clay Reynolds gave a brief explanation about sustainability efforts at Operations. It was asked and answered about opportunities for solar-type grants that could be available. Discussion followed on the use of solar energy, and it was asked and answered about working with PGE on the use of wind energy, etc.

Council thanked staff for all the work that has been done to date.

A break was taken from 5:37 p.m. to 5:50 p.m.

2. *Southwest Concept Plan 2010 Update*
Community Development Director Doug Rux and Senior Planner Aquilla Hurd Ravich presented information and gave a brief background on the Southwest Concept Plan to date. It was first presented to Council in 2005, and was accepted, and then put on hold to discuss the community visioning program "Tualatin Tomorrow." The area is again being reviewed due to Metro wanting the land as part of the urban growth boundary (UGB). Community Development Director Rux added if it is not addressed other jurisdictions could plan the area instead of Tualatin.

Senior Planner Hurd-Ravich presented a PowerPoint and went through highlights of the 2005 plan and the 2010 updates. Part of the plan that didn't change is the "mixed use." Also the development assumptions did not change, and mentioned was the Blake Street extension issue.

Discussion followed on traffic flow through Blake Street versus Tualatin-Sherwood Road, and how routing of traffic would work. Continued discussion on intersections and levels of service, and it was noted there are new intersections that would be developed. The alternatives were discussed with Alternative 4 proposing to eliminate the Blake Street connection in response to citizen concerns.

Discussion followed on the plan and Council refocused on whether to proceed with Alternative 3 or 4. It was asked about the "road" that is in the map, and explained that it is actually right-of-way (ROW). Council suggested having the area adequately marked on the map to not mistake that it is actually ROW. Senior Planner Hurd-Ravich continued with public comments made on suggestions of where a connection could be placed, other than Blake Street.

The general consensus of all Council present was to proceed with Alternative 4. Also suggested was to shorten up the cul-de-sac, and to make certain to protect as many trees as possible, addressing the Blake Street ROW, and to also research preservation of it as a permanent green space.

Community Development Director Rux explained how the process will proceed, and staff will make a recommendation at the August 23, 2010 meeting to formalize Alternative 4. It was also suggested having further discussion at the work session on September 13, 2010.

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

The work session reopened at 8:20 p.m.

3. *Tonquin Trail Master Plan Update*
Community Services Director Paul Hennon and Parks and Recreation Manager Carl Switzer presented a PowerPoint on the Tonquin Trail Master Plan.

Parks and Recreation Manager Switzer presented a brief PowerPoint and gave some background information on the scope of the Tonquin Trail Master Plan. Goals and measures were developed early in the master plan process..

Information will be presented at the next Tualatin Parks and Recreation Committee (TPARK) meeting. The draft trail alignments were reviewed, and it was asked and staff will forward the Tonquin Trail maps to Council electronically.

Discussion followed with Council discussing the various proposed trails and the viability of their locations. Parks and Recreation Manager Switzer reviewed the analysis matrix and Indicated it is not prioritized in any way.

Councilor Harris left the meeting at 8:53 p.m.

It was asked and explained the timing of the planning portion and the funding would happen at whatever point in the future. Parks and Recreation Manager Switzer said there is Metro funds specifically identified for the Tonquin Trail and other trail projects. The possibility that Metro could begin working on land acquisition is possible. To construct the trail is another thing entirely as construction and maintenance would be under local jurisdictions.

Further discussion on how to adequately address any issues that arise. Parks and Recreation Manager Switzer reviewed the tile maps that indicate which trails locations are shown off-road and on-road. It was suggested to take Council onsite to some of the proposed trail areas so as to better able to address the issues associated with the locations. Staff will arrange on-site tours per Council's request.

4. *Service Level Discussion Overview*
Finance Director Don Hudson began discussion on the upcoming service level discussion with Council on September 15, 2010, addressing a strategy for dealing with an anticipated gap between ongoing revenues and ongoing expenditures in upcoming fiscal years.

Finance Director Hudson reviewed the assumptions that went into the fiscal health model. He then briefly reviewed the services that are provided. Not knowing if the Washington County Cooperative Library Services (WCCLS) levy passes will change the projections. Finance Director Hudson continued with review of the various funding source levels. City Manager Lombos said there basically not any options to being able to raise additional revenues. Also mentioned was the closures of the urban renewal districts and the remaining funds. Discussion followed and it was explained what will be discussed at the September 15, 2010 special work session.

Discussion concluded and Council asked to provide information both with and without the funding assumptions of WCCLS levy, urban renewal funds, etc. It was also asked for staff to provide the breakdown of staff with regards to the urban renewal staff.

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
N/A

J. EXECUTIVE SESSION
None.

K. ADJOURNMENT
The work session adjourned at 9:54 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith Maureen Smith

City of Tualatin

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APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary MSmith

TUALATIN CITY COUNCIL MEETING MINUTES OF AUGUST 9, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Donna Maddux; 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: Councilor Ed Truax* *[* denotes excused]*

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:10 p.m.

The Pledge of Allegiance was led by Council President Barhyte.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council Update*
   Representatives from the Tualatin Youth Advisory Council (YAC) were present and gave an update on activities that have taken place over the summer and upcoming fall activities.

2. *Commuter Rail and High Speed Rail Updates*
   City Engineer Mike McKillip said he was not aware of any new developments on high speed rail since the last Council meeting. Regarding commuter rail, City Engineer McKillip said construction will begin in the next week or so for the wayside horns. Staff has also met with TriMet to coordinate public information.

   Assistant to the City Manager Carina Christensen and Engineering Project Engineer Dayna Webb gave a PowerPoint presentation on public information that was prepared for the quiet zones, wayside horns, etc. that will be distributed. Councilor Beikman said her concern has always been about safety and she appreciated the work that's been done going into this.

   Discussion followed on various ways the information can be disseminated to the community. Making sure school are notified was mentioned, and it was suggested having information and the posters available at "Back to School" nights. Council expressed specific concern about the "quiet zones" as it is predominantly youth that "walk" the tracks. It was also suggested to have this information available to the schools on an annual basis. It was asked and answered that the trains will continue to blow horns on an emergency basis. Councilor Maddux mentioned that high speed rail discussions are gearing up across the United States, particularly in Florida and California.

3. *Award for Excellence in Environmental Design Library – SRG Partnership*
   Lead Architect Gary Danielson, SRG Partnership, and Earl Levin, commercial lighting design subconsultant were present and were personally involved in the Tualatin Public Library remodel.

   Mr. Danielson said he was pleased to be able to present an award on environmental lighting design for the library. They were able to use various lighting techniques including the use of natural lighting with huge savings. Mr. Levin said it started with Community Services Director Paul Hennon with his "vision" of how he wanted the library to be. The library has one of the first internet-based lighting systems in the country, and is rapidly gaining interest, particularly on how it was accomplished with the amount that was budgeted. Mr. Levin concluded that it is a great example of what a smaller community can do. Mr. Danielson presented the award for the City to keep.

4. *"Recycle at Work" Award – Presented by Washington County*
   Operations Program Coordinator Kathy Kaatz introduced Efua Osam-Cue from Washington County Solid Waste & Recycling, Recycle at Work Program. Ms. Osam-Cue said she was pleased to present the City with a "Recycling at Work" award for the staff's efforts on recycling and the business community.

5. *New Employee Introductions* – Rick Bucholz, Information Services
   Ben Bryant, City Manager's Office

   Operations Director Dan Boss introduced and gave a brief background on new Information ServicesTechnician Rick Bucholz.

   City Manager Sherilyn Lombos introduced and gave a brief background on Ben Bryant, intern in the City Manager's Office. City Manager Lombos said Mr. Bryant's time is shared with the City of Wilsonville to work on the Basalt Creek Planning Area.

C. CITIZEN COMMENTS

Jennifer Pitt, 10915 SW Byrom Terrace, Tualatin, OR, thanked Council by allowing the neighbors to inundate Council on their concerns with the Blake Street extension in the proposed Southwest Concept Plan. Ms. Pitt said wanted to go on record by requesting the Council do whatever it takes to make sure "Alternative 3" does not end up as part of the plan whatsoever, and said she and other neighbors are accepting of Alternative 4.

Scott Campbell, 10925 SW Byrom Terrace, Tualatin, OR, wanted to reiterate what had just been stated regarding the Blake Street extension, and voiced his appreciation of being able to be part of the process. Mr. Campbell believes Alternative 4 meets the needs of the area, and also mentioned converting to a green space to have a complete buffer of the industrial zone.

Larry Harvey and Terri Ward, co-chairs of the Tualatin Chamber of Commerce Government Affairs Council (GAC), distributed a copy of a report regarding the GAC's position on the proposed petition initiative on a City Charter amendment regarding parks protection. Mr. Harvey noted the work done by the GAC was extensive, and while noting there are some issues such as operational procedures, they believe the issues can be addressed in various ways other than a restrictive City Charter amendment. Mr. Harvey noted that elected officials are "elected" and if citizens are not satisfied with the present Council, can choose not to reelect them.

Terri Ward, 20541 SW 103rd Avenue, Tualatin, OR GAC co-chair added that not only does she support the GAC report, but also as current chair of the City's Budget Advisory Committee, believes doing an amendment of the Charter does not seem the best stewardship for the City.

Kevin O'Donnell, Tualatin, OR, was present with some of his co-workers, regarding the mattress store located at Nyberg Woods retail. Mr. O'Donnell said they are the sign walkers advertising the mattress store and asked if some type of a "variance" could be done to let the store continue to use signage. Mayor Ogden explained issues regarding signage generally works on a "complaint" basis and referred the request to staff for a response and check on what is addressed in the City codes.

Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR, was present from the "Protect Tualatin's Parks" group and gave the City Council an update on their efforts on the proposed initiative petition. Ms. Holland mentioned the group did not receive a copy of the Chamber's GAC report. The group is continuing to move forward and Ms. Holland said five councilors signed their petition as well as many others. Ms. Holland said they welcome "collaboration" and will continue to work with PGE, etc.

Connie Ledbetter, 17650 SW Cheyenne Way, Tualatin, OR, noted she has lived in Tualatin for a number of years and had lived near a business where she dealt with a noise issue and her efforts in becoming involved by contacting the City to address the problem. She said the Blake Street neighbors are doing the right thing by being involved, and Ms. Ledbetter said Council is doing the right thing by modifying the Southwest Concept Plan alternatives.

D. CONSENT CALENDAR

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

1. Approval of the Minutes of the Work Session and Meeting of July 26, 2010

2. Resolution No. 4998-10 Approving Amendment No.4 to the Intergovernmental Agreement between Washington County and the City of Tualatin for the Coordination of Activities related to the U.S. Department of Homeland Security's Urban Areas Security Initiative (UASI) Grant Program

3. Resolution No. 4999-10 Authorizing an Intergovernmental Agreement between the City of Durham and the City of Tualatin for the Performance of Police Services within the City of Durham's Boundaries

4. Resolution No. 5000-10 Authorizing the Establishment of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plan

5. Resolution No. 5001-10 Awarding the Bid for the RV Park of Portland Sanitary Sewer Improvements

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

None.

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

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
None.

J. COMMUNICATIONS FROM COUNCILORS
Councilor Beikman noted that October 6, 2010 is the next National Walk + Bike to School Day.

Councilor Davis said she and Councilor Maddux were at the last Concerts on the Commons and said it was terrific and encouraged all to attend the remaining concerts. The Farmers Market has also been great, and the 60th annual Crawfish Festival is August 13-14.

K. ADJOURNMENT
MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adjourn the meeting at 8:13 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith Maureen Smith

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: August 23, 2010

SUBJECT: APPROVAL OF A CHANGE OF OWNERSHIP LIQUOR LICENSE APPLICATION FOR WONG'S CHINESE RESTAURANT

ISSUE BEFORE THE COUNCIL:
The issue before the Council is to approve a change of ownership liquor license application for Wong's Chinese Restaurant.

RECOMMENDATION:
Staff respectfully recommends that the Council approve endorsement of the liquor license application for Wong's Chinese Restaurant.

EXECUTIVE SUMMARY:
Wong's Chinese Restaurant has submitted a change of ownership liquor license application Full On-Premises Sales, Commercial Establishment. The business is located at 19449 SW Martinazzi Avenue. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed and signed off on this application.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:
A fee has been paid by the applicant.

Attachments:
1. Vicinity Map
2. OLCC License Types
3. Liquor License Application

Wong's Chinese Restaurant - 19449 SW Martinazzi Avenue

TUALGIS

OREGON LIQUOR CONTROL COMMISSION
LICENSE TYPES & PRIVILEGES

Brewery – public house
Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery
Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval
This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery
Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit
Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales
Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege
Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales
Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales
Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse
Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine
Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit
Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery
Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises.[ORS 471.223]

PAID

AUG 04 2010

CITY OF TUALATIN

CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 7-30-2010

IMPORTANT: *This is a three-page form.* **You are required to complete all sections of the form.** If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- ☐ *Original* (New) Application - $100.00 Application Fee.
- ☒ *Change in Previous Application* - $75.00 Application Fee.
- ☐ *Renewal of Previous License* - $35.00 Application Fee. Applicant must possess current business license. License # _____
- ☐ *Temporary License* - $35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business *(dba)*: Wongs chinese Restaurant

Business address 19449. SW Martinazzi City Tualatin State OR Zip Code 97062

Mailing address 19449 SW Martinazzi City Tualatin State OR Zip Code 97062

Telephone # (503) 692-3539 Fax # (503) 692-7260

Name(s) of business manager(s) First Jenny Middle F Last WONG

Date of birth [redacted] Social Security # [redacted] ODL# [redacted] M ____ F X

Home address [redacted] City Portland State OR Zip Code 97219
(attach additional pages if necessary)

Type of business chinese Restaurant

Type of food served chinese

Type of entertainment (dancing, live music, exotic dancers, etc.) _____

Days and hours of operation Monday-Friday 11-2 saturday and sunday 12-2

Food service hours: Breakfast _____ Lunch X Dinner X

Restaurant seating capacity 150 Outside or patio seating capacity _____

How late will you have outside seating? _____ How late will you sell alcohol? Befoer 2AM

(Please Complete ALL Pages)

How many full-time employees do you have? 2 Part-time employees? 8

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of *Individual, Partnership, Corporation, LLC,* or *Other* applicants Wong chinese Rest In

Type of liquor license (refer to OLCC form) _____

Form of entity holding license (*check one and answer all related applicable questions*):

☐ **INDIVIDUAL:** *If this box is checked, provide full name, date of birth, and residence address.*
Full name _____ Date of birth _____
Residence address _____

☐ **PARTNERSHIP:** *If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.*
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

☒ **CORPORATION:** *If this box is checked, complete (a) through (c).*
(a) Name and business address of registered agent.
Full name Wong' chinese Restaurant
Business address 19449 SW Martinazzi Ave Tualatin OR 97062

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? ____ *Yes* X *No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.*
Full name of president: Jean Y Wong Date of birth: [redacted]
Residence address: [redacted] Portland OR 97219
Full name of treasurer: Walter Wong Date of birth: [redacted]
Residence address: [redacted] Portland OR 97219
Full name of secretary: Susan Booker Date of birth: [redacted]
Residence address: [redacted] Portland OR 97230

☐ **LIMITED LIABILITY COMPANY:** *If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.*
Full name: ~~Jean Wong~~ Date of birth: [redacted]
Residence address: [redacted] ~~Portland OR 97219~~

(Please Complete ALL Pages)

J.W

Full name:_____ Date of birth:_____
Residence address:_____

☐ **OTHER:** *If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.*

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Jenny Wong — 7-30-2010
Signature of Applicant — Date

For City Use Only

Sources Checked:

☑ DMV by MG ☑ LEDS by MG ☑ TuPD Records by MG

☑ Public Records by MG

[5] Number of alcohol-related incidents during past year for location.

[5] Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

☑ Granted

☐ Denied
Cause of unfavorable recommendation:_____

Kent W. Barker — 8/11/10
Signature — Date

Kent W. Barker
Chief of Police
Tualatin Police Department

(Please Complete ALL Pages)

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☒ Full On-Premises Sales ($402.60/yr)
  - ☒ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☐ Limited On-Premises Sales ($202.60/yr)
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS

- ☒ Change Ownership
- ☐ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

P14323
L119405

Applying as:

☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

City of Tualatin, OR
(name of city or county)

recommends that this license be:

Granted ☒ Denied ☐

By: _____ 8-23-2010
(signature) (date)

Name: Lou Ogden

Title: Mayor

OLCC USE ONLY

Application Rec'd by: 2-18-10

Date: EH

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① [redacted] ③ [redacted]

② [redacted] ④ Wongs Chinese Restaurant Inc

2. Trade Name (dba): Wong's Chinese Restaurant [redacted]

3. Business Location: 19449 SW Martinazzi Ave. Tualatin 97062
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same as the above
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-692-3539 503-692-3260
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: Walter + Jenny Wong's ~~Restaurant~~ Type of License: full Service

8. Former Business Name: Wong's Chinese Restaurant

9. Will you have a manager? ☒ Yes ☐ No Name: Jenny Wong
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Tualatin,
(name of city or county)

11. Contact person for this application: Walter Wong 503-692-3539
(name) (phone number(s))

19449 SW Martinazzi Ave. 503-692-3260
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Walter Wong Date 1/13/10 ③ Susan Bocka Date 1/13/10

② _____ Date _____ ④ _____ Date _____

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www.oregon.gov/olcc

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OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Wong's Chinese Restaurant Inc Phone: 503-692-3039

Trade Name (dba): WONG'S Chinese Restaurant

Business Location Address: 19449 SW Martinazzi Ave.

City: Tualatin ZIP Code: 97062

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	12	to	2:00 AM
Monday	11 AM	to	2:00 AM
Tuesday	11 AM	to	2:00 AM
Wednesday	11 AM	to	2:00 AM
Thursday	11 AM	to	2:00 AM
Friday	11 AM	to	2:00 AM
Saturday	12	to	2:00 AM

Outdoor Area Hours:

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

The outdoor area is used for:

☐ Food service Hours: _____ to _____

☐ Alcohol service Hours: _____ to _____

☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☐ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
- ☒ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☒ Coin-operated Games
- ☒ Video Lottery Machines
- ☐ Social Gaming
- ☒ Pool Tables
- ☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: 100 Outdoor: _____

Lounge: 50 Other (explain): _____

Banquet: _____ Total Seating: 150

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Walter Wong **Date:** 1/20/10

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OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Wong's Chinese Restaurant Inc. **City:** Tualatin

1. Name: WONG (last) WALTER (first) H (middle)
2. Other names used (maiden, other): NONE
3. Residence Address: 5627 SW Taylors Ferry Rd. (number and street) Portland (city) OR (state) 97219 (ZIP code)
4. Home Phone: (503) 452-2818 Business Phone: (503) 692-3339
5. *SSN: 543-15-1862 Place of Birth: China (State/Country) DOB: 9/26/54 (mm) (dd) (yyyy) Sex: M X F ___
6. Driver License or State ID #: 4509635 State: OR Spouse's name: Jenny Wong
7. List all states, other than Oregon, where you have lived during the past ten years: Oregon only
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___Yes X No
   If yes, when, where and name of premises? ___
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where? ___
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where? ___
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date ___ County/City/State ___
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes**, what and where: ___
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes**, who? ___
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes**, when: ___ where: ___

OSP/DMV Search Completed FEB 12 2010 INITIALS: ___

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Walter Wong **Date:** 1/4/2010

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: ___ **Date:** ___

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OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Wong's Chinese Restaurant III **City:** ~~Tualatin~~ Tualatin

1. Name: Booker (last) Chen (first) Susan (middle)
2. Other names used (maiden, other): Chen Xu Booker
3. Residence Address: 14010 NE San Rafael street (number and street) Portland (city) OR (state) 97230 (ZIP code)
4. Home Phone: (503) 255-9028 Business Phone: (503) -692-3539
5. *SSN: 540-25-8909 Place of Birth: Shanghai China (State/Country) DOB: Feb 14 1948 (mm) (dd) (yyyy) Sex: M ___ F ✓
6. Driver License or State ID #: 5236329 State: Oregon Spouse's name: N/A
7. List all states, other than Oregon, where you have lived during the past ten years: N/A
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___Yes (No)
   If yes, when, where and name of premises? N/A
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes (No)
   If yes, what, when and where? N/A
10. Have you ever entered into a diversion agreement? ___Yes (No)
    If yes, when and where? N/A
11. Do you have any arrests or citations that have not been resolved? ___Yes (No)
    If yes, arrested/cited for: N/A Date N/A County/City/State/ N/A
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes (No) **If yes,** what and where: N/A
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes (No) **If yes,** who? N/A
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes (No) **If yes,** when: N/A where: N/A

OSP/DMV Search Completed FEB 12 2010

INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Susan Booker **Date:** Jan-03-2010

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Susan Booker **Date:** Jan-03-2010

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OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Wong's Chinese Restaurant Inc **City:** Tualatin

1. Name: Wong (last) Jenny (first) F (middle)
2. Other names used (maiden, other): Feng Zhen Wu
3. Residence Address: 5627 SW Taylors Ferry Rd. (number and street) Portland (city) OR (state) 97219 (ZIP code)
4. Home Phone: (503) 452-2818 Business Phone: (503) 692-3339
5. *SSN: 544-15-8544 Place of Birth: China (State/Country) DOB: 2/7/54 (mm) (dd) (yyyy) Sex: M___ F X
6. Driver License or State ID #: 4755293 State: OR Spouse's name: WALTER WONG
7. List all states, other than Oregon, where you have lived during the past ten years: Oregon
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___Yes X No
   If yes, when, where and name of premises?
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where?
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where?
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date___ County/City/State/
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes,** what and where:
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes,** who?
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes,** when: ___ where:

OSP/DMV Search Completed FEB 12 2010

INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Jenny Wong **Date:** 1/4/2010

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

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Applicant Signature: ___ **Date:** ___

451001A1

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www.oregon.gov/olcc

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APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

STAFF REPORT
CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: August 23, 2010

SUBJECT: APPROVAL OF A CHANGE OF OWNERSHIP LIQUOR LICENSE APPLICATION FOR PLAYERS

ISSUE BEFORE THE COUNCIL:
The issue before the Council is to approve a change of ownership liquor license application for Players.

RECOMMENDATION:
Staff respectfully recommends that the Council approve endorsement of the liquor license application for Players.

EXECUTIVE SUMMARY:
Players has submitted a change of ownership liquor license application for Commercial Establishment, Full On-Premises Sales. The business is located at 17880 SW McEwan Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed and signed off on this application.

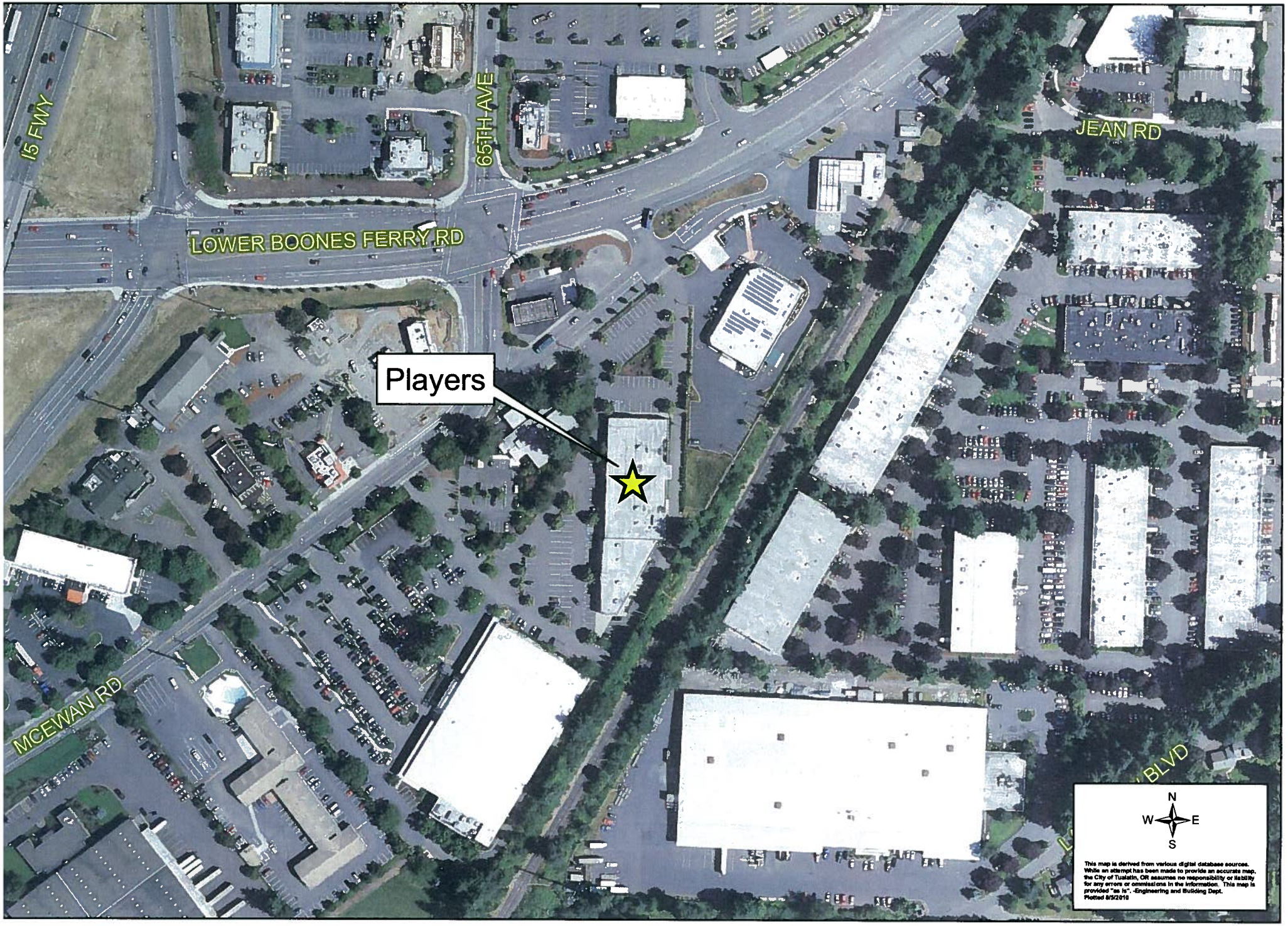
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:
A fee has been paid by the applicant.

Attachments:
1. Vicinity Map
2. OLCC License Types
3. Liquor License Application

Players - 17880 SW McEwan Road

TUALGIS



OREGON LIQUOR CONTROL COMMISSION
LICENSE TYPES & PRIVILEGES

Brewery – public house
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This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

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REC'D
CITY OF TUALATIN

JUL 2 0 2010

MAYOR___COUNCIL___POLICE___ADM___
FINANCE___COMM DEV___LEGAL___OPER___
COMM SVCS___ENG & BLDG___LIBRARY___

CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Date 7-15-10

IMPORTANT: This is a three-page form. **You are required to complete all sections of the form.** If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- ☒ *Original* (New) Application - $100.00 Application Fee.
- ☐ *Change in Previous Application* - $75.00 Application Fee.
- ☐ *Renewal of Previous License* - $35.00 Application Fee. Applicant must possess current business license. License # _____
- ☐ *Temporary License* - $35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business(dba): PLAYERS

Business address: 17880 SW McEWAN RD City: LAKE OSWEGO State: OR Zip Code: 97035

Telephone #: 503-726-4263 Fax #: 503-726-5494

Name(s) of business manager(s): First DAVID Middle CHARLES Last THIESSEN

Date of birth [redacted] Social Security # [redacted] ODL# [redacted] M X F ___

Home address: [redacted] City: OREGON CITY State: OR Zip Code: 97045
(attach additional pages if necessary)

Type of business: RESTAURANT, BAR, BOWLING, ARCADE, BANQUETS

Type of food served: SALADS, BURGERS, STEAKS, SEAFOOD, APPETIZERS ETC.

Type of entertainment (dancing, live music, exotic dancers, etc.): N/A

Days and hours of operation: MON - THURS. 4PM - 10PM SAT 12AM-12PM - SUN 12PM-10PM - FRI 4PM-12AM

Food service hours: Breakfast: N/A Lunch: 12PM-2PM Dinner: 2PM - CLOSE

Restaurant seating capacity: 303 Outside or patio seating capacity: N/A

How late will you have outside seating? N/A How late will you sell alcohol? 12 AM

How many full-time employees do you have? 5 Part-time employees? 15

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of *Individual, Partnership, Corporation, LLC,* or *Other* applicants: DAUE & DAN'S FAMILY ENTERTAINMENT GROUP INC

Type of liquor license (refer to OLCC form): _____

Form of entity holding license (*check one and answer all related applicable questions*):

☐ **INDIVIDUAL:** *If this box is checked, provide full name, date of birth, and residence address.*
Full name: _____ Date of birth: _____
Residence address: _____

☐ **PARTNERSHIP:** *If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.*
Full name: _____ Date of birth: _____
Residence address: _____
Full name: _____ Date of birth: _____
Residence address: _____

☒ **CORPORATION:** *If this box is checked, complete (a) through (c).*
(a) Name and business address of registered agent.
Full name: DAVID THIESSEN
Business address: 17880 SW McEWAN RD / LAKE OSWEGO, OR 97035

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name: DAVID THIESSEN Date of birth: [redacted]
Residence address: [redacted] OREGON CITY, OR 97045

(c) Are there more than 35 shareholders of this corporation? ____ *Yes* X *No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.*
Full name of president: DAVID THIESSEN Date of birth: [redacted]
Residence address: [redacted] OREGON CITY OR 97045
Full name of treasurer: DANIEL KISTNER Date of birth: [redacted]
Residence address: [redacted] GRESHAM, OR 97080
Full name of secretary: DANIEL KISTNER Date of birth: [redacted]
Residence address: [redacted] GRESHAM, OR 97080

☐ **LIMITED LIABILITY COMPANY:** *If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.*
Full name: _____ Date of birth: _____
Residence address: _____
Full name: _____ Date of birth: _____
Residence address: _____

☐ **OTHER:** *If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.*

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature of Applicant _____ Date 7-15-10

For City Use Only

Sources Checked:

☑ DMV by MG ☑ LEDS by MG ☑ TuPD Records by MG

☑ Public Records by MG

It is recommended that this application be:

☑ Granted

☐ Denied

Cause of unfavorable recommendation: _____

Signature _____ Date 8/11/10

Kent W. Barker
Chief of Police
Tualatin Police Department

(Please Complete ALL Pages)

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

JUL 14 2010

MAYOR ___ COUNCIL ___ POLICE ✓ ADM ___
FINANCE ___ COMM DEV ___ LEGAL ___ OPER ___
LIBRARY ___

Application is being made for:

LICENSE TYPES
- ☒ Full On-Premises Sales ($402.60/yr)
- ☒ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☐ Limited On-Premises Sales ($202.60/yr)
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: ___

ACTIONS
- ☒ Change Ownership
- ☐ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other ___

P41836
L137032

90-DAY AUTHORITY
☒ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:
☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

CITY AND COUNTY USE ONLY

Date application received: ___

The City Council or County Commission:
The City of Tualatin, OR
(name of city or county)

recommends that this license be:
☒ Granted ☐ Denied

By: ___ (signature) 8-23-2010 (date)

Name: Lou Ogden

Title: Mayor

OLCC USE ONLY

Application Rec'd by: M. Olsen

Date: 7/6/10

90-day authority: ☒ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
   ① ~~DAVID THIESSEN~~ ③ Dave + Dans Family Entertainment Grp Inc
   ② ~~DANIEL KISTNER~~ ④ ___
   ✓ SOS 6/14/1
2. Trade Name (dba): PLAYERS
3. Business Location: 17880 LOWER BOONES FERRY RD LAKE OSWEGO CLACK. OR 97035
   (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: SAME AS LOCATION
   (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 503-726-4263
   (phone) (fax)
6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No
7. If yes to whom: Get Your Game On Inc ~~VAL JOHNSON~~ Type of License: FULL ON-PREMISES
8. Former Business Name: PLAYERS
9. Will you have a manager? ☐ Yes ☒ No Name: David Thiessen
   (manager must fill out an Individual History form)
10. What is the local governing body where your business is located? ~~LAKE OSWEGO, OR~~ (GOV. TUALATIN) - CLACKAMAS
    (name of city or county)
11. Contact person for this application: DAVID THIESSEN 503-704-8681
    (name) (phone number(s))
    21339 S BEAVERCREEK RD OREGON CITY OR 97045 KKONG800@YAHOO.COM
    (address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [signature] Date 6-11-10 ③ ___ Date ___

② Dan Kistner Date 6.11.10 ④ ___ Date ___

COPY (rev. 08/2009)

OREGON LIQUO NTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): PLAYERS **City:** LAKE OSWEGO

1. Name: THIESSEN (last) DAVID (first) CHARLES (middle)
2. Other names used (maiden, other): _____
3. Residence Address: 21339 S BEAVERCREEK RD (number and street) OREGON CITY (city) OR (state) 97045 (ZIP code)
4. Home Phone: (503) 632-7456 Business Phone: (503) 704-8681
5. *SSN: 540-13-9081 Place of Birth: OR / MOULT. (State/Country) DOB: 09 / 24 / 1970 (mm) (dd) (yyyy) Sex: M X F ____
6. Driver License or State ID #: 4345677 State: OR Spouse's name: MICHELLE THIESSEN
7. List all states, other than Oregon, where you have lived during the past ten years: NONE
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___Yes X No
   If yes, when, where and name of premises? _____
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where? _____
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where? _____
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: _____ Date_____ County/City/State/ _____
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes**, what and where: _____
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes**, who? _____
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes**, when: _____ where: _____

OSP/DMV Search Completed JUN 18 2010 INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: _____ **Date:** 6-11-10

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: _____ **Date:** 6-11-10

451001A1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

COPY

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): PLAYERS **City:** LAKE OSWEGO

1. Name: KISTNER (last) DANIEL (first) ALFRED (middle)
2. Other names used (maiden, other): DAN KISTNER
3. Residence Address: 2118 SW 9TH PL (number and street) GRESHAM (city) OR (state) 97080 (ZIP code)
4. Home Phone: (503) 661-3689 Business Phone: (503) 310-2214
5. *SSN: 544-62-0381 Place of Birth: OR/USA (State/Country) DOB: 03/10/1953 (mm) (dd) (yyyy) Sex: M X F ___
6. Driver License or State ID #: 1598089 State: OR Spouse's name: N/A
7. List all states, other than Oregon, where you have lived during the past ten years: N/A
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___Yes X No
   If yes, when, where and name of premises? ___
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where? ___
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where? ___
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date ___ County/City/State/ ___
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes**, what and where: ___
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes**, who? ___
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes**, when: ___ where: ___

OSP/DMV Search Completed JUN 18 2010 INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Dan Kistner **Date:** 6-11-10

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Dan Kistner **Date:** 6-11-10

451001A1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

COPY

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: DAVE & DAN'S FAMILY ENTERTAINMENT GROUP INC. Phone: 503-704-8681

Trade Name (dba): PLAYERS

Business Location Address: 17880 LOWER BOONES FERRY RD

City: LAKE OSWEGO (GOV. TUALATIN) ZIP Code: 97035

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	8AM	to	12AM
Monday	11AM	to	12AM
Tuesday	11AM	to	12AM
Wednesday	11AM	to	12AM
Thursday	11AM	to	12AM
Friday	11AM	to	2AM
Saturday	8AM	to	2AM

Outdoor Area Hours:

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

The outdoor area is used for:

- ☐ Food service Hours: _____ to _____
- ☐ Alcohol service Hours: _____ to _____
- ☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- ☒ Live Music
- ☒ Recorded Music
- ☒ DJ Music
- ☒ Dancing
- ☐ Nude Entertainers
- ☒ Karaoke
- ☒ Coin-operated Games
- ☒ ~~Video Lottery Machines~~
- ☐ Social Gaming
- ☒ Pool Tables
- ☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	N/A	to	
Monday	N/A	to	
Tuesday	N/A	to	
Wednesday	N/A	to	
Thursday	N/A	to	
Friday	10PM	to	2AM
Saturday	10PM	to	2AM

SEATING COUNT

Restaurant: 100 Outdoor: N/A

Lounge: 50 Other (explain): _____

Banquet: 100 Total Seating: 250

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ **Date:** 6-11-10

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(Rev. 12/07)

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APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

STAFF REPORT
CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Paul Hennon, Community Service Department
Abigail Elder, Public Library Manager

DATE: August 23, 2010

SUBJECT: RESOLUTION AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH WHITECREST, LLC FOR PROVISION OF COFFEE SERVICE AT THE TUALATIN PUBLIC LIBRARY

ISSUE BEFORE THE COUNCIL:
The Council will consider authorizing a personal services agreement for coffee and vending services at Tualatin Public Library ("Library).

RECOMMENDATION:
Staff recommends that Council authorize a personal services agreement with Whitecrest, LLC for coffee and vending services at the Tualatin Public Library.

EXECUTIVE SUMMARY:
As required by ORS 346.510-570, the space was first offered to the Oregon Commission for the Blind, which declined the option to operate the espresso bar.

A Request for Proposals, seeking espresso bar and vending services at the Library, was listed on Craigslist the week of June 16, and advertised inside the Library from June 16- July 18, 2010. In addition, the RFP was sent to twelve parties that had previously indicated interest in the space.

Three proposals were received that met the minimum qualifications of the Request for Proposals. Jim Frank of Whitecrest, LLC submitted the preferred proposal for the following reasons:

1) The proposal most closely aligned with the City's stated goals and met or exceeded the City's preferred operational standards.
2) The applicant has demonstrated experience in owning and managing an espresso bar.

In addition to various forms of coffee and other beverages, Whitecrest, LLC proposes that at least thirty percent (30%) of all items will be healthy snacks and will include fresh fruit, freshly prepared sandwiches, wraps and other such items.

If awarded the personal services agreement, Whitecrest, LLC will begin service at the Forethought Café on or about September 15, 2010. Hours of operation will be Monday-Thursday 10:00 AM to 9:00 PM; Friday-Saturday 10:00 AM to 6:00 PM with occasional programs in the lobby extending hours when the Library is not open.

SPECIAL ISSUES:
The attached personal service agreement with Whitecrest, LCC has two conditions: (1) authorization to have one conservative external sign with the size, materials, location and design approved by the Library Manager; and (2) authorization to operate the coffee service and use the Library Lobby for programming activity when the Library is not open, subject to approval of the Library Manager.

The proposer believes these conditions are required to increase sales volume, combined with the City's willingness to allow the Contractor to establish hours of operation of its choosing, the proposer believes he can generate a viable coffee service business at the Library.

FINANCIAL IMPLICATIONS:
Whitecrest, LLC will pay rent of $145 per month, an energy consumption fee to reimburse the City (estimated to be $125 a month), and 1% of annual gross revenue. Payments would begin in the seventh full month of operation. This is estimated to generate approximately $4,000 on an annual basis.

The term of this agreement runs from the date it is executed by both parties and continues for a period of five years, unless earlier terminated or extended by the actions of either party. There is a maximum of two (2) five year extensions.

Attachments: A. Resolution
B. Personal Services Agreement

CC:

Members of Tualatin Library Advisory Committee (TLAC)
Clay Reynolds, Maintenance Services Supervisor
Jim Frank, Whitecrest LLC
Ali Houdrouge
Delanie Simmons

RESOLUTION NO. 5002-10

RESOLUTION AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH WHITECREST, LLC FOR PROVISION OF COFFEE SERVICE AT TUALATIN PUBLIC LIBRARY

WHEREAS the Tualatin Public Library provides space for a dedicated espresso bar and vending area with the intention of providing library patrons and community members access to refreshments to enhance their library experience; and,

WHEREAS a Request for Proposals was advertised and three proposals were submitted and evaluated; and,

WHEREAS Jim Frank of Whitecrest, LLC ("Forethought Café") submitted the proposal that most closely aligned with the City's stated goals and met or exceeded the City's preferred operational standards.

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

Section 1. The attached personal services agreement is awarded to Jim Frank, Whitecrest LLC.

Section 2. The Library Manager is designated as the contract manager and is authorized to sign the personal services agreement.

INTRODUCED AND ADOPTED this 23rd day of August, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

PERSONAL SERVICES AGREEMENT
(*Espresso Bar and Vending Services Tualatin Public Library*)
This Agreement is between the **CITY OF TUALATIN**, ("City") and
WHITECREST, LLC ("Contractor")

RECITALS

WHEREAS, the City of Tualatin operates a Library, located at 18878 SW Martinazzi Avenue, Tualatin, OR 97062, and now wishes to contract with a operator for its coffee/espresso bar and vending services; and

WHEREAS, Contractor has offered to provide those services through an agreement with City and is capable of doing so.

NOW, THEREFORE, in consideration of the mutual promises, terms and conditions, the parties agree as follows:

1. CONTRACTOR

1.1. Contractor agrees to operate and manage an espresso bar and vending machine services at the Tualatin Public Library, 18878 SW Martinazzi Avenue, Tualatin, Washington County, Oregon, according to the terms and conditions in this agreement and as outlined in Exhibit "A", which is attached and incorporated into this agreement by this reference.

1.2. Expected Café hours of operation are:

Monday – Thursday 10:00 a.m. to 9:00 p.m.
Friday – Saturday 10:00 a.m. to 6:00 p.m.

The above hours may be adjusted during the course of this agreement after consultation and approval of the Library Director.

Contractor may operate the espresso bar and use the library lobby for programming activity when the library is not open, subject to approval by the library manager.

Vending machine access will be available all hours that the library is open.

1.3. Contractor states that it can and will acquire, and agrees to maintain, all necessary licenses and permits required by the Federal Government, State of Oregon, Washington County, and the City of Tualatin that are necessary for operating and managing an espresso bar and vending operation and further agrees that it will use the premises solely for such purposes and for other uses normally incidental to the primary use.

1.4. Contractor shall not use the premises (at the exclusive discretion of the City) for any purpose that constitutes a public or private nuisance or that interferes with the operation of the Library, nor in any unlawful, improper or offensive manner.
1.5. The City reserves the right to monitor, inspect, and approve Contractor's business practices, including providing input into the type and quality of foods sold by Contractor, the prices charged, and the quality of Contractor's employees. Any changes or recommendations to this agreement will be agreed to in writing by both parties before being implemented by contractor.

1.6. Contractor shall not allow the premises to fall into such a state of disrepair or disorder that would increase fire hazards, nor install any power machinery on the premises except under the supervision of and with the written permission of the City.

1.7. Contractor shall not abandon or vacate the premises for more than five days without prior written approval of the City.

1.8. Contractor shall complete all material deliveries before the library opens and only through the front lobby doors, or otherwise as directed by City.

1.9. Contractor shall not remove City equipment or furnishings from the site. Contractor shall be responsible for replacing equipment or furnishings that are in need of replacement, which are outside the City's normal replacement schedule.

1.10. Contractor shall not bring any signs, equipment or furnishings into the lobby area, other than those provided or approved by the Library Manager. Contractor may have one conservative external sign. The size, materials, location, and design of the external sign must be approved in writing by the Library Manager.

1.11. Contractor shall be responsible for paying all property taxes for the entire tax year without proration, or if the property tax law changes, for any taxes due under such law.

1.12. Contractor shall maintain and keep the premises in good order and repair during the entire term of this agreement at Contractor's own cost and expense. Contractor shall make no alteration, addition or improvements to or upon the premises with the prior written consent of the City.

1.13. Contractor waives any claim for damages that may arise during any maintenance, repair, or construction work City causes to be performed on or at the premises, Any damages caused by the City's maintenance, repair or construction to City Equipment that is part of the Café Space will be replaced at the City's expense.

1.14. Contractor shall support City fundraising opportunities.

1.15. Contractor shall provide and maintain all vending equipment. Contractor shall replenish fresh items daily and otherwise keep vending machines fully stocked. Contractor must keep vending machine clean and vending room clean and empty recycling bins as necessary. Contractor shall implement a refund policy and mechanism subject to the contract manager's approval.

1.16. At least thirty percent (30%) of all items offered must be healthy snacks and should include fresh fruit, freshly prepared sandwiches, wraps, and other such items.

1.17. Contractor shall provide written notice to the City's contract manager of injuries sustained by customers and/or employees within 24 hours. Contractor shall provide written notice to the City's contract manager of customer complaints within 24 hours.

2. CITY

2.1 The City shall maintain the exterior and interior walls of the Library, HVAC system, roof, gutters, downspouts and foundation of the building and the adjacent sidewalks. The City may alter, repair, improve or add to the premises, and may erect scaffolding and all other necessary structures about and upon the premises for such purposes. In conjunction with such work, the City and its representatives, contractors and the contractors' employees may enter the premises with such materials as may be necessary.

2.2 The City, its employees, agents and representatives shall have the right to enter into or upon the premises at any reasonable time for the purpose of examining the condition of the premises.

3. TERM

3.1 This Agreement runs from the date it is executed by both parties and continues for a period of five years, unless earlier terminated or extended by the actions of either party. There shall be a maximum of two (2) five-year extensions.

4. RELATIONSHIP OF THE PARTIES

4.1 The parties agree that Contractor is an independent contractor for all purposes and shall not to be considered an agent or employee of the City for any purpose. Contractor shall not assert that it is an agent or employee of the City at any time.

4.2 Except as otherwise specified in this Agreement, City has no right to control the manner or method of providing Contractor's services under this Agreement and shall not interfere with any particular aspect of Contractor's or Contractor's employees' duties or performance.

4.3 Neither Contractor nor any of its employees under this Agreement are entitled to any of the fringe benefits that City normally provides its employees, including, but not limited to, group health, accident, disability and life insurance, pension plans, workers compensation, and withholding for taxes and social security obligations; and no withholding or contribution for these purposes shall be made by City. Compensation shall be based strictly on the terms set out in this Agreement.

4.4 Contractor shall bear all costs incidental to Contractor's operation, including, but not limited to, insurance, workers compensation, taxes, and expenses of necessary equipment; and these costs represent part of the consideration for this Agreement.

4 .5 Contractor may use employees or assistants subject to the following conditions:

4.5.1 No later than the date on which Contractor begins operation, Contractor shall provide City with the names and addresses of such employees or assistants. This obligation is of a continuing nature, prior to the placement of new employees or assistants in operation on behalf of Contractor, Contractor shall notify City of their names and addresses.

4.5.2 If Contractor uses employees or assistants on this Agreement, Contractor is fully responsible for payment of all withholding required by law, including, but not limited to, taxes, including payroll, income and Social Security (FICA), and for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges for its employees. Contractor shall pay to the Department of Revenue all sums withheld from employees or assistants pursuant to ORS 316.167. Contractor shall indemnify, defend, and hold City harmless from claims for payment of all such expenses.

4.6 Contractor shall make prompt payment of any claim for labor, materials, or services furnished to Contractor by any person in connection with this Agreement as such claim becomes due. Contractor shall not permit any lien or claim to be filed or prosecuted against City or City's property for labor or material furnished. If Contractor fails, neglects, or refuses to make prompt payment of such a claim, City may pay the claim to the person furnishing the labor, materials, or services and recover the amount of the payment from Contractor.

4.7 No person shall be employed for more than ten (10) hours in any one day, or 40 hours in any one week, except in cases of absolute necessity, emergency, or where the public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive at least time and a half pay for all overtime in excess of eight hours in a day or 40 hours in any one week when the work week is five consecutive days or for all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, New Year's Day on January 1, Memorial Day on the last Monday in May, Independence Day on July 4, Labor Day on the first Monday in September, Thanksgiving Day on the fourth Thursday in November, and Christmas Day on December 25 as provided in ORS 279C.520.

4.8 Contractor shall make prompt payment as due to any person, co-partnership, association, or corporation furnishing medical, surgical and hospital care, or other needed care and attention incident to sickness or injury to the employees of such Contractor of all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law contract or agreement for the purpose of providing or paying for such service. 4.9 No person shall be denied benefits or be subjected to discrimination in receipt of the benefits of services or activities made possible by or resulting from this Agreement because of sex, race, color, creed, marital status, age, sexual orientation, disability, or national origin. A violation of this provision is grounds for cancellation, termination, or suspension of the Agreement in whole or in part by City.

5. INDEMNIFICATION

5.1 Contractor agrees to indemnify, defend, and hold harmless the City, its elected and appointed officials, officers, agents, employees, and volunteers against all claims, suits, judgments, actions, damages, losses, costs, and expenses whatsoever, including, without limitation, attorneys' fees and costs or expenses incidental to the investigation and defense of claims and lawsuits arising from damage to property, injury or death of persons, or any other damage sustained by a person, firm, or corporation, resulting in whole or in part from a wrongful or negligent act, omission, breach, default, or conduct of Contractor, its agents, contractors, subcontractors, servants, licensees, or employees or in any manner arising from exercising the rights, privileges, and concession granted by this Agreement, or any relationship between Contractor and its end-use customers. Contractor shall pay all judgments, with costs, counsel fees, and expenses, which may be obtained against City relating to such claim. This indemnification does not apply to a claim for injury or death to any person or for damage to the person's property, where such claim is asserted solely against the additional named insured. This section is intended to benefit the City and Contractor, and is not intended for the benefit of any third party.

5.2 The City shall give Contractor prompt and reasonable notice of any such claims or actions known to the City, and Contractor shall have the obligation to investigate, compromise and defend same, provided such claim is not caused by the negligence of the City, its employees or agents.

5.3 In the event that there is any bodily injury at, or property damage to, any portion of the premises caused by Contractor or any third party, Contractor shall immediately notify the City and cooperate in the City's investigation of said incident.

6. INSURANCE REQUIREMENT

6.1 Contractor shall maintain continuous, uninterrupted coverage for public liability and property damage insurance that protects Contractor and City and its officers, agents, and employees from the claims referred to in Section 3. The insurance shall provide coverage for not less than $1,000,000 for personal injury to each person, $2,000,000 aggregate, and $1,000,000 for each occurrence involving property

damages plus costs of defense; or a single limit policy of not less than $2,000,000 covering all claims aggregate, plus costs of defense. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees coverage and must apply to claims between insureds on the policy. The insurance shall provide that the insurance shall not be canceled or materially altered without 30 days written notice first being given to the City's contract manager. If the insurance is canceled or materially altered within the term of this Agreement, Contractor shall provide a new policy with the same terms.

6.2 Contractor shall maintain a Certificate of Insurance on file with the Community Services Department certifying the coverage required above. The adequacy of the insurance shall be subject to the approval of the City Attorney. Failure to maintain liability insurance shall be cause for immediate termination of this Agreement by City.

6.3 The City shall insure the building space and all improvements affixed to the building as part of the premises. Contractor shall insure all its own personal property, which shall not be insured by the City.

6.4 Contractor must carry Fire Legal Liability insurance coverage in an amount not less than One Hundred Thousand Dollars at all times.

6.5 The City, officers, employees and volunteers shall be named as additional insureds in each required policy and, for purposes of damage to the premises, as a loss payee. Such insurance shall not be invalidated by any act, neglect or breach of contract by Contractor.

6.6 The required policies shall provide that the coverage is primary, and will not seek any contribution from any insurance or carried by the City.

6.7 All policies of insurance must be written by companies having an A.M. Best rating of "A" or better, or equivalent. The City may, upon thirty (30) days written notice to Contractor, require Contractor to change any carrier whose rating drops below an A rating.

6.8 At all times during this Agreement, Contractor shall provide and maintain the following types of coverage:

6.8.1 General Liability Insurance. Contractor shall maintain continuous, uninterrupted coverage for public liability and property damage insurance that protects Contractor and City and its officers, agents, and employees from the claims. The insurance shall provide coverage for not less than $1,000,000 for personal injury to each person, $2,000,000 aggregate, and $1,000,000 for each occurrence involving property damages plus costs of defense; or a single limit policy of not less than $2,000,000 covering all claims aggregate, plus costs of defense. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name

as additional insureds the City and its officers, agents, employees, and volunteers and coverage and must apply to claims between insureds on the policy. The insurance shall provide that the insurance shall not be canceled or materially altered without 30 days written notice first being given to the City's contract manager. If the insurance is canceled or materially altered within the term of this Agreement, Contractor shall provide a new policy with the same terms.

6.8.2 Workers' Compensation Insurance. Contractor shall maintain in force Workers' Compensation insurance for all of its employees.

6.8.3 Premises. Contractor shall be responsible for insuring all of its own personal property, which items shall not be covered by City insurance.

6.8.4 Vehicle Insurance. Contractor shall maintain comprehensive insurance on all vehicles belonging to the business.

7. CONCESSION FEES

7.1 For Contractor's operation during each year of this Agreement and in consideration of City's grant of a concession, Contractor will pay a base concession fee of $145.50 per month.

7.1.1 Contractor agrees to determine the utility usage of all equipment, lighting and plug loads in café space, using established ASHRAE energy consumption formula's and/or measurement and calculation standards and pay the average expense of utilities and maintenance to the City of Tualatin.

7.1.2 In addition to the base concession fee and energy consumption fee, the City reserves the right to implement an Annual Gross Revenues Fee in the amount of one percent of Contractor's annual gross revenues for each calendar year, which may be implemented with the seventh full month of operation.

7.1.3 For purposes of enhancing the likelihood of Contractor's success, all fees shall begin with the seventh full month of operation. This fee is due and payable on the 10th day of each month. The City shall evaluate this fee from time to time and may implement fee changes at that time.

7.1.4 Contractor shall furnish at the end of each fiscal quarter a written statement of revenues and expenditures, including volume of sales for vended products, coffee and related sales, labor costs, and other related expenses.

7.2 City agrees that it will not require Contractor to pay an additional fee, compensation, or consideration for the utilities, security alarms service, maintenance or inspection of Contractor's facilities that are covered by this Agreement. Nothing in this Agreement shall give Contractor any credit against a lawful business tax or business license fee, ad valorem property tax levied against Contractor's real or personal property within the city, assessment made against Contractor's property, or other charges lawfully imposed on Contractor's property or business within the city not related to the coffee service business.

7.3 City's acceptance of any payment due under this Agreement shall not waive any breach of this Agreement occurring prior to or during the Agreement.

8. ASSIGNMENT OF CONCESSION

8.1 Contractor shall not sell, assign, transfer, or convey the concession for any purpose or to another entity without prior consent of the City Council. This Agreement is personal to Contractor and cannot be sold, assigned, transferred, seized or taken by operation of law, or under or by virtue of the execution of legal process, attachment, or proceeding brought against Contractor. If an assignment is approved, Contractor is responsible under this Agreement until a supplemental agreement between City and the assignee has been executed.

9. EARLY TERMINATION

9.1 This Agreement may be terminated prior to the expiration of the agreed-upon term only in accordance with this section.

9.1.1 By mutual written consent of the parties;

9.1.2 By City, effective upon 30 days prior written notice to Contractor by regular first class mail or in person.

9.1.2.1 City may terminate the Agreement in whole or in part due to default or failure of Contractor to perform services in accordance with this Agreement or for any reason. City shall be free of liability to Contractor for damages of any kind.

9.1.2.2 If City terminates the Agreement, Contractor's sole remedy and limit of recovery from City shall be limited to the fees paid or payable under 5.1.

9.1.3 By Contractor, effective upon 30 days prior written notice to City by regular first class mail or in person.

9.2 Upon termination of this Agreement, regardless of whether either party has caused a default or improper termination, City may procure upon reasonable terms and in a reasonable manner services similar to those so terminated.

10. ACCESS TO RECORDS

10.1 Contractor shall maintain complete and accurate records of all receipts and expenses relative to Contractor's activities under this contract. These accounts shall be kept in accordance with generally accepted accounting principles. City shall have access at all reasonable times upon request to such books, documents, receipts, papers, and records of Contractor as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of one year following the expiration, completion or termination of this Agreement. Contractor

shall provide the City's contract manager a quarterly accounting of expenses and revenues in a manner determined by the contract manager.

11. ADHERENCE TO LAW

11.1 Contractor shall adhere to all applicable federal and state and local laws, including, but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers' compensation, minimum and prevailing wage requirements.

12. RULES OF OPERATIONS

12.1 The following specifications and standards shall apply to Contractor's operation:

12.1.1 Contractor's employees shall wear a nametag at all times, so that customers can recognize their association with Contractor. Contractor's employees shall be polite and courteous at all times. Upon written notification from the Library Manager and with corroborating sources (e.g. a customer and library employee) Contractor shall immediately remove from the job for its duration any employee who is found to be incompetent, disorderly, repeatedly rude to customers, or fails to perform work properly and acceptably.

13. LIENS

Contractor will not permit any lien of any kind, type or description to be placed or imposed upon the building in which the premises are situated, or any part thereof, or the real estate on which it stands.

14. OVERLOADING OF FLOORS

Contractor will not overload the floors of the premises in such a way as to cause any undue or serious stress or strain upon the Library building, and the City shall have the right, at any time, to call upon any competent engineer or architect whom the City may choose, to decide whether or not the floors of the premises are being properly used. The decision of the engineer or architect shall be final and binding upon Contractor; and if the engineer or architect decides that the stress or strain is such as to imperil the Library building in whole or in part, Contractor agrees to immediately relieve said stress or strain in a manner satisfactory to the City.

15. NO USE OF HAZARDOUS SUBSTANCES

No handling, storage, generation, creation, disposal, transportation or discharge of any Hazardous Substances shall be permitted on or about the premises by Contractor, its employees, agents, customers or contractors. This restriction does not apply to ordinary office and janitorial supplies available over the counter for common

use by members of the general public. Nor shall this prohibition apply to substances fully contained inside of motor vehicles if they are used in accordance with all applicable legal requirements. As used in this section, "Hazardous Substances" shall mean any substance, material or product defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes by any federal, state or local regulatory agency.

16. DAMAGE BY FIRE OR OTHER CASUALTY

16.1 If fire or other casualty damages the property, either party may terminate this Agreement as of the date of the fire or casualty.

16.2 Contractor shall make all reports or documents concerning the incident, whether in its possession or the possession of its insurance carrier available to the City and will cooperate with the City in investigating, compromising or litigating the claim against such third parties.

16.3 For any damage done to the Library property of the premises and caused by the fault of Contractor, Contractor shall have the option of repairing the damage or having the City repair the damage at Contractor's expense. The City shall give written notification to Contractor of any damage that requires repair and give Contractor thirty (30) days to commence repair. If within that period or such other period as may be mutually agreed upon, no effort has been made to effect repairs, then the repairs will be performed by the City and billed to Contractor.

16.4 For damage done to or at the Library property or premises by third parties for which Contractor is not responsible, the City shall bear the initial cost of investigating, compromising or litigating the claim, but may recover such costs if otherwise permitted by law or this Agreement.

17. DELIVERING UP PREMISES ON TERMINATION

At the expiration of the term or upon any sooner termination, Contractor will quit and deliver up the premises to City, peaceably, quietly, and in as good order and condition, excepting reasonable use and wear, damage by fire, and unavoidable casualty, as the premises are in at the beginning of this agreement or as the City may improve.

18. NOTICES

All notices, bills and payments shall be made in writing and may be given by personal delivery or certified mail, return receipt requested. Payments shall be made out to City of Tualatin and may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

CITY OF TUALATIN

DATE: 8-23-2010

Abigail Elder, Library Manager
18878 SW Martinazzi Avenue
Tualatin, Oregon 97062
Phone: (503) 691-3066
Fax: (503) 692.3912
Email Address: aelder@ci.tualatin.or.us

CONTRACTOR

James Frank
17773 SW Lower Boones Ferry
Rd. Ste A
Lake Oswego OR 97035
503-724-2453
Br4343@gmail.com

APPROVED AS TO LEGAL FORM

CITY ATTORNEY

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

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: August 23, 2010

SUBJECT: AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01)

ISSUE BEFORE THE COUNCIL:
Council consideration regarding the request to change the Planning District designation from Low-Density Residential (RL) to Medium Low-Density Residential (RML) of parcels of land on the western portion of the Old Tualatin Elementary School site with frontage on the north side of SW Sagert Street (east of SW Boones Ferry Road) (2S123 DD 500) and to the centerline of the abutting public right-of-way (ROW) of SW Sagert Street.

RECOMMENDATION:
- The Tualatin Planning Advisory Committee (TPAC) reviewed PMA-10-01 at the August 3, 2010 TPAC meeting and voted 5-0 to recommend that Council approve PMA-10-01, PTA-10-02 and the proposed Development Agreement.
- Staff's analysis and findings are included as Attachment H and in summary state that all criteria have been met or appropriately considered. 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.

- The applicant is Scott Miller of Marquis Companies and the property owner is the Tigard-Tualatin School District (TTSD). Marquis Companies is represented by Kirsten Van Loo of Emerio Design.
- The subject property is a 7.3 acre parcel located on the western portion of the 12.75 acre Old Tualatin Elementary School site and is in the RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500 western portion). Staff recommends also changing the designation of the approximately 0.29 acres of abutting public ROW of SW Sagert Street (RL changed to RML 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. Background Information is included as Attachment E.
- As approved by the Council, PMA-09-01 designated the 5.44 acre eastern portion of the property as RML (Ordinance 1284-09)(Attachment F). As part of its plan to develop the Old Tualatin Elementary School site as a senior housing development, Marquis submitted an Architectural Review (AR-10-04) for an 80-unit assisted living/ 54-bed skilled nursing facility with supporting living, dining, health and community facilities for the residents on the eastern property. AR-10-04 is scheduled to be considered by the Architectural Review Board on September 1, 2010. Marquis also submitted a plan amendment application (PTA-10-02) to amend TDC Chapter 75.120 to allow a public street intersection on SW Boones Ferry Road at the northern portion of the Marquis Phase I east property frontage. PTA-10-02 is scheduled for consideration by the City Council on August 23, 2010. The proposed street would serve as an access for the Assisted living/Skilled Nursing (AL/SN) facility and as a public street connection for the western subject property.
- Marquis Companies proposes to purchase and redevelop the 7.3 acre western portion of the Old Tualatin Elementary school property for Phases II-IV of the development with "60+" individually-owned, detached or attached residential units as "cottages", townhouses or condominiums for senior and retirement housing. A subdivision creating the residential lots and associated public streets is contemplated. Marquis indicates that a portion of the private and all public stormwater detention and treatment facilities for the proposed AL/SN facility (reviewed in AR-10-04) and future public streets & development are proposed at the northwest corner of the subject property.
- The TTSD property included buildings of the former "Old" Tualatin Elementary School including two on the subject property. HIST-08-01 approved the demolition of the Historic Landmark Gerald Avery Building and gymnasium on the eastern portion of Marquis site. The Tualatin Elementary School buildings are being demolished to make way for the senior housing facilities proposed by Marquis.
- The (existing) RL Planning District allows single-family detached residential housing as a permitted use with minimum average lot sizes of 6,500 sq. ft. with a density maximum of 6.4 dwelling units per net acre. RL allows small lot subdivisions (one unit per lot/5,000-6,499 sq. ft. lot size/7.5 du per acre maximum density), common wall dwellings (one unit per lot/zero lot line/6,000 sq. ft. minimum lot size), condominium dwellings (no minimum lot size/6.4 du per

acre maximum density) and Retirement Housing conforming to the standards in TDC 34.160 - 34.170 as conditional uses [TDC 40.030(4)(o, p)]. The RL Planning District limits the maximum density for retirement housing in accordance with 34.170(2) to 10 dwelling units per net acre but still has a minimum lot size of 6,000 sq. ft.

- Changing the designation on 7.3 acres to RML would allow various forms of attached housing including townhouses and condominiums on individual lots as well as duplexes/triplexes, townhomes and garden apartments on common lots developed with a minimum of 7 dwelling units per net acre and a maximum density of up to 10 dwelling units per net acre (Net Acre is gross acreage minus rights-of way and public facility and environmental tracts) as a permitted use. Detached, individual single family dwellings are permitted in a small lot subdivision (4,500 sq. ft. minimum lot size/10 du per acre maximum) which is allowed as a conditional use in RML. Retirement Housing is a conditional use and allows an increase in maximum density for age-restricted residential development up to 15 dwelling units per net acre in RML [TDC 41.015(3)].
- Marquis Companies seeks the Map Amendment to change the designation to RML to allow development of senior housing in the form of "...small shared dwelling units over the entire property rather than apartments and amenities completely concentrated in a central building." (Attachment D, pg. 4) on the site. Marquis describes their plan to develop the subject property with "small cottages" on individually owned lots as the "independent living" component of the senior living campus. The independent living/Phase II-IV residents will be eligible to share common facilities such as dining, activity areas, health services and amenities with the AL/SN residents. Apartment-style dwellings such as multi-level garden apartments are not proposed for the Marquis development.
- The submitted traffic analysis includes the Dunn Traffic Engineering LLC <u>TIA Report March 2009</u> and the Green Light Transportation <u>Tualatin Assisted Living Center –Access Analysis June 7, 2009</u> (Attachment D, Green Light-Access Analysis). The Dunn report analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the 5.44 acre PMA-09-03 parcel from RL to RML for four scenarios: the Old Elementary School; RL single family homes; RML apartments; and the Marquis development. The Green Light study reviews the traffic information relevant to the PMA-10-01 RML designation for the western 7.3 acres considering the proposed SW Boones Ferry Road public street access to the Marquis Companies development (see discussion in Attachment G, pg. 2). The Engineering Division Memorandum (Attachment G, pg. 3) provides the following summary of Trip Generation figures:

Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

Trip Differentials Between Scenarios	**ADT**	AM Peak			PM Peak		
		In	Out	**Total**	In	Out	**Total**
Current zone RL/RML vs. All RL	+85	-3	+0	-3	+5	+1	+6
Previous Marquis Plan vs. All RL	+194	+4	-17	-13	-10	+1	-9
Previous Marquis Plan vs. RL/RML	+109	+7	-17	-10	-15	+0	-15
Current Marquis Plan vs. All RL	-217	+1	-40	-39	-28	-5	-33
Current Marquis Plan vs. RL/RML	-302	+4	-40	-36	-33	-6	-39
Current vs. Previous Marquis Plans	-411	-3	-23	-26	-18	-6	-24

The Engineering Division provides information concerning the TPR analysis in the narrative and the Reasonable Worst Case Scenarios presented in Table 2 Trip Generation Alternatives in the Dunn Traffic Engineering Study, Table 3 Current Development Plan Trip Generation and Trip Differentials Between Scenarios tables in Attachment G. The Engineering Memo states "the studies show that the current Marquis Development Plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives." (Attachment G, pg. 3)

- 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 H).
- The City has a development agreement with the applicant (Marquis Companies) and TTSD (Attachment I-Agreement dated June 8, 2009) ensuring that the implementing Ordinance for PMA-09-01 would have an effective date tied to Marquis Companies obtaining conditional use and AR approval within 18 months of its effective date (June 8, 2009). A revised development agreement, known as the "Amended and Restated Non-Statutory Development Agreement" has been prepared (Attachment J- Amended and Restated Agreement) that will replace the 2009 agreement. The Amended and Restated Agreement updates the timing and scope of development on the entire property and includes deadlines intended to ensure that the development proposed by Marquis in its application for the RML Planning District designation approved in PMA-09-01 and proposed in PMA-10-01 for the 7.3 acre western portion of the Old Tualatin Elementary School site will be constructed in a timely manner. Construction of the proposed senior housing development then must commence within 18 months of the "Amended Effective Date" (the date the Amended & Restated agreement is signed) or the property will return to the RL Planning District designation. Marquis Companies and TTSD will both sign the agreement.
- 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 41 Medium Low-Density Residential 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 H) considers the applicable policies and regulations.
- The 120th day within which the City Council must make a decision in the quasi-judicial process is November 14, 2010. The scheduled August 23, 2010 public hearing before the City Council is on the 37th day.
- 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 H) examines the application with respect to the criteria for a Plan Amendment.
- A Draft ordinance is included as Attachment K.

OUTCOMES OF DECISION:

Approval of the PMA request by the Council will result in the following:

1. Changes the Planning District designation of the 7.3 acre western portion of Tax Lot 500 (and 0.29 acres of abutting public ROW) on Assessors Map 2S123DD from RL to RML. The RML Planning District allows the applicant to develop the

property with residential housing types including attached housing such as townhouses and condominiums and assisted living and skilled nursing residential facilities as permitted uses with a maximum density of up 10 dwelling units per acre (du/acre) and allows small lot subdivisions and retirement housing (with additional residential density up to 15 du per acre) as a conditional use.

2. Allows the applicant to develop the property in the RML Planning District with senior/retirement residential housing in conjunction with the senior residential care facility proposed on the eastern 5.4 acre Marquis development property. Architectural Review will be required for detached and attached residential development on the site and Subdivision Approval will be required to create lots for a small lot subdivision or townhouses.
3. As a (near term) Reasonable Worst Case for RML housing and as the proposed Marquis Companies senior housing development, the function, capacity and safety of SW Boones Ferry Road or other transportation facilities in the vicinity are not made worse by the proposal, while the number of AM & PM Peak Hour trips at the nearby intersections are reduced.
4. If adopted, the proposed Amended & Restated Development Agreement will establish the timing of development that Marquis must achieve on the Property and tie the effective dates of the PMA-09-03 and PMA-10-01 Ordinances to satisfying the terms of the agreement.

Denial of the PMA request will result in the following:

1. The current RL Planning District designation on the 7.3 acre western portion of Tax Lot 500 (and abutting public ROW) will remain unchanged.
2. The Applicant or the property owner may choose to develop the Property under the RL Planning District provisions which allow single family residential uses as permitted uses and allows care facilities and retirement housing as a conditional use.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for Council are:

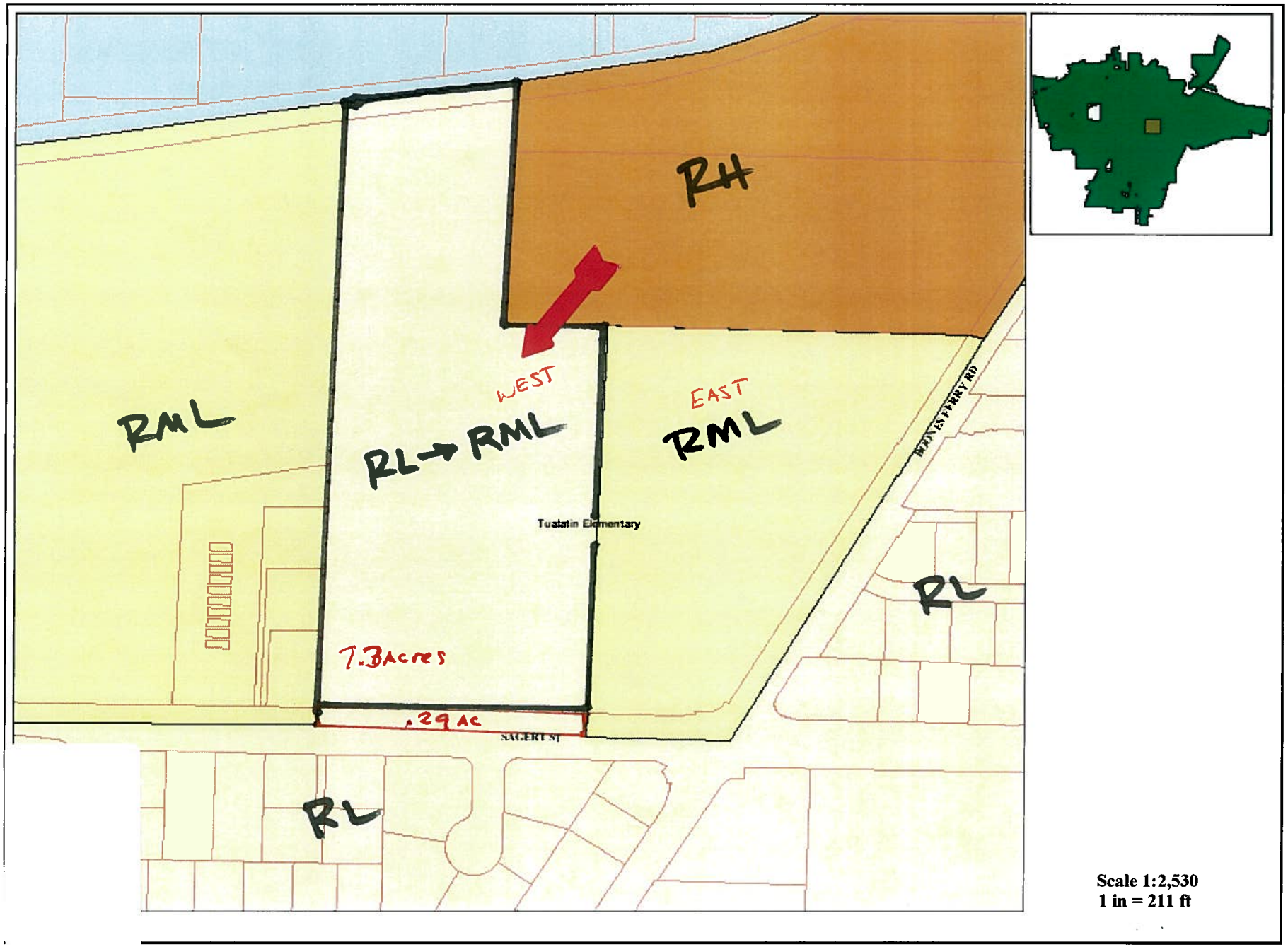
- Approve the proposed PMA with alterations.
- Deny the proposed PMA.
- Continue the discussion of the proposed PMA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Applicant paid the required application fee, which is contained in the FY 10/11 budget for revenue.

PUBLIC INVOLVEMENT:
The Applicant conducted a Neighbor/Developer meeting on February 25, 2010, at 6:00 p.m. at the Tualatin/Durham Senior Center, to explain their development and the PMA, PTA and AR proposal to neighboring property owners and to receive comments. This meeting was attended by six (6) members of the public including nearby property owners. Discussion at the meeting included questions about Marquis' timing of development, building design, access locations and street improvements, and what will become of the change in Planning District if Marquis does not go forward with the project.

Attachments:
A. Vicinity Map
B. Tax Map
C. Site Map Showing Existing Buildings
D. Applicant's Materials and Supporting Information
E. Background Information
F. Ordinance 1284-09 (PMA-09-01)
G. Engineering Division Memorandum
H. Analysis and Findings
I. June 8, 2009 Development Agreement
J. Draft Resolution and Amended & Restated Development Agreement
K. Draft Ordinance



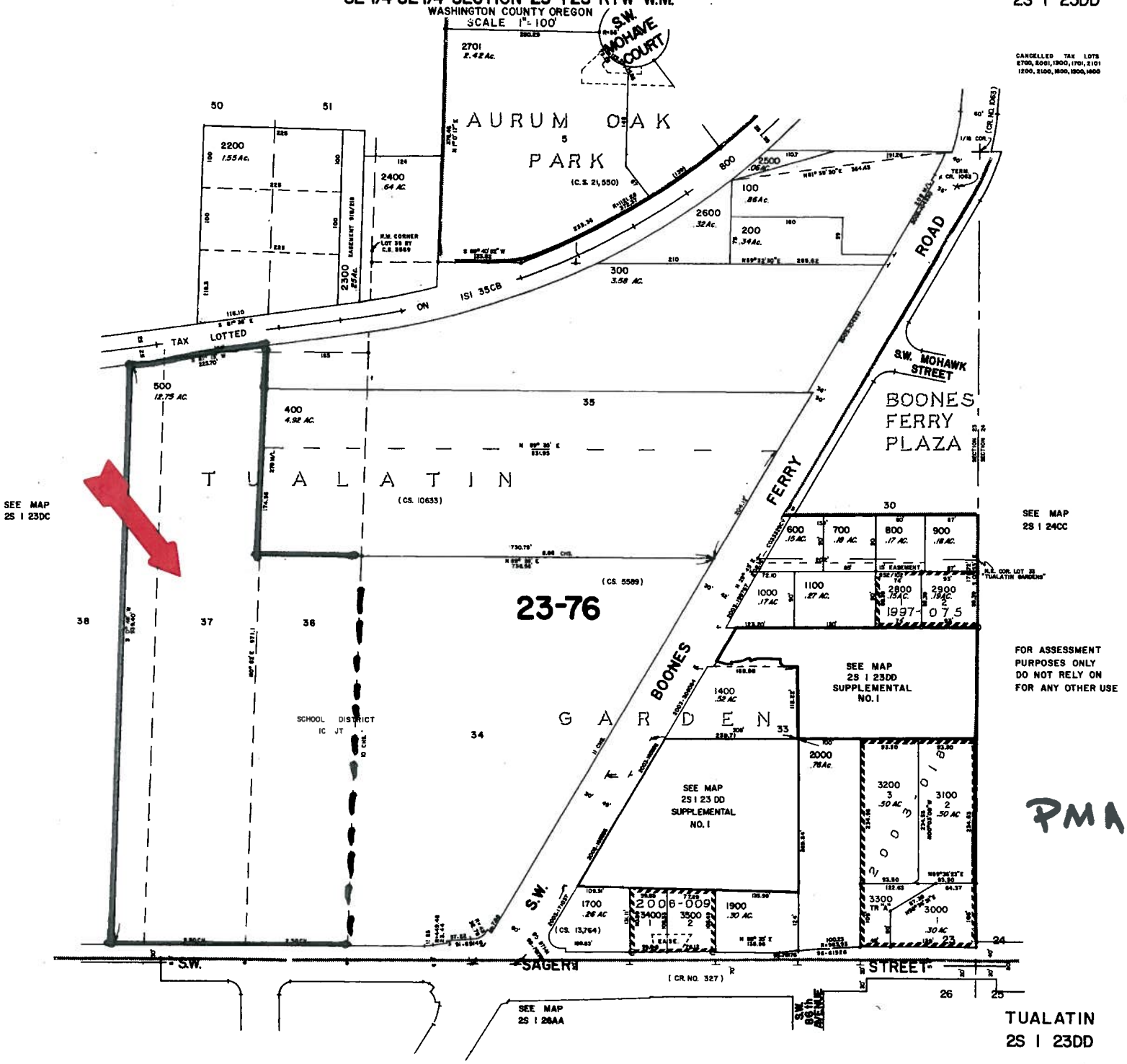
Scale 1:2,530
1 in = 211 ft

PMA-10-01
RL-RML

Attachment A
Vicinity Map

SE 1/4 SE 1/4 SECTION 23 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1" = 100'

2S 1 23DD



PMA 10-01

TUALATIN
2S 1 23DD

Attachment B
Tax Map

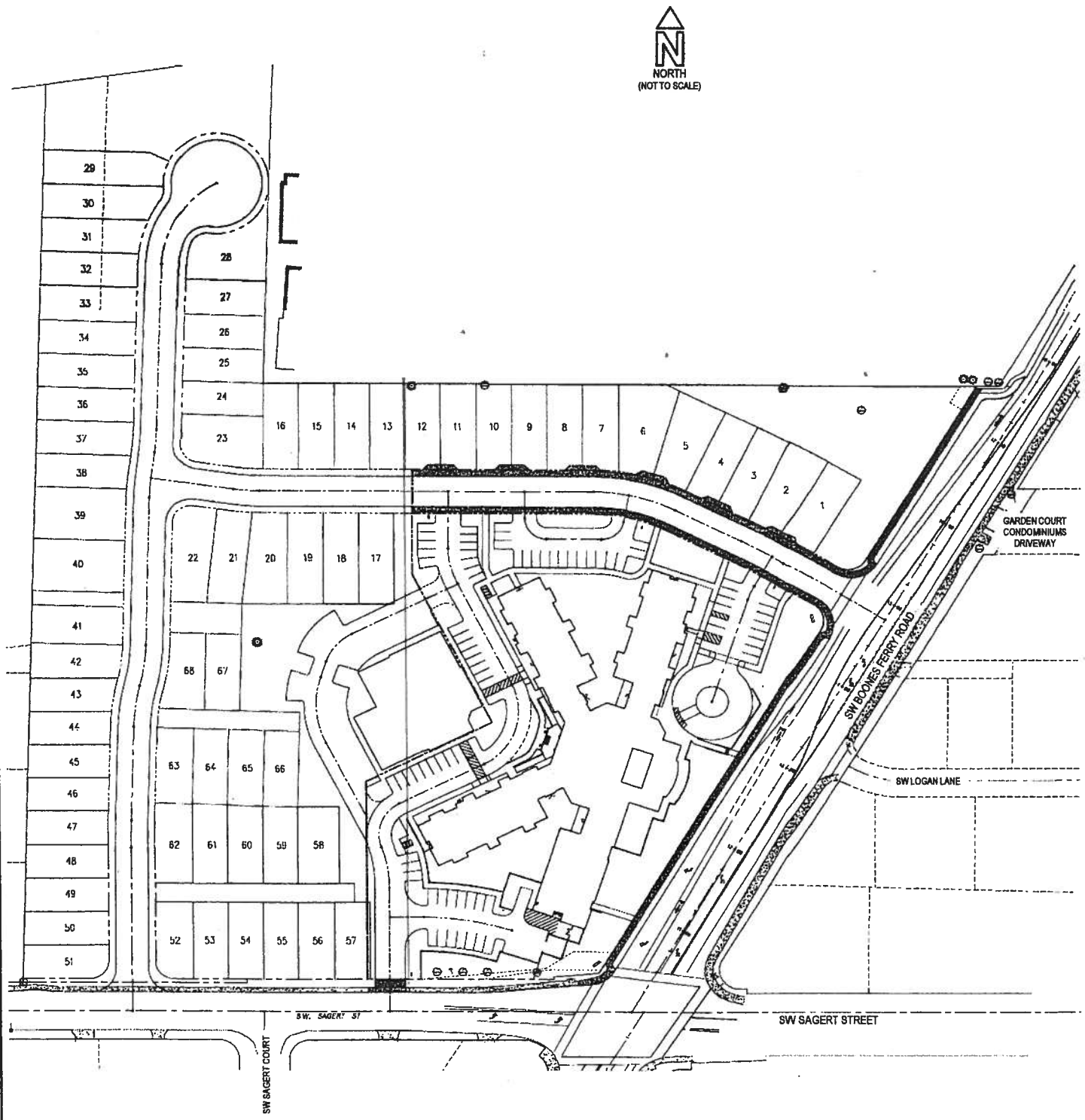
Tualatin Marquis Assisted Living Center

LEGEND

Current Development Plan

June 2010

FIGURE 1



Attachment C
Site Map Showing [redacted] Buildings

GREEN LIGHT TRANSPORTATION
Transportation Service and Solutions to Fit Your Environment

City of Tualatin

Plan Map Amendment

MARQUIS
COMPANIES

1st Submittal –

I. PROPOSAL SUMMARY

GENERAL INFORMATION

Property Owner	Tigard Tualatin School District 6960 SW Sandburg St. Tigard, Oregon 97223
Applicant	Marquis Companies, Inc. Scott Miller 4560 SE International Way, Ste. 100 Milwaukie, OR 97222 (T) 971.206.2330
Applicant's Representative	Emerio Design, LLC Kirsten Van Loo 6107 SW Murray Blvd., Ste. 147 Beaverton, OR 97008 (T) 503.956.4180
Traffic Engineer	Dunn Traffic Engineering 7505 SE 32nd Avenue Portland, OR 97202 Ph: 503-774-2669 Fax: 503-774-8000 Cell: 503-260-4114
Site Location	19945 SW Boones Ferry Rd.
Size	7 acres
Map and Tax Lot No	TL 500 – 2S1 23 DD
Comprehensive Plan Designation	City of Tualatin - Residential
Current Zoning	RL
Pre-Application Meeting Date	December 2009
Neighborhood Meeting Date	November 3, 2009 February 25, 2010

I. EXECUTIVE SUMMARY

In the Spring of 2009, a Plan Map Amendment was approved changing the zoning from RL to RML on a portion of TL 500. The site was the original Tualatin Elementary School, which had been closed in the spring of 2004. After considerable evaluation and feasibility study, Marquis Companies, a senior housing provider, contracted with the Tigard-Tualatin School District to begin the development-related land use procedures facilitating eventual completion of a project on the portion of the site. This development plan involved 5.4 acres of the school property, Lot 34 of the Tualatin Gardens subdivision at the intersection of Boones Ferry Road and Sagert Street.

The original plan involved demolition of the Tualatin Elementary School and building a senior housing complex in its place to include assisted living, community services, and 80+ residential units, as the zone allowed. After more research and consideration, Marquis has decided to pursue development on the entire 13-acre school property. The new plan does not reject the previous approval, but rather seeks to include the remaining property to create a better living environment for its residents and one that is more in line with the surrounding community. The new plan moves 60+ residential units out of the primary complex and into the community as small dwelling units.

The buildings on the entire campus, including Lot 34, will be removed prior to initiation of the project.

A Plan Map Amendment from RL to RML on the remaining school property will facilitate redevelopment of a site that is currently abandoned and is a community detraction. The location of this strategic city corner, two blocks south of Downtown Tualatin, merits an upgraded zoning district to encourage its redevelopment as a gateway to the downtown core. Approval of this application will establish the necessary foundation for a new senior housing campus that can add quality development and vitality to an area that has been vacant for five years.

Based on 2009 Buildable Lands data, the City of Tualatin has only 99.04 acres of available vacant residential land, which did not include the Elementary School site. Assuming average density, this available land will provide only 600 additional dwelling units within Tualatin's UGB. This Old School site offers a unique opportunity to provide much needed homes to our aging citizens, an often neglected segment of society. By changing the zoning designation, 60+ dwelling units will be spread evenly over the entire property, which will create a senior residential community more in line with the surrounding neighborhood than would the same number of residences all located within one building on the Old School site.

More succinctly stated, under the current zone standard, the 60+ units that are allowed on the 5 acres of Lot 34 are not currently allowed as dwelling units on the entire 13 acres. The total number of dwelling units will not change , but rather will be spread over the 13 acres. More land will be used, but the overall density will be less.

II. Request

This application requests a Plan Map Amendment from RL zoning designation to RML zoning designation to facilitate development of 12.4 acres for all of the uses allowed in that district. A Plan Map Amendment was approved earlier for a portion of the school property, Lot 34 of the Tualatin Gardens subdivision. The remaining school property, which is currently zoned RL, is the focus of this application. The intent of the applicant is to develop a multi-faceted senior housing community offering small shared dwelling units over the entire property rather than apartments and amenities completely concentrated in a central building.

III. Surrounding Area

The area surrounding the site contains a mix of residential uses. The property is on the corner of Boones Ferry Road and Sagert Street. There are single family residences along the south side of Sagert Street. Several detached homes and a small cluster of attached dwellings abut the school district property at the SW corner, on the north side of Sagert. Boones Ferry Road is a major arterial winding through Multnomah County, Washington County and into Clackamas County. There is a new subdivision across Boones Ferry Road containing a historic house – the Logan House. Single family homes abut Boones Ferry Road, and a condo project is located east of the Logan House Estates project, on the north side of Sagert, east of Boones Ferry Road. Multi-family development abuts both sides of Boones Ferry Road as it travels north towards central Tualatin. Refer to the Tualatin Zoning Map excerpt for the zoning district.

IV. Existing Conditions and Public services

PRIOR LAND USE ACTIONS: Through a recent land use approval, the Tualatin City Council has approved the removal of the Gerald Avery Building from the Tualatin Historic Registry, and facilitated the removal of the existing buildings from the property. In addition, a plan map amendment was approved for Lot 3400 of Tax Lot 500 for a zone change from RL to RML contingent on the development agreement between the owner and applicant and the City of Tualatin.

ON-SITE CONDITIONS: This request involves the remainder of Tax Lot 500. The site has some slope, as indicated on the topographic map included with the drawing set. The adjacent land uses are indicated on the aerial photograph.

PLANNING DISTRICTS AND ADJACENT LAND USES

Adjacent planning districts and land uses are:

North/North-East: RH – Apartments

North: ML – Light Manufacturing

Directly East: RML: Old Tualatin Elementary School

East (other side of Boones Ferry): RL – single family detached residences

South: RL – single family detached residences

West: RML - Apartments

PUBLIC FACILITIES AND SERVICES:

Public water supply is provided by the City of Tualatin – There is a 12 inch line providing water in the ROW of Boones Ferry Road and a 12 inch line in Sagert Street.

Wastewater treatment in this area is provided by CleanWater Services – There is an 8 inch line in Boones Ferry Road and an 8 inch line in Sagert Street.

Emergency services are provided to this area by The City of Tualatin, TVF & R and Washington County

Tri-Met transit service is available on weekdays via line No. 96 and the WES stop is in downtown Tualatin approximately ½ mile from the site. The No. 76 line runs within 3 blocks of the subject site (to the east or north) and provides weekday and weekend service.

V. COMPLIANCE WITH THE APPROVAL STANDARDS FOR A COMMUNITY PLAN MAP AMENDMENT

Section 1.032 of the Tualatin Development Code establishes seven basic approval criteria for a Community Plan Map amendment. These criteria are:
(1) Granting the amendment is in the public interest.
(2) The public interest is best protected by granting the amendment at this time.

RESPONSE: The site of the original Tualatin Elementary School is currently a location of suburban blight. It is unfortunate that a community with almost forty years of consistent development and growth contains a prominent site with

shuttered and abandoned buildings. The property is not located in an area of old industrial buildings, and it is not located on the outskirts of town. The site is two blocks south of the center of Tualatin, on a well-traveled arterial road. It is difficult to understand that with the strong regional economy and, until recently, a healthy residential development market, this site has remained unattractive to developers. Over the last five years, at the height of the residential building market, the property owner made historic efforts to market the property. They were unsuccessful. The combined impediment of the low allowable density and the historic designation of a portion of the campus squelched all development interest in the property. The Tualatin City Council has recently affirmed a land use decision to facilitate removal of the buildings on the site. That land use action removes the first hurdle formerly discouraging redevelopment of the property.

The site, while only two blocks from the city core, with industrial and higher density residential zoning on two boundaries, is still zoned RL, Low Density Residential. RL zoning allows a maximum of 7.5 dwelling units per acre. The recent collapse of the residential housing market has effectively ended new single family home construction in the region. A continued housing construction slump is predicted for the next few years as inventory of new homes and home resales are absorbed at average or below-average rates. If this site were to remain zoned RL, it would accommodate 30 +/- new single family homes. There is no current demand, by either the residential development community or the Tualatin consumer, for this product. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity.

Granting this request for a Plan Map Amendment is in the public interest because a change from RL to RML zoning will provide underlying value to the property that can encourage development. On a city-wide long-range planning basis, when viewed in context with the City's goal to facilitate construction of an additional 1500+ housing units in the next 8-10 years, the change in the zoning district to RML permits construction of 60+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested zoning district.

It is in a potential developer's best interest to time product delivery on this site to a future upturn in the market. As the market for housing catches up to and hopefully challenges the existing supply over the next two years, a developer of this site can be gaining land use approvals, building permits and constructing a

new project. This timeline is in the best interests of the public because it will put Tualatin in a position of prominence with new residential development.

The site can be developed as a great gateway to the downtown core and a remarkable signature corner for the city. To the extent that this site will be developed during a development lag, some of the housing demand that will hopefully build up over the next two years can be met with this site as the economy rebounds. The success of Nyberg Woods and the nearby Bridgeport commercial complex demonstrate that residents of the southwestern Metro Area enjoy living shopping and working in their own community. This is an opportune time to capitalize on the community strength to revitalize a significant locale in Tualatin.

The development of the property with 50 to 70 new dwelling units will increase both Washington County and City of Tualatin tax revenue by a significant percentage over similar development of single family homes allowed in the RL district. Job creation is a by-product of the change in the zoning district since approval of this request will facilitate a specific development. With job losses for 2009/10 a reality, approval of this request will further the plans for the developer, resulting in development of the site and construction of a project that will provide family wage jobs in construction and property management at a time when the local economy is in sore need of such opportunity.

(3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

A. General Growth Objectives

Objective: *Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.* (Section 4.050(6), Tualatin Community Plan).

RESPONSE:

The proposed Plan Map Amendment to RML is consistent with an incremental density gradient scaling gradually down in density from the center of Tualatin as one travels south on Boones Ferry Road. The property containing the Old Tualatin Elementary School, which has been RML approved, lies directly east of the subject property. The property to the northeast of the site (marked with green square) is zoned RH. To the west is land zoned RML, to the northeast is land zoned RML and to the northwest is industrial land on the north side of the railroad tracks. Lands to the south, across Sagert Street are predominately RL.

Sagert Street is a good divider between the two zoning districts. By transitioning between the RH on the north boundary, and the RL on the south across Sagert Street, the zoning pattern would "step down" from higher to lower residential zones and development as one travelled south out of the downtown core along

Boones Ferry Road. RML zoning on the corner of Boones Ferry Road and Sagert Street provides an opportunity for higher development along an arterial street and an excellent location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core with potential pedestrian access for employment and shopping.

Objective: *Prepare a plan providing a variety of living and working environments.* (Section 4.050(9), Tualatin Community Plan).

RESPONSE:

The cited objective relates to the community plan as a whole, but can also mandate planning efforts that address a smaller section of the city. With this application the request for RML zoning on a specific site addresses the requirement for a variety of living environments. RML zoning facilitates construction of small cottages, townhouses, garden apartments, condominiums, and/or large apartments. The district also facilitates development of senior housing facilities. A variety of living options is made available with the requested zoning district.

Objective: *Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.* (Section 4.050(12), Tualatin Community Plan).

RESPONSE:

The site of does not contain 100 year flood plain areas, high groundwater, weak foundation soils or steep slopes. This objective is met with the request for RML zoning on the site.

Objective: *Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.* (Section 4.050(16), Tualatin Community Plan).

Objective: *Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing.* (Section 5.030(4), Tualatin Community Plan).

RESPONSE:

RML zoning provides an opportunity for higher development along an arterial street and an excellent location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core with potential pedestrian access for employment and shopping. The site is adjacent to multi-family development with apartments to the north and to the west of the property.

B. General Housing Objectives

Objective: *Provide for the housing needs of existing and future residents.* (Section 5.030(1), Tualatin Community Plan).

Objective: *Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.* (Section 5.030(2), Tualatin Community Plan).

RESPONSE:
A change in the zoning district to RML on the subject property permits construction of 60+ dwellings. 60+ senior housing units can be facilitated through provisions of the requested zoning district. RML zoning facilitates construction of small cottages, townhouses and condominiums. A large variety of housing options is available for development on this site with the requested zoning district. These housing options can address varied income levels and tastes that can be functionally and aesthetically compatible. Staff and Architectural Review Board evaluation of any proposed development will further ensure neighborhood compatibility.

C. Planning District Objectives

Objective: *Medium-Low Density Residential Planning District (RML). To provide areas of the City suitable for common-wall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small-lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single- wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed 10 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map. (Section 5.040(2), Tualatin Community Plan).*

RESPONSE:
The requested new zoning district objectives are aligned with other residential development in the area. The objectives facilitate a variety of residential options including the potential for senior (retirement) housing.

D. Traffic Objectives

RESPONSE:
Enclosed with the application package is a comprehensive traffic analysis providing data and conclusions for all potential development scenarios under both the existing and proposed zoning districts. The detailed analysis and executive summary provides Traffic objectives conclusions demonstrating that the requested new zoning district will have little impact on regional traffic movement. This traffic analysis was originally provided in relation to the previous plan amendment of Lot 3400, but remains consistent with this plan map amendment as this application will not create any increase in transportation needs from the previous application.

(4) The following factors were consciously considered:
A. The various characteristics of the areas in the City.
RESPONSE:
The site is in an area that transitions quickly along Boones Ferry Road from the busy commercial center of downtown to multi-family development and then to primarily single family detached housing. The application of the RML district to this site will improve the incremental transition from commercial and high density residential development with a medium density project. Conversely, high quality development of this property can establish the entrance to the heart of Tualatin and act as an entry landmark to the more dense development associated with the Central City.

B. The suitability of the areas for particular land uses and improvements in the areas.
RESPONSE:
The site is suitable for medium density residential development. All of the necessary infrastructure is available or can be made available to serve the project at the intended maximum density.

C. Trends in land improvement and development.
RESPONSE:
A continued housing construction slump is predicted for the next few years as inventory of new homes and home resales are absorbed at average or below-average rates. If this site were to remain zoned RL, it would accommodate around 30 new single family homes. There is no current demand, by either the residential development community or the Tualatin consumer, for this product. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site.

D. Property values.
RESPONSE:
The site is located in an area of both newer homes (Logan House Subdivision) and older homes (on the south side of Sagert Street). Historically, home values have risen in Tualatin, peaking in early spring 2008. The median home values have fallen slightly, based on a stagnant economy. More importantly, the number of home sales has fallen dramatically, with the highest number of sales in spring 2005. Regardless of the quantity of sales or the price for individual homes over the past five years, the presence of an abandoned elementary school has not increased the perception of property values in the vicinity. Redevelopment of the site, which can be facilitated with the requested change in the zoning district, will improve the perception of the immediate community and serve to improve the quality of the neighborhood.

E. The needs of economic enterprises and the future development of the area.
RESPONSE:
Granting this request for a Plan Map Amendment is in the public interest because a change from RL to RML zoning will provide underlying value to the property that can encourage development.

F. Needed right-of-way and access for and to particular sites in the area.
RESPONSE:
New construction on the site is in line and correlated with a condition of the previous plan map amendment to dedicate additional ROW on Boones Ferry Road. Development of the site, which can be facilitated with the requested change in the zoning district, will facilitate the dedication of that ROW.

G. Natural resources of the City and the protection and conservation of said resources.
H. Prospective requirements for the development of natural resources in the City.
RESPONSE:
The site contains no natural resources identified by any jurisdictional mapping of same. The change in the zoning district has no impact on any mapped Goal 5 resources, as the resources are protected regardless of the change in zoning district.

I. The public need for healthful, safe, aesthetic surroundings and conditions.
J. Proof of change in a neighborhood or area.
RESPONSE:
The Plan Map Amendment from RL to RML will facilitate redevelopment of a site that is currently abandoned, and a community detraction. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity.

K. A mistake in the Plan Text or Plan Map for the property under consideration.
RESPONSE:
The site is composed of 8 acres located within two city blocks of the downtown core. It is adjacent to both high density residential development and industrial land, with railroad tracks on the north boundary. The site is bounded on the east by a major regional arterial road. If the school had not been located for many years on this property, it would have been – and should have been - zoned with a high density residential or commercial zoning district. The fact that the school facility was an allowable - albeit conditional use - on low density residential zoned land meant that community planners left the site RL zoning. The belief at the time was that the school would always own the property and continue to use the site for educational purposes. While this decision was not necessarily a

mistake, it did not reflect the best practices for gradient density zoning radiating out from the city center.

(5) The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment. The Tigard-Tualatin School District's School Facility Plan criteria (formula) for new school capacity are:

*(TCR - SMR) * CSR = NC*
*(NC * CFF) / CSP = MNP*
*(MNP or MPS) * CSP = AC*
Where:
TCR=Total number of classrooms.
SMR=Special mandated classrooms.
CSR =Average class size policy for regular rooms.
NC =Normal capacity.
CFF =Core facility factor (kitchen, cafeteria, restrooms, offices, gym, music, mechanical: 0.12 for K-8 schools and 0.15 for 9-12 schools.
CSP =Average class size policy for portables.
MNP =Maximum number of portables, rounded up to the nearest whole number, or
MPS=Maximum number of portables allowed on site, as determined by existing school capacity, above, or allowed by the City of Tualatin through land use decisions such as, but not limited to, conditional use permits.
AC =Additional capacity.

RESPONSE:

This property is owned by the Tigard-Tualatin School District. The application is signed by the Superintendent of the School District. The school district is cognizant of this request to increase the potential residential density on the property. At such time as a specific development request is made for land use approval, the school district will evaluate the capacity of the schools serving this site and prepare a report for jurisdiction consideration.

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

Goal 1- Citizen Involvement:

RESPONSE:

The development team has held a neighborhood meeting discussing the potential for development on this additional property, as well as several previous neighborhood meetings and a public hearing regarding the Old Elementary School property. All of the required steps were followed to ensure opportunity for citizen participation in the land use planning process.

Goal 2- Land Use Planning:

RESPONSE:

The City has an acknowledged Comprehensive Plan and a process for amending the plan map with new or different zoning districts. Notice of this requested plan map amendment will be given to Oregon DLCD and

opportunity for comment will be afforded to that agency, as required. Any other agency either state or regional will be given opportunity to comment on the requested plan map amendment.

Goal 3- Agricultural Land:
RESPONSE:
This site is urban and does not contain any agricultural land, thus the Goal does not apply.

Goal 4- Forest Land:
RESPONSE:
This site is urban and does not contain any forest land, thus the Goal does not apply.

Goal 5- Open Spaces, Scenic and Historic Areas and Natural Resources:
RESPONSE:
This site is urban and does not contain any designated open space, scenic, historic or natural resource land, thus the Goal does not apply.

Goal 6- Air, Water, and Land Resources Quality:
RESPONSE:
The site currently has RL zoning. The change in the underlying zoning of the property will have no impact on pollution of air, water or land resources. Regardless of the scale or scope of redevelopment of the property there are numerous regulations and policies in place that will protect air, water and land resource quality throughout the eventual construction of any new project. The proposed plan map amendment is not in conflict with this goal.

Goal 7- Areas Subject to Natural Disasters or Flood:
RESPONSE:
This site is urban and does not contain any flood plain or periodically inundated land, thus the Goal does not apply.

Goal 8- Recreational Needs:
RESPONSE:
The site is within one mile of two public elementary schools and Tualatin High School. Five public parks and the Tualatin Country Club are within one mile of the site. The recreation needs of future residents can be met with these existing facilities in close proximity. The site is not needed to meet any identified goals for future recreational sites within the City. The proposed plan map amendment is not in conflict with this goal.

Goal 9- Economy of the State:

RESPONSE:

Job creation is a by-product of the change in the zoning district since approval of this request will facilitate a specific development. With job losses for 2009 a reality, approval of this request will further the plans for the developer, resulting in development of the site and construction of a project that will provide family wage jobs in construction and property management at a time when the local economy is in sore need of such opportunity.

Goal 10- Housing:

RESPONSE:

A change in the zoning district to RML on the subject property permits construction of 50+ dwellings. 60+ senior housing units can be facilitated through the conditional use provisions of the requested zoning district. RML zoning facilitates construction of small cottages, townhouses, garden apartments, A large variety of housing options is available for development on this site with the requested zoning district. These housing options can address varied income levels and tastes that can be functionally and aesthetically compatible.

Goal 11- Public Facilities and Services:

RESPONSE:

The site is fully served with critical, essential and desired public services. The requested plan map amendment is supported by all necessary services and complies with this goal.

Goal 12- Transportation:

RESPONSE:

RML zoning provides an opportunity for higher development along an arterial street and an excellent location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core with potential pedestrian access for employment and shopping.

Enclosed with the application package is a comprehensive traffic analysis providing data and conclusions for all potential development scenarios under both the existing and proposed zoning districts. The detailed analysis and executive summary provides Traffic objectives conclusions demonstrating that the requested new zoning district will have little impact on regional traffic movement. This traffic analysis was originally provided in relation to the previous plan amendment of Lot 3400, but remains consistent with this plan map amendment as this application will not create any increase in transportation needs from the previous application. The request complies with this goal.

Goal 13- Energy Conservation:
RESPONSE:
The site is located close to the downtown core and within walking distance to local necessary and desired urban services. Individual resident vehicle miles travelled can be reduced by encouraging the development of this site with higher residential densities. The requested plan map amendment supports a goal of energy conservation by city residents.

Goal 14- Urbanization:
RESPONSE:
The site of is within the Urban Growth Boundary for the City and County. The proposed plan map amendment is supportive of this goal.

(7) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Metro Urban Growth Functional Plan was approved November 21, 1996 by the Metro Council, and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. The Functional Plan must be addressed when Community Plan Map Amendments are proposed through the quasi-judicial or legislative processes.

The following responses address compliance of the Plan amendment request with the Metro Functional Plan.

Title 1- Requirements for Housing and Employment Accommodation: This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.
RESPONSE:
On a city-wide long-range planning basis, when viewed in context with the City's goal to facilitate construction of an additional 1500+ housing units in the next 8-10 years, the change in the zoning district to RML permits construction of 50+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested zoning district. This is an increase of between 20 and 50 additional dwelling units that can be provided to future residents of Tualatin in a central location with public transit and adequate public infrastructure adjacent to the property.

Title 2- Regional Parking Policy: The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes region wide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing

development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently.

RESPONSE:

Development review of the ensuing project will be reviewed to guarantee adequate parking for the residents and staff as necessary.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation: The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. .....

RESPONSE:

This site is urban and does not contain any flood plain or periodically inundated land, thus the standard does not apply to this application.

Title 4– Industrial and Other Employment Areas: Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map.
In Regionally Significant Industrial Areas, non-industrial uses are limited to:
Retail uses less than 20,000 square feet and amounting to only 5 percent of the contiguous Regionally Significant Industrial Area
Commercial office uses that are not accessory to the industrial uses with the exception of large corporate headquarters, and;
Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area.
In Industrial Areas, non-industrial uses are limited to less than 20,000 square feet and amount to 10 percent of the Industrial Area. In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

RESPONSE:

The application is for a change in residential zoning, thus, the standards embodied in Title 4 do not apply to this request.

Title 5– Neighbor Cities and Rural Reserves: This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city.....

RESPONSE:

The site is not impacted by the standards in Title 5.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities: The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers. .....

RESPONSE:

The site of is not considered a part of the Tualatin City Center, thus, the standards do not apply to this application.

Title 7 – Affordable Housing: This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels...

RESPONSE:

A change in the zoning district to RML on the subject property permits construction of 50+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested zoning district. RML zoning facilitates construction of small cottages, townhouses, garden apartments, condominiums, and/or large apartments. A large variety of housing options is available for development on this site with the requested zoning district. These housing options can address varied income levels and tastes that can be functionally and aesthetically compatible.

Title 8, 9, and 10 require compliance, performance measures and definitions for implementation of the Functional Plan, and are not applicable.

VI. CONCLUSION

Based on the findings provided supporting all of the applicable goals, policies and objectives of the guiding documents, this request for a plan map amendment can be granted. The accompanying detailed traffic analysis supports the conclusion that the change in the zoning district on the site has a nominal impact on the peak hour traffic flows. Dedication of ROW on Boones Ferry Road and frontage improvements along the Boones Ferry portion of the site at the time of project development will improve traffic flows in that area and provide an enhanced streetscape experience. The change in the zoning from RL to RML is supported by all of the applicable evidence on the record and can be approved by the City of Tualatin.

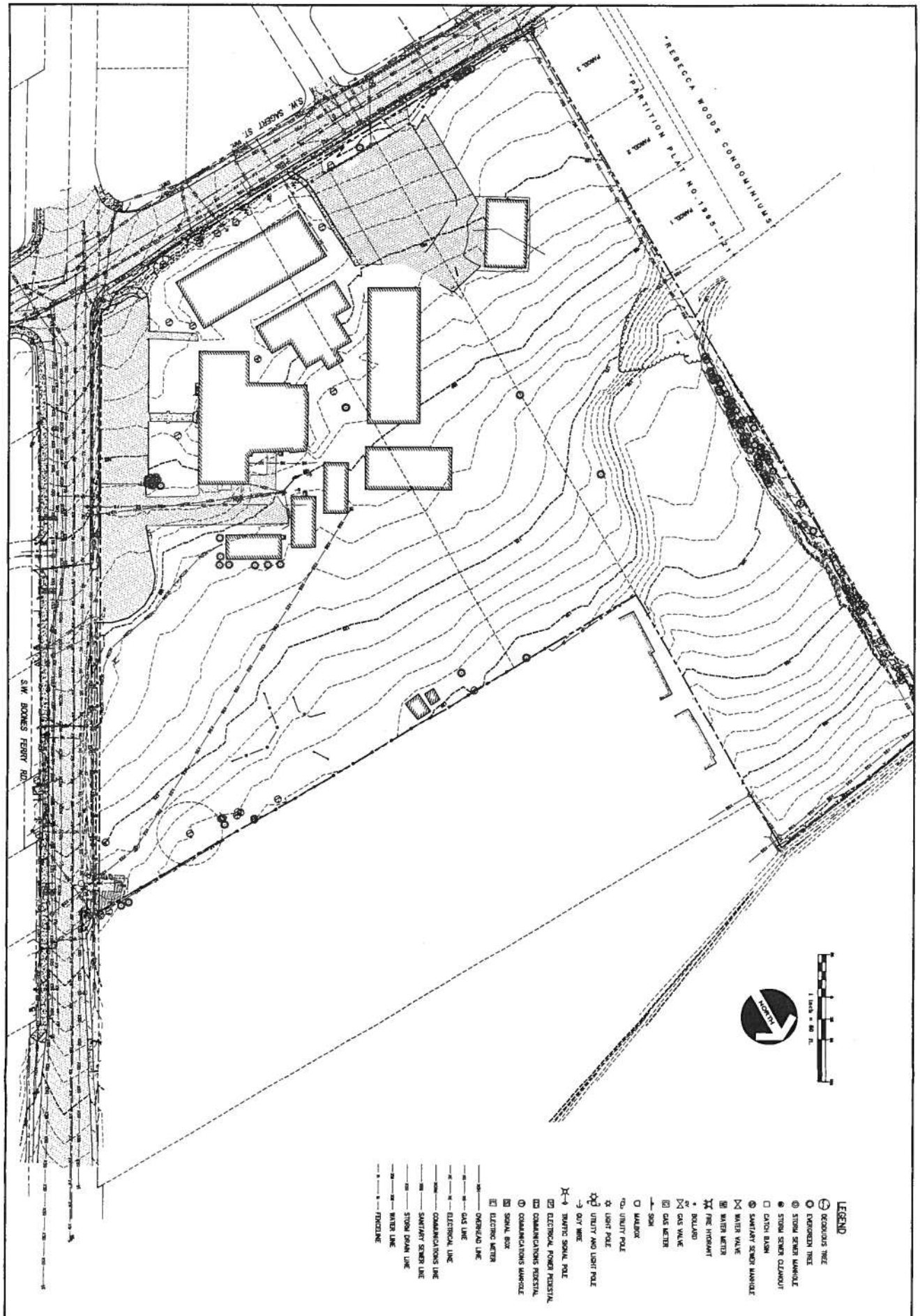
SHEET

EMERIO Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-6520
FAX: (503) 626-0402

REVISIONS		
NO.	DATE	DESCRIPTION

AERIAL PHOTO

TUALATIN MARQUIS
ASSISTED LIVING CENTER
TAX LOT 500
SE 1/4 SE 1/4 OF SEC. 23, T2S R1W
CITY OF TUALATIN, OREGON



SHEET		EMERIO Design 6107 SW MURRAY BLVD. SUITE 147 BEAVERTON, OREGON 97008 PH: (503) 515-5528 FAX: (503) 639-9592	REVISIONS NO. / DATE / DESCRIPTION	EXISTING CONDITIONS PLAN	TUALATIN MARQUIS ASSISTED LIVING CENTER TAX LOT 500 SE 1/4 SE 1/4 OF SEC. 23, T2S R1W CITY OF TUALATIN, OREGON

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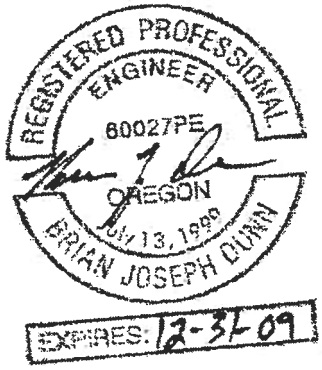

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EXECUTIVE SUMMARY

This study addresses the long-range transportation impacts of a proposed plan map amendment by Marquis Companies to rezone a tract of land in the City of Tualatin from Residential Low Density (RL) to Residential Medium-Low Density (RML). The subject site is located on the northwest corner of the SW Boones Ferry Road/SW Sagert Street intersection and is part of the former Tualatin Elementary School site. Although the former school property is located on a single tax lot totaling 13.37 acres in size today, Marquis Companies is proposing to perform a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

Ultimately, the Marquis Companies intends to develop a senior care facility on the subject site. But before this can happen, the subject site must be rezoned to an appropriate RML designation. 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. This study was prepared specifically to address the issue of compliance with the policies of the Transportation Planning Rule.

The following sections summarize the scope of this study and the detailed findings of a long-range transportation impact analysis for the proposed plan map amendment, followed by the conclusions and recommendations. As demonstrated by the analyses and findings presented in this study, the proposed land use action is not expected to "significantly affect" any existing or planned transportation facility and is, therefore, expected to be in compliance with the State's Transportation Planning Rule.

STUDY INTERSECTIONS

The scope of this study was determined through an assessment of the site's anticipated traffic impact area, by a pre-application conference meeting with the City, and through a coordinated scoping arrangement with city staff. Based on this process, city staff has required the operational analysis of current year and future year 2029 impacts at the following five intersections during the critical weekday a.m. and p.m. peak hour analysis periods:

- SW Boones Ferry Road/SW Warm Springs Street;
- SW Boones Ferry Road/SW Sagert Street;
- SW Boones Ferry Road/SW Avery Street;
- SW 95th Avenue/SW Sagert Street; and,
- SW Martinazzi Avenue/SW Sagert Street.

INTERSECTION OPERATING STANDARDS

Per Sections 1.032, 11.610, and 11.620 of the Tualatin Development Code, the City enforces a Level of Service (LOS) "F" policy for the p.m. peak hour and a LOS "E" policy for the one-half hour before and after the p.m. peak hour for intersections located within the Town Center of the city. Outside of this Town Center area, the City enforces a LOS "E" standard for both the weekday p.m. peak hour and the one-half hour periods before and after the peak hour. These LOS "F/E" and LOS "E/E" standards apply to plan map amendments. Based on the Design Type Boundaries identified in Map 9-4 of the City's Development Code, the "LOS F/E" standard applies to the SW Boones Ferry Road/SW Warm Springs Street intersection while the LOS "E/E" standard applies to all remaining study intersections.

EXISTING TRAFFIC CONDITIONS

All five study intersections currently operate at levels which meet the level-of-service standards enforced by the City of Tualatin during the weekday a.m. and p.m. peak hours. However, the signalized intersection at SW Boones Ferry Road and SW Avery Street is currently operating with a volume-to-capacity (v/c) ratio of 0.97 during the weekday a.m. peak hour, indicating the intersection has almost reached full capacity. Also, the all-way stop-controlled intersection at SW Martinazzi Avenue and SW Sagert Street is currently operating right at a v/c ratio of 1.00 during the weekday p.m. peak hour, indicating the intersection already reached full capacity.

PLANNED TRANSPORTATION IMPROVEMENTS

Future transportation improvements assumed to be in place by the year 2029 were identified through a review the City's Transportation System Plan, the City's Development Code, and through detailed discussions with city staff on which transportation projects are reasonably likely to occur within the forecast period. This process led to the identification of the following seven transportation projects:

- I-5 to 99W Connector – This transportation improvement project is considered to be a critical step in relieving existing and anticipated future congestion on Tualatin's transportation system. Once completed, this project will result in three new and/or improved east-west arterial routes connecting I-5 in Tualatin with OR 99W to the west in Sherwood, plus the extension/connection of a new north-south arterial route along the SW 124th Avenue alignment, connecting OR 99W to the north with each of the three new east-west arterial routes. (Go to http://www.i5to99w.org for a full detailed description of the Alternative #7 recommendation)
- Martinazzi Avenue Widening – This project has already been completed and resulted in the addition of a new southbound travel lane from Warm Springs Street to Sagert Street.
- Sagert Street/Martinazzi Avenue Signal - This project will include the construction of a traffic signal.
- Boones Ferry Road Signal Interconnect - This project will establish a signal interconnect between the traffic signals along SW Boones Ferry Road, south of Tualatin-Sherwood Road.
- Sagert Street Connection to 95th Avenue - This project has already been completed and resulted in the extension of Sagert Street west to connect with 95th Avenue.
- 95th Avenue Connection to Avery Street - This project has already been completed and resulted in the extension of 95th Avenue down to connect with Avery Street.
- Boones Ferry Road Sidewalk Completion – This project will establish continuous sidewalks along both sides of Boones Ferry Road from Tualatin-Sherwood Road down to Avery Street.

FUTURE TRAFFIC VOLUME FORECAST

The future traffic forecast prepared for this study was based primarily on traffic data provided by the Washington County DLUT, using a regional travel demand forecast model that was developed specifically for the I-5 to OR 99W Connector project (recommended Alternative #7 solution). The traffic forecast was prepared to reflect future traffic conditions for the year 2029 during the critical weekday a.m. and p.m. peak hours. This forecast also included trips that may be realized by future development activities on the western portion of the former Tualatin Elementary School site that will remain under its current RL zoning.

SITE TRIP GENERATION

Estimates were prepared of average weekday and weekday a.m. and p.m. peak hour vehicle trip ends for the subject site under two reasonable "worst-case" developments scenarios: one for the current RL zoning and the other for the proposed RML zoning. The following summarizes the results of these estimates:

Current RL Zoning Scenario

- 396 average weekday trips
- 34 weekday a.m. peak hour trips
- 42 weekday p.m. peak hour trips

Proposed RML Zoning Scenario

- 481 average weekday trips
- 31 weekday a.m. peak hour trips
- 48 weekday p.m. peak hour trips

As shown above, trips generated during the weekday a.m. peak hour by development activity under the proposed RML zoning (31 trips) are expected to be lower than if the site were developed under the current RL zoning (34 trips) for a difference of -3 trips. For the weekday p.m. peak hour, however, there is a slightly higher number of trips estimated to occur under the proposed RML zoning scenario (48 trips) versus the current RL zoning scenario (42 trips). But as described later in this report, such a nominal increase (difference of +6 trips) is insignificant, especially when considering how these trips become diluted once they distribute onto the surrounding street network.

Further analysis was conducted to estimate the site trip generation potential for a senior living center complex, which is the land use that is ultimately anticipated by the Marquis Companies. The following summarizes the results of these estimates:

Marquis Companies Senior Living Center

- 590 average weekday trips
- 21 weekday a.m. peak hour trips
- 33 weekday p.m. peak hour trips

As shown above, trips generated during the critical weekday a.m. and p.m. peak hours as a senior living center will be less than what could potentially be generated under either the current RL or proposed RML zoning development scenarios.

YEAR 2029 INTERSECTION OPERATIONS

Operational analyses were performed for year 2029 total traffic conditions during the weekday a.m. and p.m. peak hours for two separate development scenarios: one which accounted for development under the current RL zoning and another which accounted for development under the proposed RML zoning. The results of these analyses were identical and indicated that several study intersections will not operate at levels which meet the City's long-term planning operations standards. Nevertheless, what is of critical importance is that the analysis results show no relative difference in the levels-of-service, volume-to-capacity ratios, or the average driver delays for the individual study intersections between the current RL and proposed RML zoning development scenarios. This is because the trip generation differential between the two land use scenarios is very small. This finding is a clear indication that the proposed RML zoning will not "significantly affect" any existing or planned transportation facility. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings documented in this study, the Applicant's proposal to rezone the 5.44 acre site from Residential Low Density (RL) to Residential Medium-Low Density (RML) will have no "significant effect" upon any existing or planned transportation facilities. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule and should be approved by the City of Tualatin.

INTRODUCTION

This study addresses the long-range transportation impacts of a proposed plan map amendment by Marquis Companies (referred to herein as the "Applicant") to rezone a tract of land from Residential Low Density (RL) to Residential Medium-Low Density (RML) in the City of Tualatin. The subject property is located on the northwest corner of the SW Boones Ferry Road/SW Sagert Street intersection and is part of the former site of the Tualatin Elementary School. Although the former school site is located on a single tax lot totaling 13.37 acres in size, the Applicant is proposing to do a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

A site vicinity map is provided in Figure 1 and for information purposes only a conceptual site-specific development plan map is provided in *Appendix "A"* of this report. As shown in the conceptual plan map provided in the appendix, the Applicant intends to develop an elderly care facility on the subject site. But before this can happen, the subject site must be rezoned to an appropriate RML designation. The focus of this study is, therefore, on analyzing the potential impacts of rezoning the subject site, and to assess compliance with the State's Transportation Planning Rule (TPR).

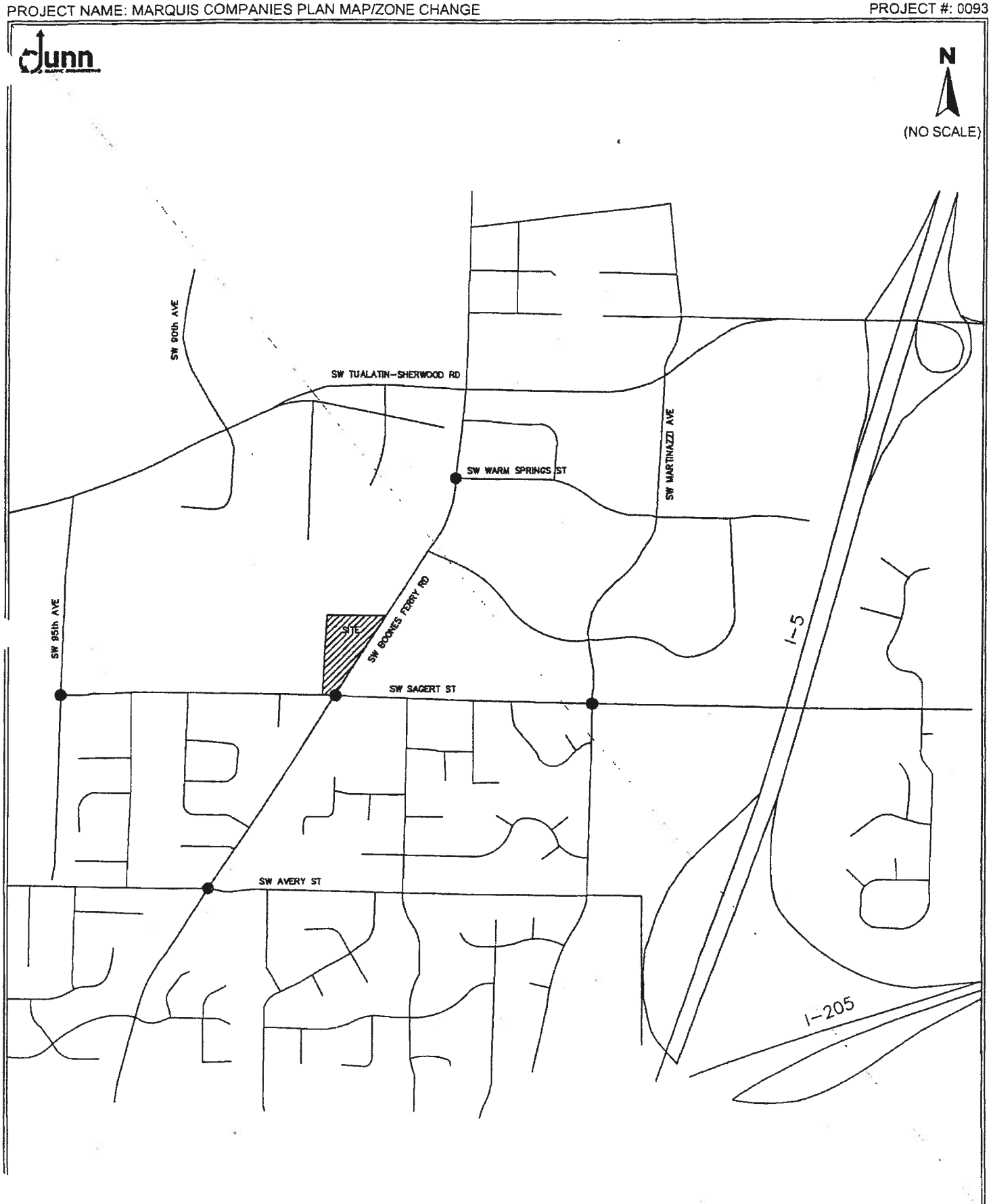
TRANSPORTATION PLANNING RULE

Division 12 of the States' 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 regulations. This section of the TPR states the following:

> *(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.*

PROJECT NAME: MARQUIS COMPANIES PLAN MAP/ZONE CHANGE

PROJECT #: 0093



LEGEND	Site Vicinity Map	FIGURE No.:
● = STUDY INTERSECTION ▨ = SITE BOUNDARY	MARCH, 2009	1

Given that the proposed land use action will result in an amendment to the City's zoning map, it can be construed as an amendment to an acknowledged land use regulation, and therefore, subject to the State's Transportation Planning Rule Section 660-012-0060. This study was prepared to address this section of the OAR. Specifically, this report presents the results of long-range traffic impact analyses comparing reasonable "worst-case" development scenarios for the subject site under the current zoning and under the proposed zoning. As detailed in the following sections of this report, the proposed land use action is not expected to "significantly affect" an existing or planned transportation facility and is, therefore, in compliance with the TPR.

STUDY SCOPE

The scope of this study was established through an assessment of the site's anticipated traffic impact area, by a pre-application conference meeting with the City, and through a coordinated scoping arrangement with city staff. This study was also prepared in a manner that complies with the transportation policies defined by the City's Development Code.

Study Content

This study identifies the transportation-related impacts associated with the proposed land use action. Specifically, this report addresses the following transportation issues to test whether or not the proposed land use action complies with the Transportation Planning Rule:

- A review of existing transportation system conditions, including an inventory of transportation facilities and surrounding land uses, and an analysis of weekday a.m. and p.m. peak hour operations at key intersections.
- A review of transportation improvement projects planned for the study area and preparation of a future 20-year traffic forecast for the year 2029.
- An assessment of various trip generation scenarios for the subject site, including the following:
    - Reasonable "worst case" development scenario under the current RL zoning;
    - Reasonable "worst case" development scenario under the proposed RML zoning:
    - Site-specific development scenario that reflects the Applicant's intention to ultimately develop an elderly care facility on the subject site; and,
    - Scenario that reflects the subject site under its former use as an elementary school.
- An assessment of future 20-year operating conditions during the weekday a.m. and p.m. peak hours at key study intersections under the following two separate development scenarios:
    1) Reasonable "worst case" development under the current RL zoning, and
    2) Reasonable "worst case" development under the proposed RML zoning.
- An assessment of whether or not the proposed plan map amendment and zone change will "significantly affect" an existing or planned transportation facility per OAR 660-012 of the State's Transportation Planning Rule.
- Identification of any off-site transportation system deficiencies and potential mitigation measures that may be necessary to ensure compliance with the operational standards enforced by the City of Tualatin and the policies of the States' Transportation Planning Rule.
- Conclusions and recommendations.

Determination of Impact Area

Based on discussions with city staff, the limits of this study shall extend to those transportation facilities that are contained within the "impact area" of the project. A suitable resource used in establishing what exactly is the "impact area" for this project was the Washington County Resolution &Order 86-95. This document defines the "impact area" of development site to be those roadway sections and intersections that will experience a ten percent or higher increase in vehicular traffic as a result of traffic generated by the development. Based on this criteria, Tables 1 and 2 were prepared to define the "impact area" of the subject site based on a worst-case estimate of respective weekday a.m. and p.m. peak hour trips that would be generated under a development scenario that reflects the proposed RML zone.

TABLE 1
Determination Of Impact Area Roadways
(Weekday AM Peak Hour Period)

Roadway	Street Segment Location	Existing Two-Way Traffic [1]	Site-Added Traffic [2]	Percent Impact	Impact Area Road?
SW 95th Avenue	North of SW Sagert Street	309	3	1.0%	No
SW Boones Ferry Road	North of SW Warm Springs Street	1082	13	1.2%	No
	SW Warm Springs Street to SW Sagert Street	1102	13	1.2%	No
	SW Sagert Street to SW Avery Street	1281	11	0.9%	No
	South of SW Avery Street	1361	4	0.3%	No
SW Martinazzi Avenue	North of SW Sagert Street	1017	4	0.4%	No
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	363	3	0.8%	No
	SW Boones Ferry Road to SW Martinazzi Avenue	684	7	1.0%	No
	East of SW Martinazzi Avenue	713	3	0.4%	No
SW Avery Street	West of SW Boones Ferry Road	865	7	0.8%	No

1. Based on current intersection turn movement counts collected for this study..
2. Based on a worst-case trip generation and traffic assignment estimate for development under the proposed RML zone.

TABLE 2
Determination Of Impact Area Roadways
(Weekday PM Peak Hour Period)

Roadway	Section Location	Existing Traffic [1]	Site-Added Traffic [2]	Percent Impact	Impact Area Road?
SW 95th Avenue	North of SW Sagert Street	268	3	1.1%	No
SW Boones Ferry Road	North of SW Warm Springs Street	1380	16	1.2%	No
	SW Warm Springs Street to SW Sagert Street	1292	16	1.2%	No
	SW Sagert Street to SW Avery Street	1377	13	0.9%	No
	South of SW Avery Street	1491	5	0.3%	No
SW Martinazzi Avenue	North of SW Sagert Street	1208	5	0.4%	No
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	237	3	1.3%	No
	SW Boones Ferry Road to SW Martinazzi Avenue	654	10	1.5%	No
	East of SW Martinazzi Avenue	861	5	0.6%	No
SW Avery Street	West of SW Boones Ferry Road	1013	8	0.8%	No

1. Based on current intersection turn movement counts collected for this study..
2. Based on a worst-case trip generation and traffic assignment estimate for development under the proposed RML zone.

Identified Study Intersections

As shown in Tables 1 and 2 above, no roadway segments or intersections are anticipated to experience a ten percent or more increase in traffic as a result of new traffic that may be generated by the proposed plan map amendment/zone change. Nevertheless, city staff has required that the operational impacts at the following five intersections be analyzed during the specified weekday a.m. and p.m. peak hour analysis periods:

- SW Boones Ferry Road/SW Warm Springs Street;
- SW Boones Ferry Road/SW Sagert Street;
- SW Boones Ferry Road/SW Avery Street;
- SW 95th Avenue/SW Sagert Street; and,
- SW Martinazzi Avenue/SW Sagert Street.

EXISTING TRANSPORTATION CONDITIONS

The existing conditions analysis identifies conditions of the subject site and surrounding land uses, provides an inventory of the geometric characteristics of roadways in the study area, and summarizes existing traffic operations at the identified study intersections. The purpose of this discussion is to provide a basis for comparison to future long-range conditions analyses.

SUBJECT SITE CONDITIONS

The subject property is part of the former Tualatin Elementary School site which include a series of school buildings, a parking lot on the east side of the school fronting SW Boones Ferry Road, a parking lot on the southwest side of the school fronting SW Sagert Street, a playground on the west side of the school and open recreational fields to the north.

As mentioned previously, the former school site is located on a single tax lot totaling 13.37 acres in size. However, the Applicant is proposing to do a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

The Applicant intends to have the old Tualatin Elementary School building demolished before constructing an elderly care facility.

SURROUNDING LAND USES

The land uses surrounding the subject site are urban in nature and well established with little to no developable property remaining. Proceeding north, there is an established apartment complex located on land zoned for Residential High Density (RH) uses. Further to the north and across the P&W Railroad there are established industrial businesses located in an area zoned for Light Manufacturing (ML). Immediately west of the site is another apartment complex located on property zoned for RML uses. To the south and east of the subject property lie established single family residential neighborhoods, all of which are located in the current RL zoning district. The only exception to this is a church located kitty-corner to the subject site on the southeast corner of the SW Boones Ferry Road/SW Sagert Street intersection.

ROADWAY FACILITIES

An inventory was performed in November 2008 of all roadway facilities within the site's study area. These facilities are described in Table 1 and the following sections. Figure 2 identifies the location of all study intersections and their respective lane configurations and traffic control devices. It should be emphasized here that all identified study intersections are under the jurisdiction of the City of Tualatin.

SW 95th Avenue

SW 95th Avenue is a *Minor Collector* street that proceeds in a north-south direction from Tualatin-SW Sherwood Road down to SW Avery Street. This roadway provides access to adjacent industrial businesses, residential neighborhoods, and a church. At its intersection with SW Sagert Street, stop-control is established in the west approach of SW Sagert Street and the east approach of a private driveway, with free-flowing conditions on the north-south approaches.

SW Boones Ferry Road

SW Boones Ferry Road is a *Major Arterial* roadway that proceeds in a northeast-southwest direction serving as a regional connector between Lake Grove and the town center of Tualatin to the north and the

City of Wilsonville to the south. The roadway also serves and connects with established residential neighborhoods, churches, and schools in the site vicinity.

Traffic signal installations are present at each of the three study intersections that intersect SW Boones Ferry Road. The traffic signal at SW Warm Springs Street has permitted left-turn signal phasing on the east-west approaches of SW Warm Springs Street/Private Commercial Driveway and protected/permissive left-turn signal phasing on SW Boones Ferry Road. At the traffic signals with SW Sagert Street and SW Avery Street, all left-turn movements operate under protected left-turn signal phasing.

TABLE 3
Roadway Facility Inventory

Roadway	Classification	Cross-Section	Speed Limit (mph)	Sidewalks?	Bicycle Lanes?	On-Street Parking?
SW 95th Avenue (North of SW Sagert Street)	Minor Collector (Cb&p)	3 lanes	35	Yes	No	No
SW 95th Avenue (South of SW Sagert Street)	Minor Collector (Cb&p)	2 lanes	20	Yes	Yes-East	Yes-West
SW Boones Ferry Road (SW Warm Springs Street to SW Avery Street)	Major Arterial (Eb&t)	2-4 lanes	30/35	Yes*	Yes**	No
SW Martinazzi Avenue (North of SW Sagert Street)	Major Arterial (Eb&t)	5 lanes	35	Yes	Yes	No
SW Martinazzi Avenue (South of SW Sagert Street)	Minor Collector (Cb)	2 lanes	35	Yes	Yes	No
SW Warm Springs Street (East of SW Boones Ferry Road)	Minor Collector (Cb)	3 lanes	Not Posted	Yes	No	No
SW Sagert Street (SW 95th Avenue to SW Boones Ferry Road)	Minor Collector (Cb&p)	2 lanes	25	Yes-North Partial-South	Yes	Partial-South
SW Sagert Street (SW Boones Ferry Road to SW Martinazzi Avenue)	Major Arterial (Eb&t)	2 lanes	30	Yes	Yes	No
SW Avery Street (West of SW Boones Ferry Road)	Minor Collector (Cb&t)	2 lanes	25	Yes	Yes	No
SW Avery Street (East of SW Boones Ferry Road)	Residential Collector (Cr)	2 lanes	25	Yes	No	Yes

*- Sidewalk lacking along west side of Boones Ferry Road from along the site frontage and extending south to SW Avery Street.

**- Bicycle lanes are lacking on the east side from south of SW Warm Springs Street to SW Tualatin-Sherwood Road.

SW Martinazzi Avenue

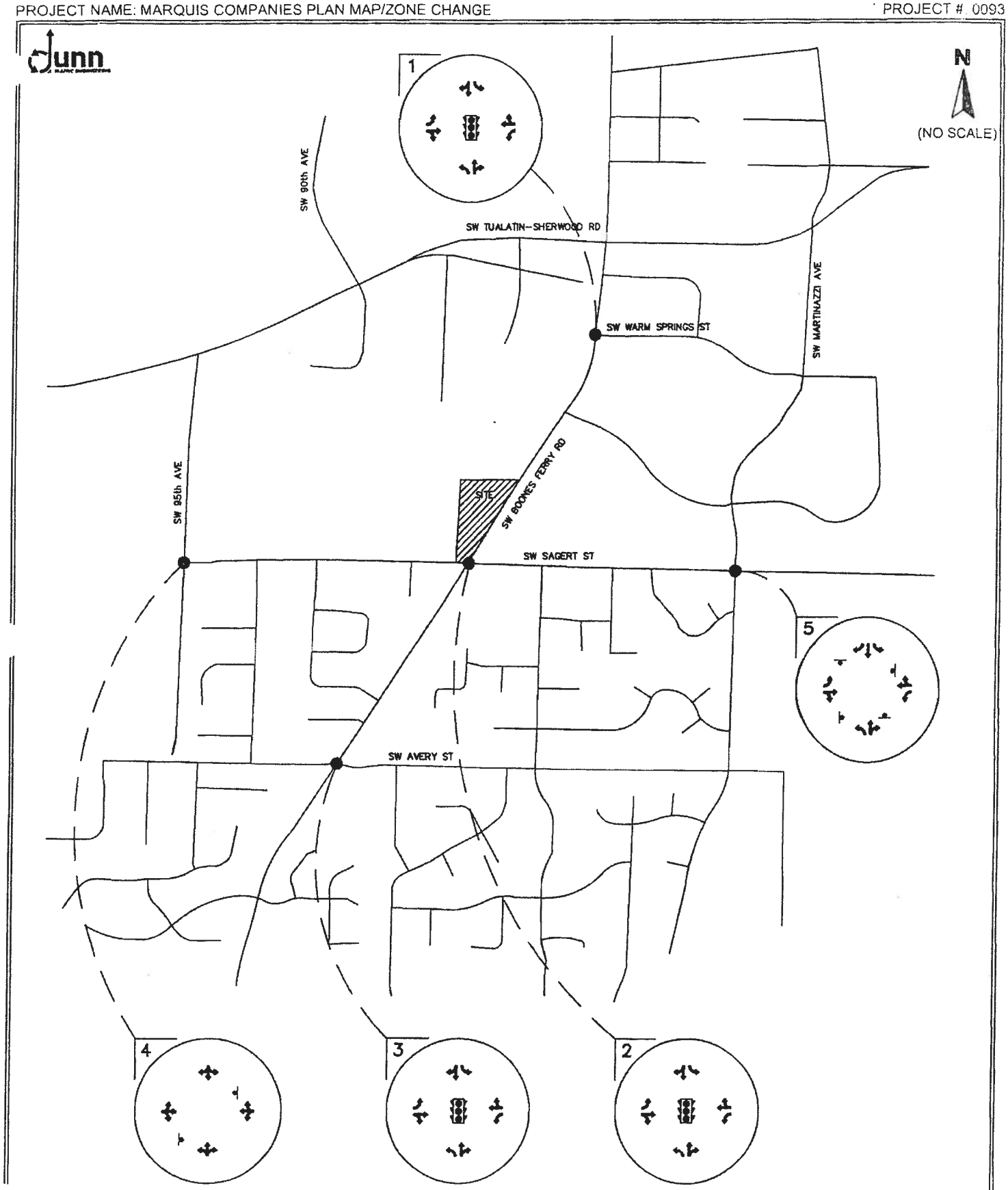
SW Martinazzi Avenue is a *Major Arterial* roadway between SW Tualatin-Sherwood Road and SW Sagert Street, and becomes a *Minor Collector* street south of SW Sagert Street. This north-south roadway provides access between SW Tualatin-Sherwood Road and a major commercial shopping center (Fred Meyer) to the north and residential neighborhoods to the south. The intersection between SW Sagert Road and SW Martinazzi Avenue operates under all-way stop control.

SW Warm Springs Street

SW Warm Springs Street is a *Minor Collector* roadway that extends east off of SW Boones Ferry Road. This roadway primarily serves local area offices and commercial and retail businesses

SW Sagert Street

SW Sagert Street is a *Minor Collector* roadway from SW 95th Avenue to SW Boones Ferry Road and a *Major Arterial* roadway between SW Boones Ferry Road and SW Martinazzi Avenue. This east-west roadway distributes local area traffic from the higher-functioning north-south arterial roadways to local residential neighborhood streets.



LEGEND		FIGURE No.:
= STOP SIGN = TRAFFIC SIGNAL	Existing Lane Configurations and Traffic Control Devices MARCH, 2009	2

SW Avery Street

SW Sagert Street is a *Minor Collector* roadway west of SW Boones Ferry Road and a *Residential Collector* street east of SW Boones Ferry Road. This east-west roadway distributes local area traffic from SW Tualatin-Sherwood Road to the west with local residential neighborhoods to the east.

PEDESTRIAN AND BICYCLE FACILITIES

For the most part there are adequate and continuous bicycle lane facilities present along most of the study area roadways including SW Boones Ferry Road, SW Martinazzi Avenue, SW Sagert Road, and along SW Avery Street west of SW Boones Ferry Road. There are, however several locations where bicycle lanes are lacking. One location is along the east side of SW Boones Ferry Road from south of SW Warm Springs Street up to SW Tualatin-Sherwood Road. A second location is along the west side of SW 95th Avenue from SW Sagert Street up to SW Tualatin-Sherwood Road and along both sides of SW 95th Avenue down to SW Avery Street. A third location is along SW Warm Springs Street, as it proceeds east of SW Boones Ferry Road.

Continuous sidewalk facilities are common along the study area roadways. There are, however, a few locations where adequate sidewalk facilities do not exist. One location is along the site frontage of the west side of SW Boones Ferry Road. Sidewalks are also lacking along the west side of SW Boones Ferry Road from SW Sagert Street down to SW Avery Street. There are also discontinuous, or intermittent sidewalks present along the south side of SW Sagert Street from SW 95th Avenue to SW Boones Ferry Road.

EXISTING TRAFFIC VOLUMES

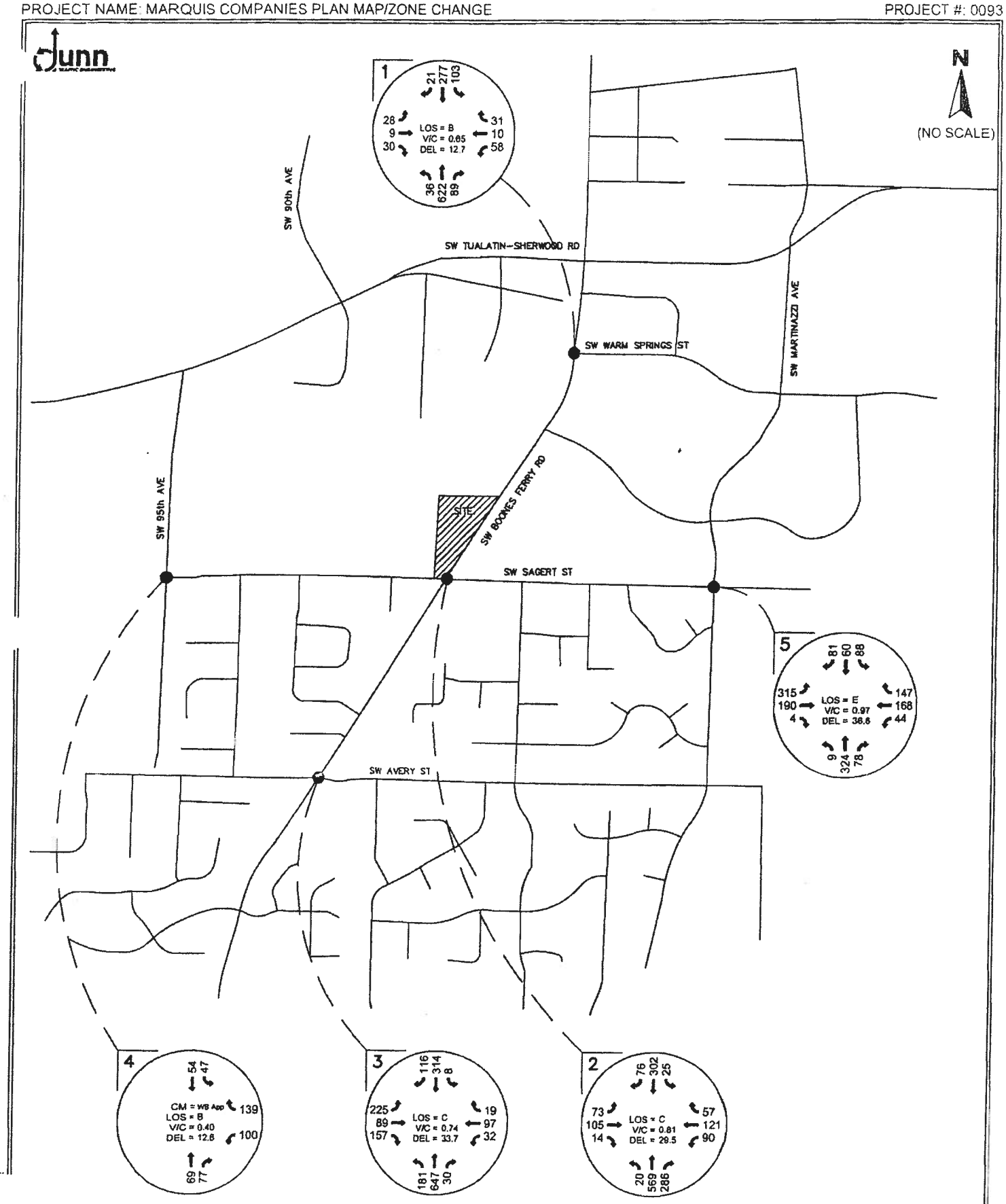
Based on discussions with city staff and an understanding of general traffic conditions along the study area roadways, it was determined that the weekday a.m. and p.m. peak hour periods represents the most critical time periods for evaluating traffic conditions at the identified study intersections. Therefore, turn movement traffic counts were collected at each of the five study intersections on a mid-week day in November 2008 during the morning (7-9 a.m.) and the afternoon (4-6 p.m.) commute periods. Based on the results of the traffic count data, the weekday a.m. peak hour was found to occur between 7:25 a.m. and 8:25 a.m. while the weekday p.m. peak hour was found to occur between 4:40 p.m. and 5:40 p.m. *All traffic count data sheets collected for this study are provided in Appendix "B".*

Figures 3 and 4 illustrate the existing year turn movement traffic volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively.

INTERSECTION OPERATING STANDARDS

All intersection operations analyses described in this report for signalized and unsignalized stop-controlled intersections were performed using the *Traffix* program in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 1). *A description of level of service and the criteria by which they are determined is presented in Appendix "C."* This appendix indicates how level of service is measured and what is generally considered the acceptable range of level of service.

Intersection operational performance is generally measured by two variables: Level of Service (LOS) and the volume-to-capacity (v/c) ratio. Level-of-service ranges from LOS "A", which indicates good operating conditions, to LOS "F" which indicates a high level of congestion and delay. The v/c ratio is a description of an intersection's capacity to handle demand. At signalized intersections, level of service is based on the average control delay per vehicle for the entire intersection, while the v/c ratio is a measurement of intersection's capacity to accommodate only the critical movements. For unsignalized intersections, operational performance is also measured by level of service and the volume-to-capacity ratio. However, the LOS and v/c ratio are based on the average control delay per vehicle for the critical movement (typically the left-turn or entire approach of the intersecting minor street).

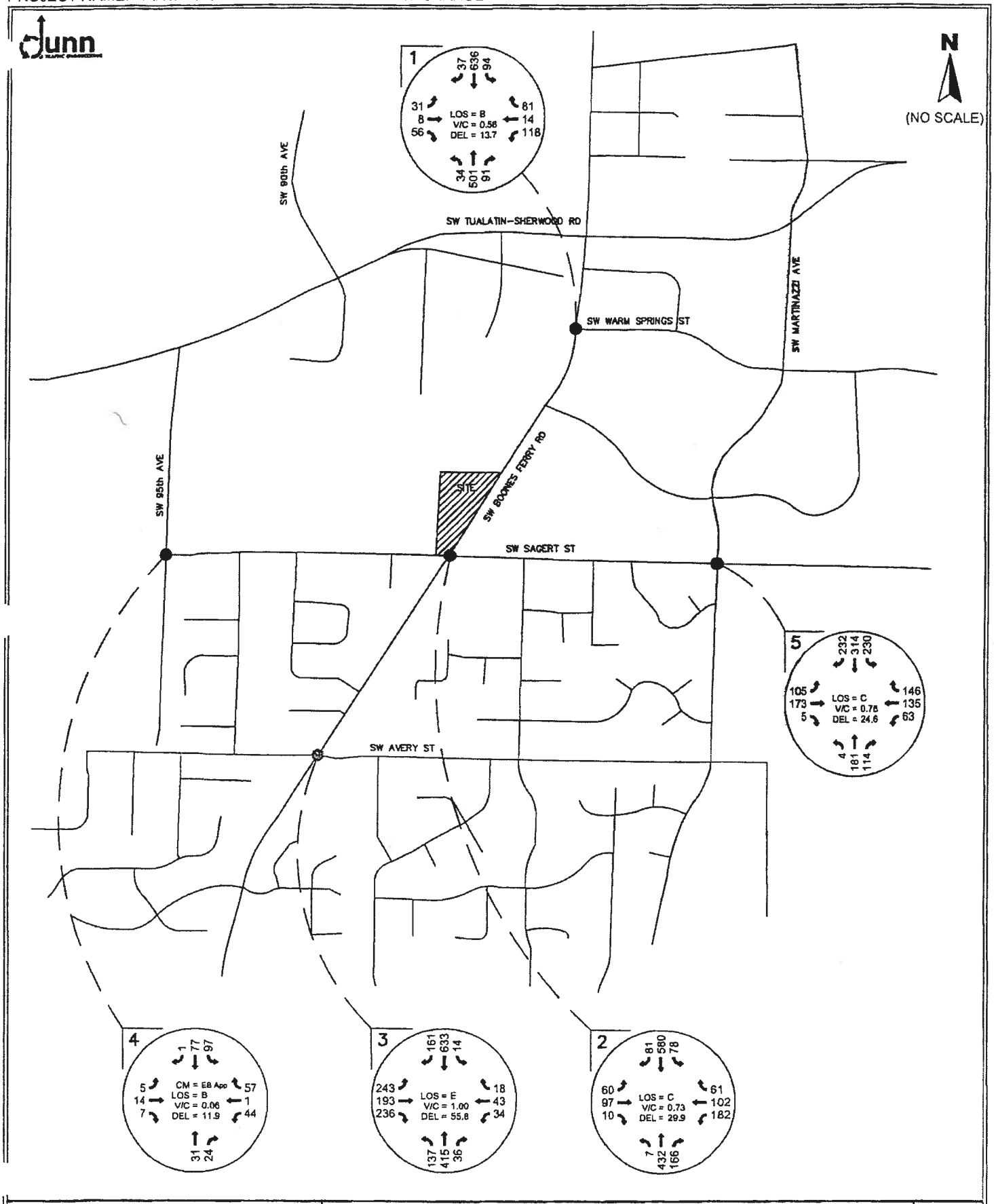


LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

Existing Traffic Conditions, Weekday AM Peak Hour

MARCH, 2009

FIGURE No.: 3



LEGEND		
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO	Existing Traffic Conditions, Weekday PM Peak Hour MARCH, 2009	FIGURE No.: 4

Per Section 1.032 (Amendments- Burden of Proof), Section 11.610 (Transportation Goals and Objectives), and Section 11.620 (Street System Plan) of the Tualatin Development Code, the City enforces a Level of Service "F" policy for the p.m. peak hour and LOS "E" policy for the one-half hour before and after the p.m. peak hour in the Town Center of the city. Outside of this Town Center area, the City enforces a LOS "E" standard for both the weekday p.m. peak hour and the one-half hour periods before and after the peak hour. These LOS F/E and LOS E/E standards apply only for transportation system planning and plan text and plan map amendments, but not for development applications.

Based on the City operating standards and the Design Type Boundaries identified in Map 9-4 of the City's Development Code, the LOS F/E standard applies to the SW Boones Ferry Road/SW Warm Springs Street intersection while the LOS E/E standard applies to all remaining study intersections which lie outside the Town Center area.

PEAK HOUR OPERATIONS

Figures 3 and 4 also summarize the existing operations analysis results for all study intersections during the weekday a.m. and p.m. peak hours. *Appendix "D" includes the existing level of service worksheets.*

As the results in the figures show, all five study intersections are currently operating at levels which meet the level-of-service standards enforced by the City of Tualatin during the weekday a.m. and p.m. peak hours. However, it should be emphasized that the signalized intersection at SW Boones Ferry Road and SW Avery Street is shown to be operating with a v/c ratio of 0.97 during the weekday a.m. peak hour, indicating the intersection has almost reached full capacity. Also, the all-way stop-controlled intersection at SW Martinazzi Avenue and SW Sagert Street is shown to be operating right at a v/c ratio of 1.00 during the weekday p.m. peak hour, indicating the intersection already reached full capacity.

FUTURE YEAR 2029 TRAFFIC CONDITIONS

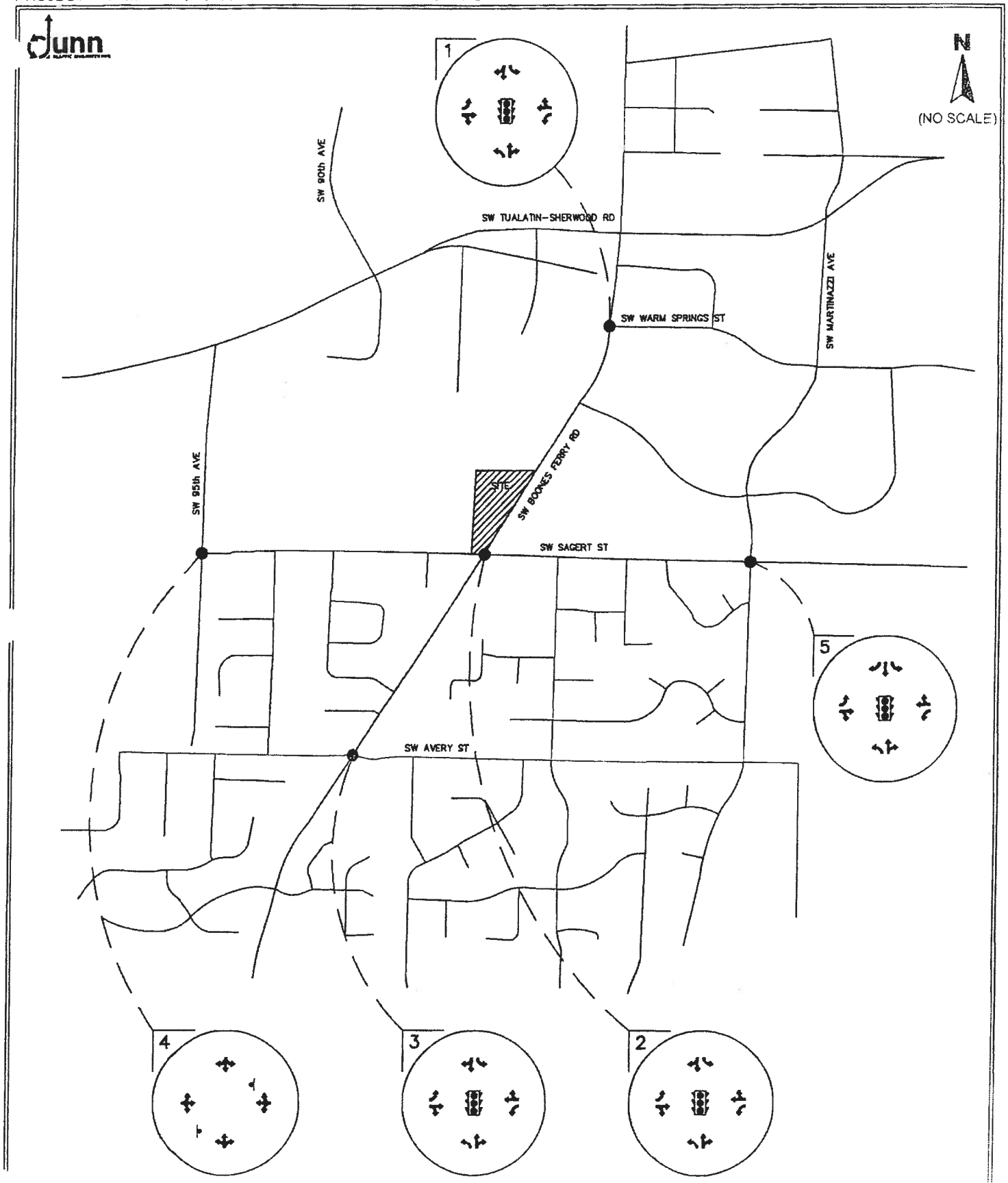
The future traffic conditions analysis examines how the study area's transportation system will operate in the year 2029 under two separate reasonable "worst case" development scenarios. The first scenario assumes development will occur on the subject site in accordance with its current RL zoning, while the second scenario assumes the subject site will be developed under the proposed RML zoning. Both long-range analyses take into consideration traffic growth projections and planned transportation system improvements expected to occur in the area over the next 20 years, as envisioned by the City's Transportation System Plan and the City's Development Code.

PLANNED TRANSPORTATION IMPROVEMENTS

Future transportation improvements assumed to be in place by the year 2029 were identified through a review the City's Transportation System Plan, the City's Development Code (Chapter 11 -Transportation), and through detailed discussions with city staff on which transportation projects are reasonably likely to occur within the forecast period. This process led to the identification of seven transportation projects. They are identified and described below in Table 4 along with a description of each project's possible impact on the study area intersections. Based on these planned improvements, Figure 5 illustrates the resulting lane configurations and traffic control devices assumed to be in place by 2029. It should be emphasized here that the only changes relative to existing traffic control conditions are a new traffic signal installation at the SW Martinazzi Avenue/SW Sagert Road intersection and enhanced vehicle progression along SW Boones Ferry Road from the signal interconnect.

TABLE 4
Planned Transportation Improvement Projects

Project	Description	Impact on Study Area Intersections
I-5 to 99W Connector Project	This major transportation improvement project will consist primarily of three new and/or improved east-west arterial routes connecting I-5 in Tualatin with OR 99W in Sherwood, plus the extension/connection of a new north-south arterial route along the SW 124th Avenue alignment connecting OR 99W to the north with each of the three new east-west arterial routes. (Go to http://www.i5to99w.org for a full detailed description of Alternative #7 recommendation)	It is likely this project will draw future traffic demand away from the northern sections of SW Boones Ferry Road and SW Martinazzi Avenue in the study area as it will provide residents in the southern portions of the City with enhanced arterial and interstate freeway access to the south towards Wilsonville.
Martinazzi Avenue Widening	Add a new southbound travel lane from Warm Springs Street to Sagert Street.	No impact. (This TSP project has already been completed.)
Sagert Street/Martinazzi Avenue Signal	Construction of a traffic signal	This project will increase intersection capacity.
Boones Ferry Road Signal Interconnect	Establish a signal interconnect between the traffic signals along SW Boones Ferry Road, south of Tualatin-Sherwood Road.	This project will help reduce vehicle delays in the corridor by progressing traffic more efficiently via vehicle platooning.
Sagert Street Connection to 95th Avenue	Extend and connect Sagert Street west to 95th Avenue.	No Impact (This TSP project has already been completed.)
95th Avenue Connection to Avery Street	Extend and connect 95th Avenue down to Avery Street.	No Impact (This TSP project has already been completed.)
Boones Ferry Road Sidewalk Completion	Establish continuous sidewalks on both sides of Boones Ferry Road from Tualatin-Sherwood Road down to Avery Street.	No impact on vehicle-carrying capacity of Boones Ferry Road.



LEGEND		FIGURE No.:
= STOP SIGN = TRAFFIC SIGNAL	Assumed Lane Configurations and Traffic Control Devices MARCH, 2009	5

FUTURE TRAFFIC FORECAST METHODOLOGY

The future traffic forecast prepared for this study was based primarily on traffic data provided by the Washington County DLUT, using a regional travel demand forecast model that was developed specifically for the I-5 to OR 99W Connector project. The traffic model data provided by the Washington County DLUT reflects conditions for the weekday p.m. peak hour and covers a base year 2005 and a planning horizon year of 2030, which also reflects the improvements planned for the I-5 to OR 99W Connector project (recommended Alternative #7 solution). This information was used to calculate the traffic volume growth trends at each of the study area intersections over the next 20 years. The calculated increases in intersection traffic volumes over this forecast period were then added to the base year weekday p.m. peak hour traffic volumes that were observed from the traffic counts taken last November in 2008.

Once the future traffic forecast volumes were estimated at the five study intersections for the weekday p.m. peak hour, a future traffic forecast was then prepared to reflect conditions for the weekday a.m. peak hour. Since there is no traffic model data available for this morning period, the growth patterns determined from the weekday p.m. peak hour model output were utilized. This was done by calculating the average intersection growth rates between the base year 2005 model data and the future year 2030 model data for the weekday p.m. peak hour and applying these growth rates to the base year weekday a.m. peak hour traffic volumes observed from the November 2008 traffic counts.

One of the last steps taken to prepare the future traffic forecast for this study was to account for traffic that may be generated by future development activities on the western portion of the former Tualatin Elementary School site. Once the subject site is partitioned by the Applicant as described in this report, there will be approximately 7.93 acres of unused, or vacant property immediately to the west. For the purpose of preparing a conservative, or worst-case traffic forecast scenario for this study, it was assumed that this adjacent parcel of 7.93 acres would fully develop under the current RL zoning at the maximum density of 6.4 units per acre. This resulted in an estimate of 51 new single family detached homes. The estimated trips associated with this type of activity were then assigned to the surrounding street system as part of the future traffic forecast.

Detailed worksheets documenting the methodologies used to determine the separate weekday a.m. and p.m. peak hour traffic forecasts for this study are provided in Appendix "E" of this report. It should be emphasized here that the future traffic volume estimates at this stage of the traffic forecast still do not reflect vehicle trips associated with development on the subject site. They only account for background traffic growth. The next section of this report describes various potential trip generation scenarios that may be possible for the subject site.

SITE TRIP GENERATION POTENTIAL

To understand the maximum trip-generating potential of the subject site, two reasonable "worst-case" development scenarios were analyzed: one representing development under the current RL zoning and another for the proposed RML zoning. The trip generation estimates for these two scenarios were prepared for the average weekday and for the weekday a.m. and p.m. peak hour periods using the standard reference *ITE Trip Generation Manual, 7th Edition* (Reference 2). The results are shown in Table 5 along with their comparative differences.

TABLE 5
Potential Site Trip Generation Scenarios
(Current VS. Proposed Zoning)

Zoning/Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Current Zoning -RL (Single Family Home)	210	35 units	396	34	9	25	42	26	16
Proposed Zoning -RML (Apartments)	220	55 units	481	31	6	25	48	31	17
Difference			**+85**	**-3**	**-3**	**0**	**+6**	**+5**	**+1**

As shown in the previous table, there are very small differences in the trip generation potential of the two development scenarios during weekday a.m. and p.m. peak hours. In fact, during the weekday a.m. peak hour, trips generated by development activity under the proposed RML zoning are expected to be fewer than if the site were developed under the current RL zoning (difference of -3 trips). For the weekday p.m. peak hour, however, there is a slightly higher number of trips estimated to occur under the proposed RML zoning scenario. But such an increase (difference of +6 trips) is insignificant, especially when considering how these trips are diluted once they distribute onto the surrounding street network. As described later in the *Year 2029 Intersection Operations* section of this report, such a small increase in weekday p.m. peak hour trips will have a negligible effect on the operating conditions of the study area intersections.

Supplemental Analysis of Site Trip Generation

Although the focus of this study is on the transportation impacts associated with the proposed plan map amendment and zone change, it is important re-emphasize again that the Applicant's end goal is to construct a senior living center on the subject site. The importance of noting this end-goal is because the trip generation potential for a senior living center complex is low, as evidenced by the information presented below in Table 6.

TABLE 6
Estimated Site Trip Generation
(Senior Living Center)

Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Independent Living*	252	80 beds**	297	6	3	3	9	5	4
Assisted Living/ Skilled Nursing	254	110 beds***	293	15	10	5	24	11	13
Total			**590**	**21**	**13**	**8**	**33**	**16**	**17**

*- Sufficient data is not available for weekday trip rate for ITE #252 (Senior Adult Housing- Attached). Therefore, the weekday trip rate for ITE #251 (Senior Adult Housing- Detached) was used.

**- Size shown is for occupied beds.

***- Size shown is for total number of beds. A total of 50 beds were assumed for skilled nursing care, with a total of 40 assisted living units that contain an even 50/50 split of one- and two-bedroom units (60 total beds).

Comparing the results shown in Table 6 above with the results shown in Table 5, it becomes clear that a senior living center would generate less traffic during the critical weekday a.m. and p.m. peak hours than if the site were developed to its maximum potential under either the current RL or proposed RML zoning.

For additional comparison, further analysis was done to estimate the trips that were previously generated by the subject site when it operated as an elementary school. When the school closed down roughly five years ago, there were 458 students in attendance at the school. Because the subject site comprises only 5.44 acres out of the total 13.37 acres of school property, this student figure was pro-rated and adjusted down to 186 students in order to estimate the school-related trips associated with this portion of property. Using this figure, Table 7 was prepared to summarize the average weekday and weekday a.m. and p.m. peak hour traffic volume estimates for the school when it was operational.

TABLE 7
Estimated Site Trip Generation
(Former Elementary School)

Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Elementary School*	520	186 students**	240	59	32	27	42	19	23

*- Results shown reflect a pro-rata share of total school site property (5.44 acres out of 13.37 acres in total size).

**- Size shown represents school occupancy figure of 458 students recorded back in October 2003, pro-rated or adjusted downwards to reflect the size of the subject site.

As demonstrated by the previous table and comparing the results to Table 6, the elementary school was likely generating more traffic during the critical weekday a.m. and p.m. peak hours than what will eventually occur on the subject site with a senior living center built on it.

SITE TRIP DISTRIBUTION AND ASSIGNMENT

Figure 6 illustrates the estimated site trip distribution patterns applicable to both zoning development scenarios. The assignment patterns were based on observations of travel patterns made in the field, the turn movement patterns observed from actual traffic counts, and professional judgment. It should also be mentioned here that even though plan map amendments are not site-specific or access-specific, it was assumed for this study that all site traffic would access the street system via SW Boones Ferry Road. This is consistent with the access conditions that currently exist today.

Based on the trip distribution patterns selected for this study, Figures 7 through 10 illustrate the resulting site traffic assignments for the two zoning development scenarios during the weekday a.m. and p.m. peak hours.

YEAR 2029 INTERSECTION OPERATIONS

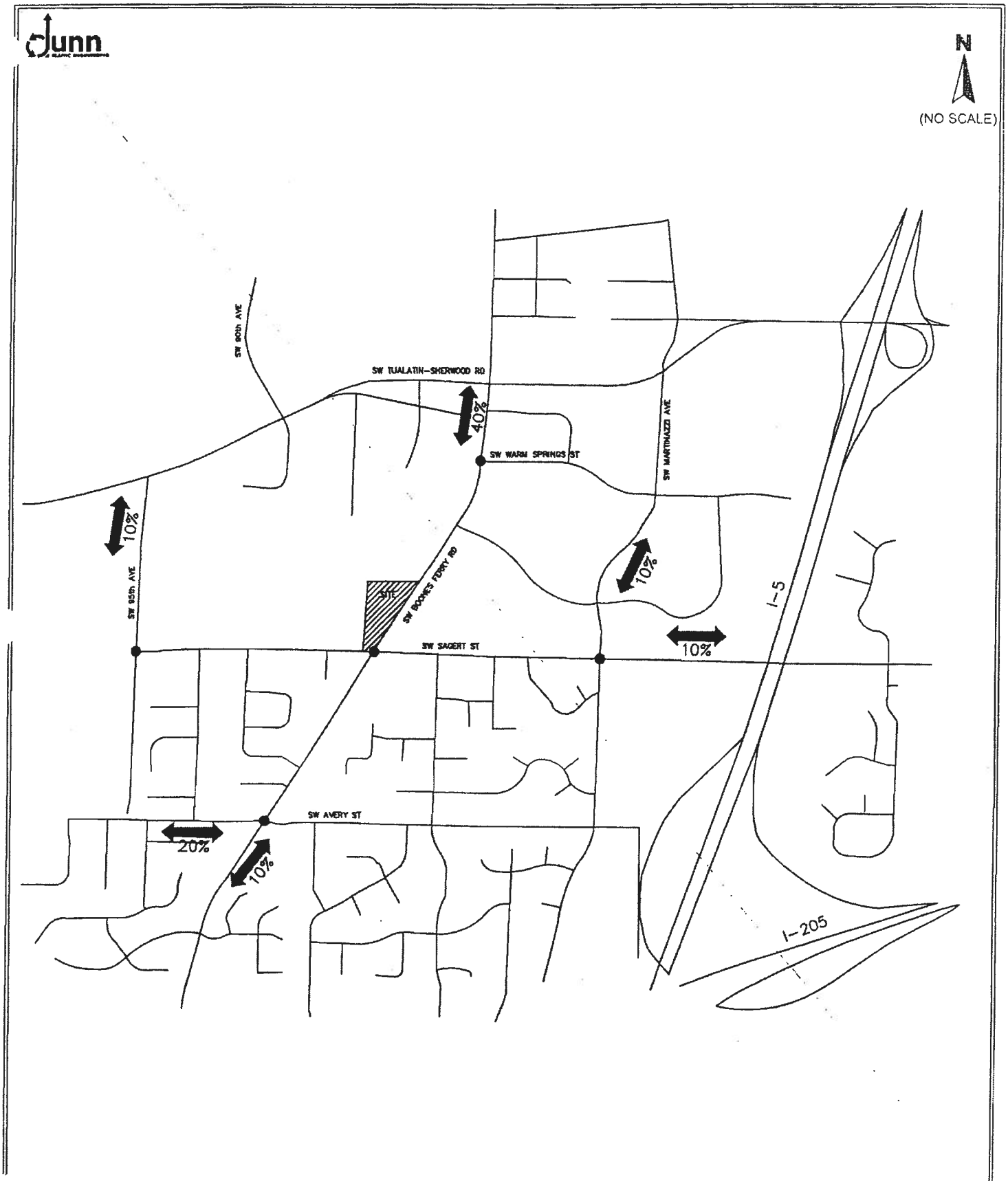
Once the site traffic assignments were determined for their respective land development scenarios and analysis periods, the resulting volumes were added to the year 2029 background traffic forecast volumes that are summarized for each study intersection in *Appendix "E"*.

Figures 11 through 14 illustrate the resulting year 2029 total traffic volumes and operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, under the current and proposed zoning development scenarios, respectively. *Appendices "F" and "G" contain all the traffic conditions level of service worksheets for these two development scenarios, respectively.*

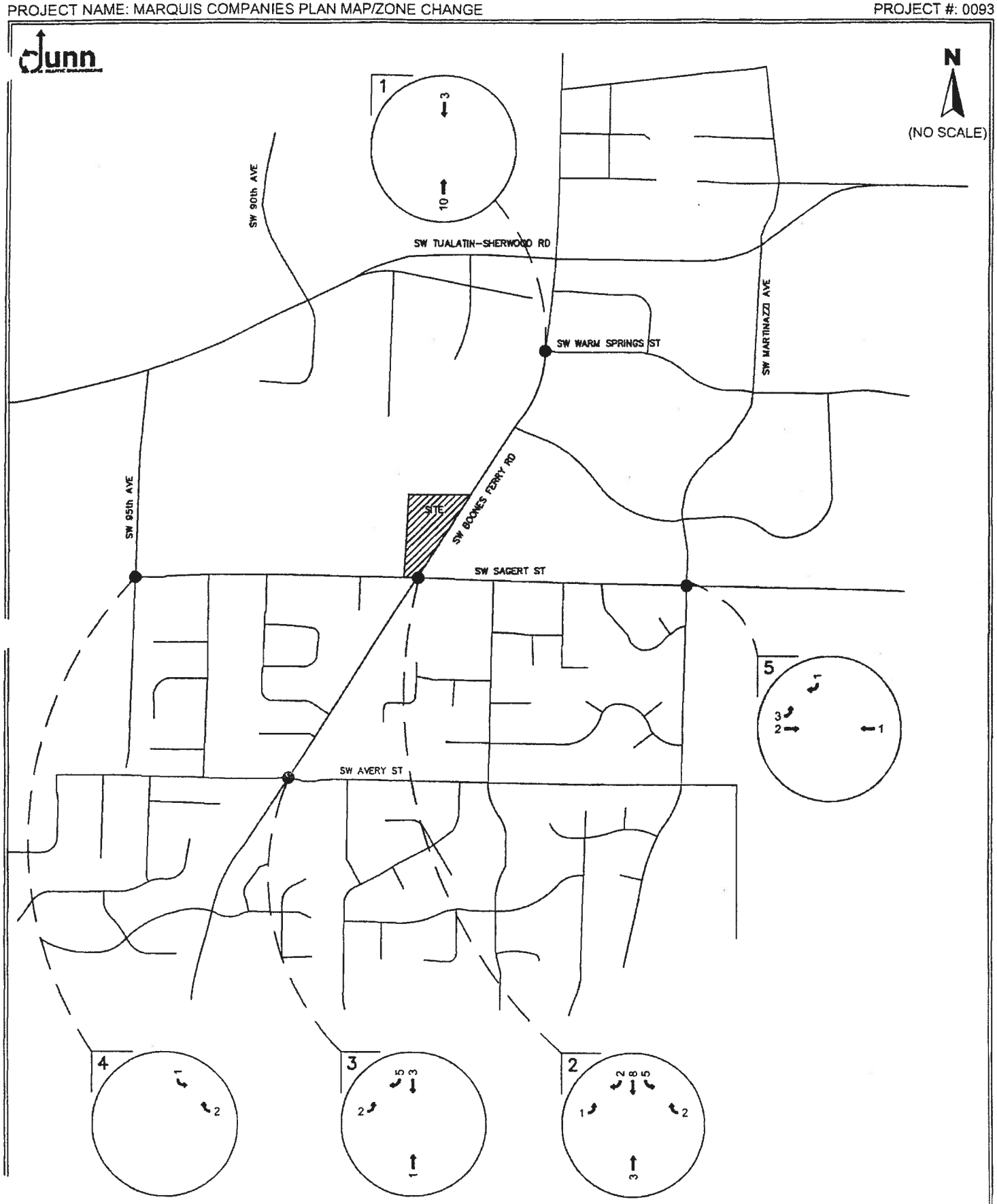
As the results in both figures show, several study intersections are shown to operate at levels which do not meet the City's long-term planning operations standards. Nevertheless, what is critical is that there is no relative difference in the levels-of-service, the volume-to-capacity ratios, or the average driver delays shown for the study intersections when comparing the current RL and proposed RML zoning development scenario results. This is because the trip generation differential between the two land use scenarios is small. This is a clear indication that the proposed RML zoning will not "significantly affect" any existing or planned transportation facility. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule.

Potential Mitigation Measures

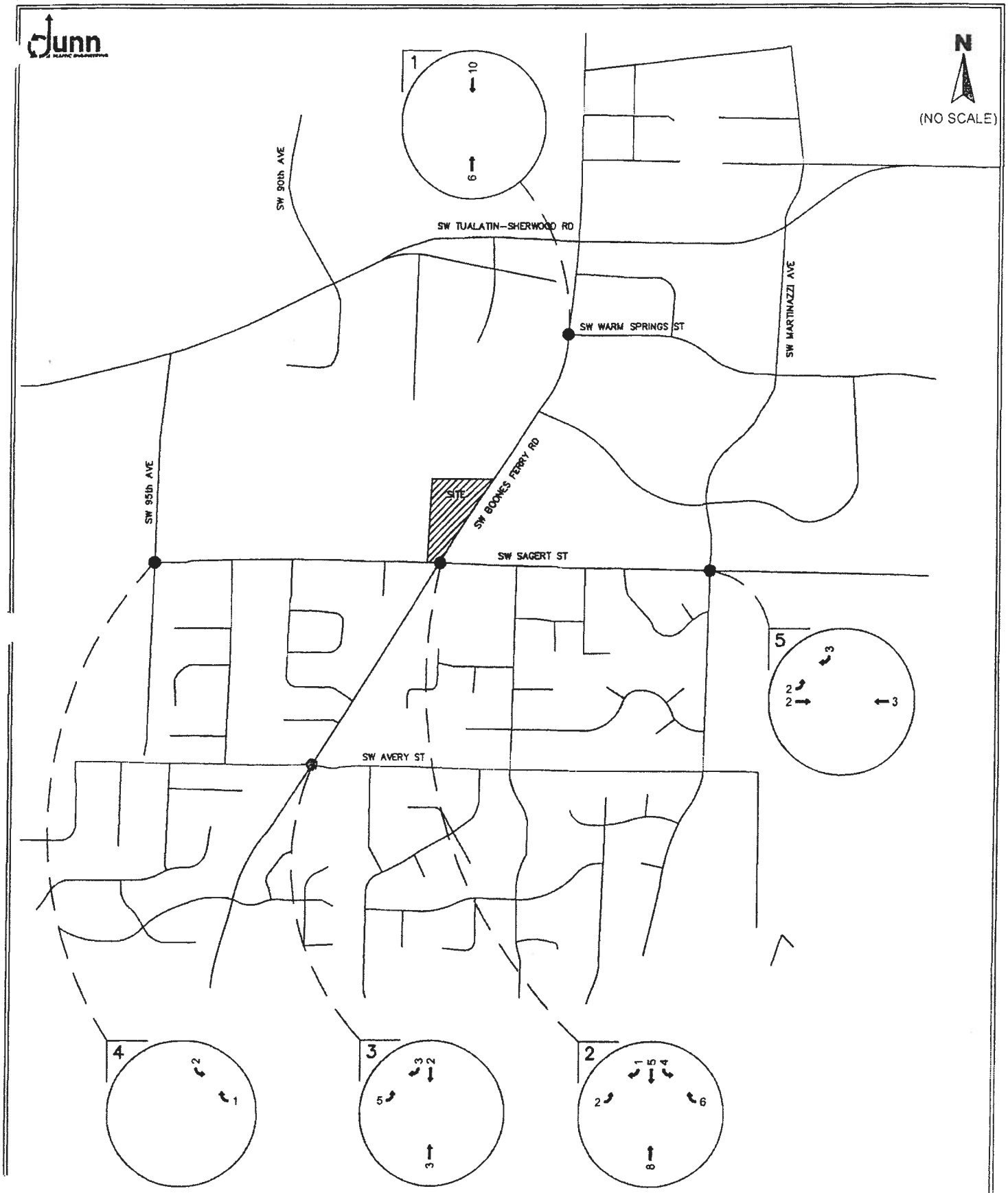
For future planning purposes, it is worthwhile to identify possible mitigation measures for those study intersections that are expected to operate at a sub-standard level in the year 2029, based on the City's long-range level-of-service policy (LOS F/E for the Town Center Area and LOS E/E for areas outside). Applying the City's planning-level LOS policy along with the assumption that any intersection operating with a v/c ratio greater than 1.0 is sub-standard, a total of three out of the five study intersections have been identified as operating at a sub-standard level in the year 2029. These intersections, and their sub-standard operating conditions are summarized in Table 8 along with a summary of potential mitigation measures that will bring these intersections back into compliance with City operating standards and allow them to function adequately. Again, this effort is not being undertaken to identify possible mitigation measures that can be conditioned upon the Applicant for the proposed zone change, but to relay possible solutions to City planning staff so that they can be better prepared to address the long-term travel demand needs of drivers in the study area. *Appendix "H" contains the level of service analysis worksheets for the identified mitigation measures.*



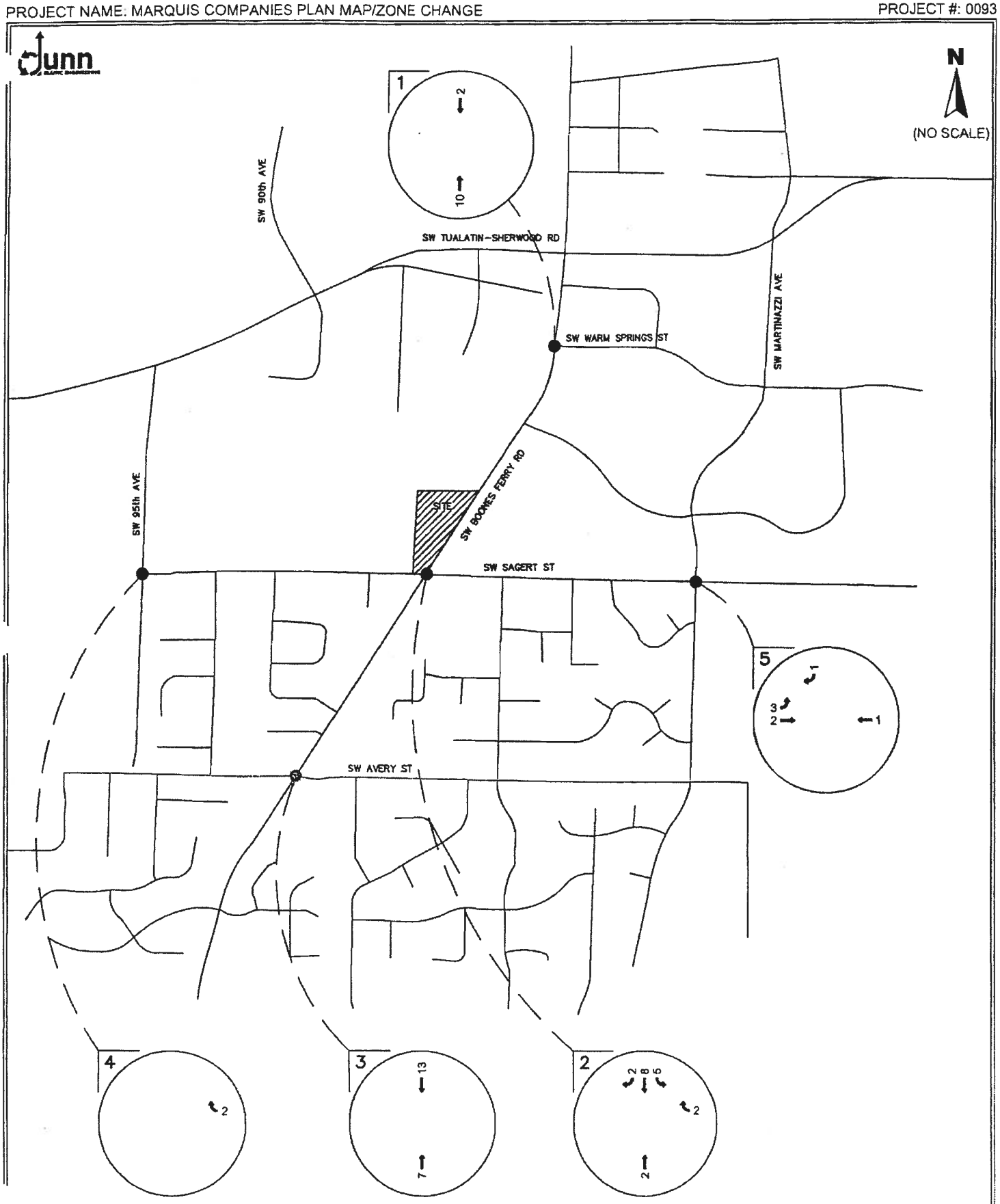
LEGEND	Estimated Site Trip Distribution Patterns Weekday AM and PM Peak Hours	FIGURE No.:
⟷ = PERCENT SITE TRIP DISTRIBUTION	MARCH, 2009	6



LEGEND		FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME	Site Traffic Assignment Weekday AM Peak Hour (Current Zoning) MARCH, 2009	7



LEGEND	Site Traffic Assignment Weekday PM Peak Hour (Current Zoning) MARCH, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		8



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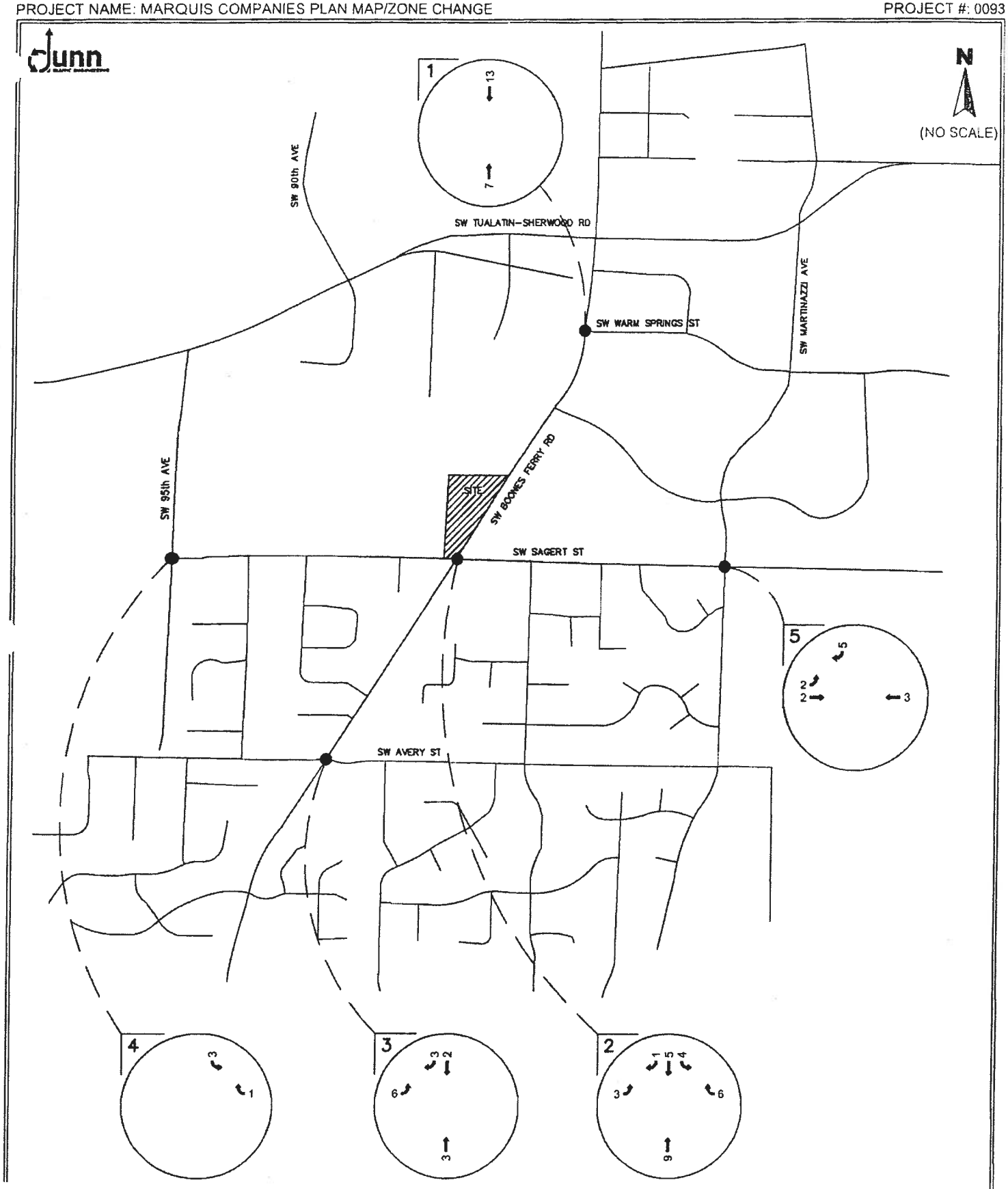
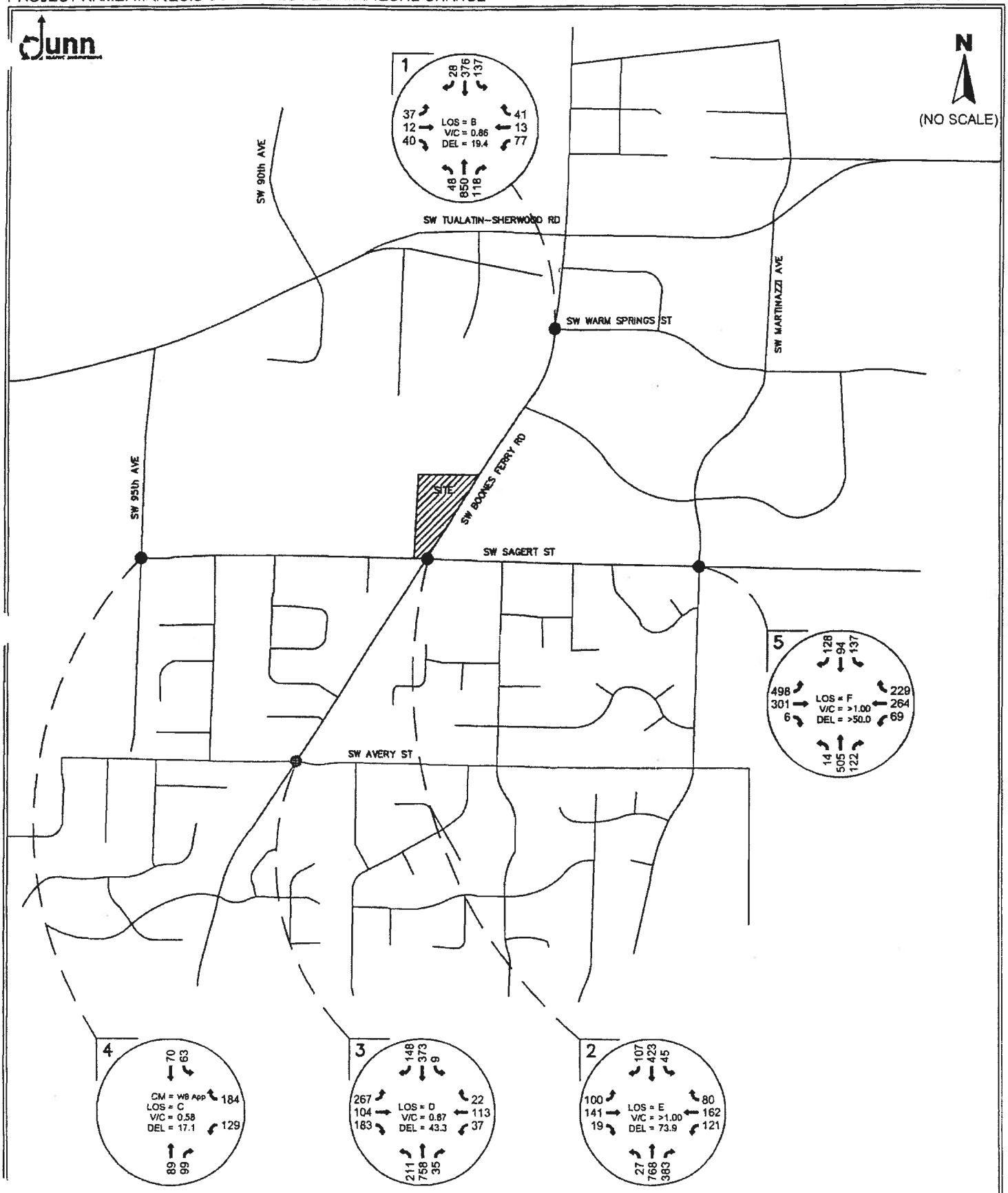
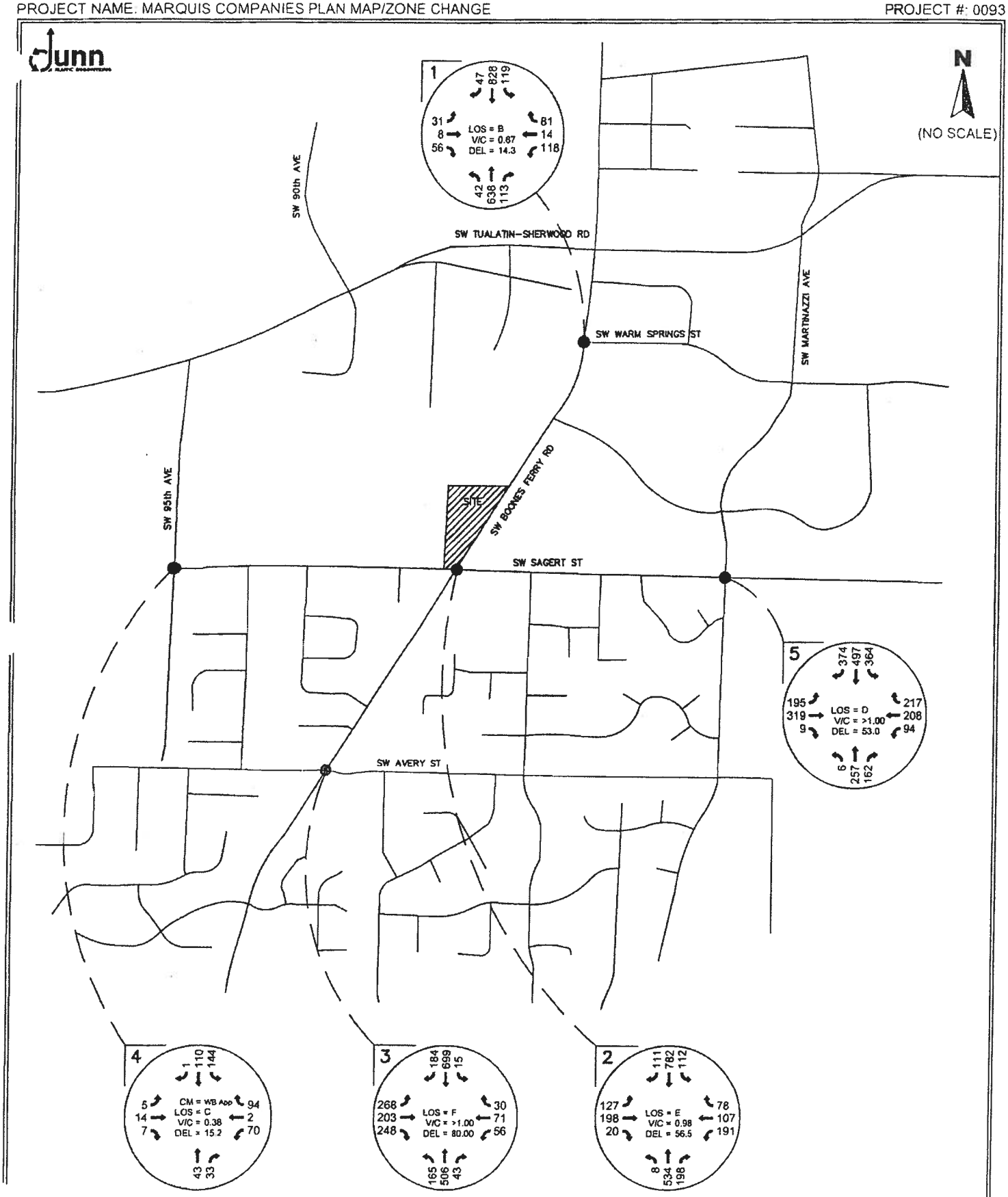
## = PEAK HOUR TRAFFIC VOLUME	Site Traffic Assignment Weekday AM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.: 9



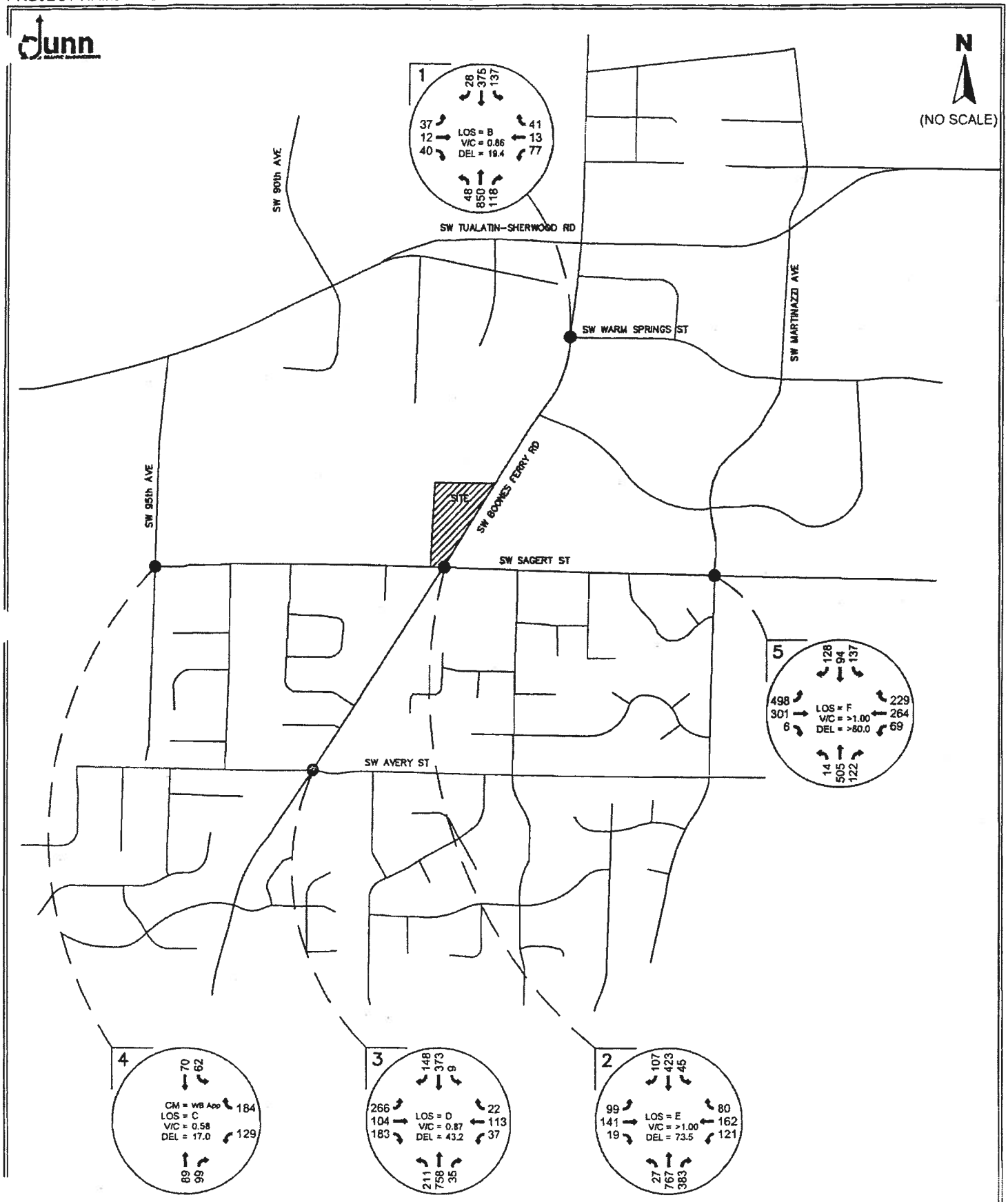
LEGEND	Site Traffic Assignment Weekday PM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		10



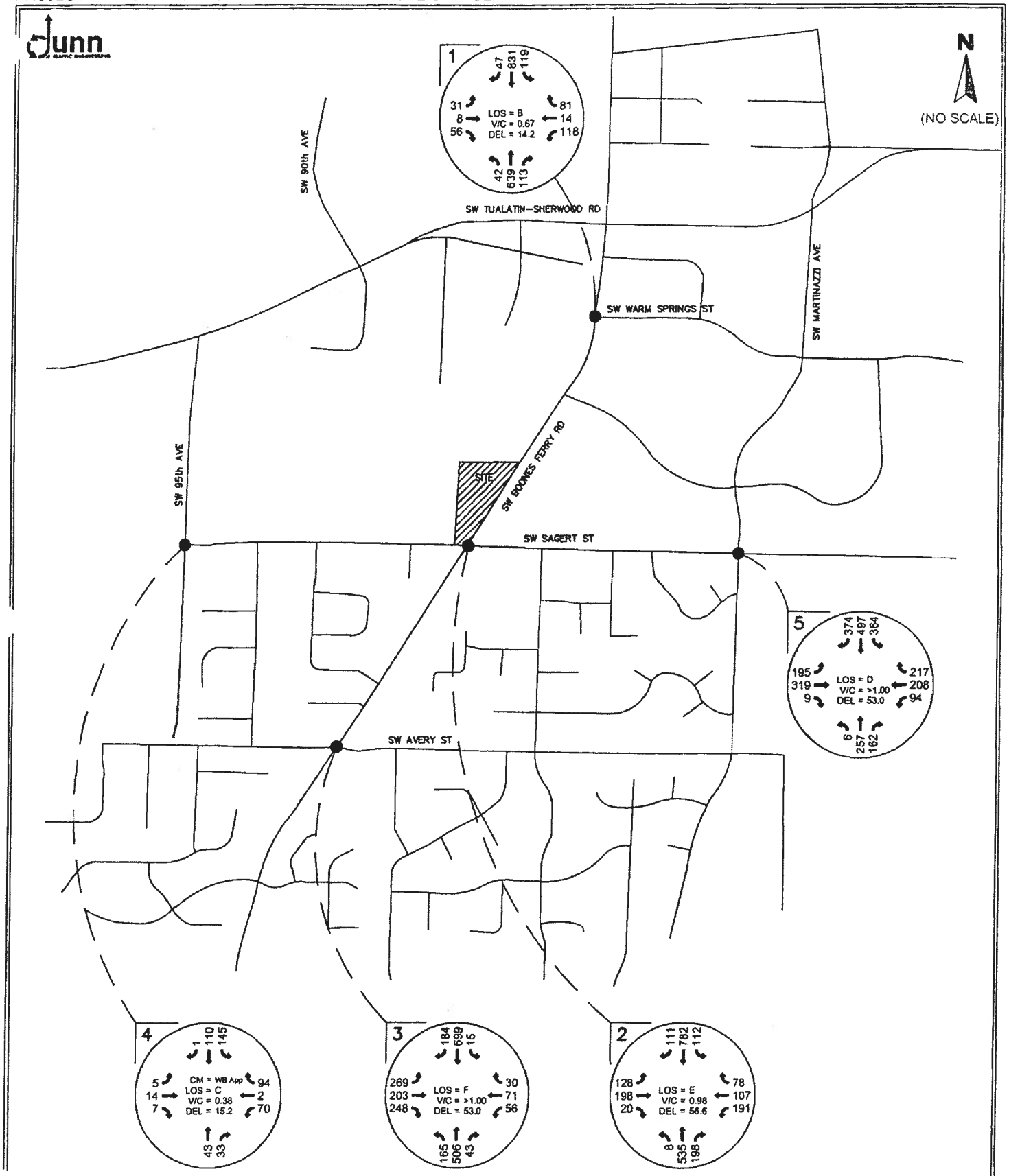
LEGEND	Year 2029 Total Traffic Conditions Weekday AM Peak Hour (Current Zoning) MARCH, 2009	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO		11



LEGEND	Year 2029 Total Traffic Conditions Weekday PM Peak Hour (Current Zoning)	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO	MARCH, 2009	12



LEGEND	Year 2029 Total Traffic Conditions Weekday AM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO		13



LEGEND	Year 2029 Total Traffic Conditions Weekday PM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO		14

TABLE 8
SUMMARY OF SUB-STANDARD YEAR 2029 INTERSECTION OPERATIONS AND IDENTIFICATION OF POTENTIAL MITIGATION MEASURES

Intersection	Critical Peak Hour Period	Unmitigated Level-of-Service	Potential Mitigation Measure	Mitigated Level-of-Service
SW Boones Ferry Rd./SW Sagert St.	AM	LOS E (v/c 1.09)	Add northbound right-turn lane.	LOS C (v/c 0.79)
SW Boones Ferry Rd./SW Avery St.	PM	LOS F (v/c 1.11)	Add eastbound right-turn lane and southbound right-turn lane.	LOS D (v/c 0.86)
SW Martinazzi Ave./SW Sagert St.	AM PM	LOS F (v/c 1.27) LOS D (v/c 1.01)	Add second northbound through lane and second eastbound left-turn lane.	LOS D (v/c 0.90) LOS C (v/c 0.81)

Note: The results shown in this table reflect conditions under the proposed RML zoning development scenario.

As shown in the above table, certain turn lane treatments can be added to ensure that the three study intersections operate adequately over the next 20 years. At the SW Boones Ferry Road/SW Sagert Street intersection, the addition of a northbound right-turn lane will improve year 2029 weekday a.m. peak hour traffic operations from LOS E to LOS C, as well as a reduction in the intersection v/c ratio to below 1.0. At the SW Boones Ferry Road/SW Avery Street intersection, the addition of an eastbound right-turn lane and southbound right-turn lane will improve year 2029 weekday p.m. peak hour operations from LOS F to LOS D, again with a lowering of the v/c ratio to below 1.0. And finally, at the SW Martinazzi Avenue/SW Sagert Street intersection, the addition of a second eastbound left-turn lane and a second northbound through lane will improve year 2029 weekday a.m. and p.m. peak hour operations from LOS F and LOS D, respectively, to LOS D and LOS C, respectively. Again, under both analysis periods the v/c ratio can be reduced to a value below 1.0

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings documented in this study, the Applicant's proposal to rezone the 5.44 acre site from Residential Low Density (RL) to Residential Medium-Low Density (RML) will have no "significant effect" upon any existing or planned transportation facilities. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule and should be approved by the City of Tualatin.

REFERENCES

1. Transportation Research Board. *Highway Capacity Manual.* 2000.
2. Institute of Transportation Engineers (ITE). *Trip Generation, Seventh Edition.* 2003.

GREEN LIGHT TRANSPORTATION
Transportation Service and Solutions to Fit Your Environment

June 7, 2010

Tony Doran
City of Tualatin
Engineering & Building
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

SUBJECT: TUALATIN MARQUIS ASSISTED LIVING CENTER – ACCESS ANALYSIS

Dear Mr. Doran:

Marquis Companies proposes to develop an assisted living center in the northwest quadrant of the SW Boones Ferry Road/SW Sagert Street intersection. The traffic impact of the project and associated zone change has been analyzed in the *Marquis Companies Plan Map Amendment/Zone Change* study conducted by Dunn Traffic Engineering (March 2009). The purpose of this letter is an operational analysis of the site accesses and is a supplement to the Dunn Traffic Engineering study. **Based on this analysis, the site accesses are forecast to operate safely and efficiently.**

This letter provides the information described below.

- Current Development Plan
- Site-Access Operations Analysis
  - Transportation System Improvements
  - Assignment of Site Trips
  - 2013 Near-Term Access Operations
  - 2030 Long-Term Access Operations
  - Vehicle Queues
  - Access Conflicts
  - Sight Distance
- Conclusions and Recommendations

CURRENT DEVELOPMENT PLAN

The proposed project will redevelop the former Tualatin Elementary School. The previous Marquis development plan provided attached senior adult, assisted living, and skilled nursing housing in one complex on 5.44 acres of the 13.37-acre school property.

The senior housing market indicates an increased desire among the elderly for detached housing. In order to accommodate the desire for independent living and provide a community that provides care as lifestyle needs change, the attached senior adult housing in the previous plan has been spread across the remaining 7.93 acres as detached housing. As a result, **the current**

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development plan incorporates the entire 13.37-acre property, but with approximately the same number of housing units/beds as the previous plan had on 5.44 acres. The housing in the previous and current development plans is summarized in Table 1 below.

Table 1: Development Plan Comparison

Land Use	Size
Previous Plan (5.44 acres)	
Senior Adult Housing – Attached	80 units
Assisted Living	60 beds
Skilled Nursing	50 beds
Total	**190 units/beds**
Current Plan (13.37 acres)	
Senior Adult Housing – Detached	68 units
Assisted Living	80 beds
Skilled Nursing	54 beds
Total	**202 units/beds**

Access will be provided by new local street connections to SW Boones Ferry Road and SW Sagert Street. Secondary access will be provided to the assisted living and skilled nursing facility by a driveway on SW Sagert Street that will be located east of the new Sagert Local Street Access. This is similar to the Tualatin Elementary School's access, except the project will shift the SW Boones Ferry Road access north to provide additional distance to the traffic signal at SW Sagert Street. While there is no internal connection between the school's SW Boones Ferry Road parking lot and driveway and SW Sagert Street parking lot and driveways, the proposed plan will provide a more flexible development where internal connections will enable site traffic to adjust to surrounding traffic volumes, improving access and reducing the site's impact on the surrounding transportation system. Figure 1 illustrates the current development plan.

The property is currently zoned Residential Low Density (RL). Although the project will require the property be rezoned to Residential Medium-Low Density (RML), **the rezone is tied to this specific plan and if development does not occur, the property zoning will revert back to Residential Low Density.** The Dunn Traffic Engineering study analyzed the impacts of rezoning 5.44 acres of the 13.37-acre property. A trip generation comparison was conducted to ensure the Dunn Traffic Engineering study also addresses any impacts associated with the current plan. The trip generation for the alternatives analyzed in the Dunn Traffic Engineering study is shown in Table 2 and the trip generation for the current plan is shown in Table 3.

The trip generation is based on the Institute of Transportation Engineers (ITE) publication *Trip Generation, 7th Edition* (2003). As described in the ITE *Trip Generation* manual, assisted living and skilled nursing residents, "do little or no driving; traffic is primarily generated by employees, visitors and deliveries." Marquis Companies staggers their shifts so shift changes occur outside the peak hours. Although this will likely result in peak hour trip generation that is even lower, the ITE data was used to develop a conservative estimate.

Tualatin Marquis Assisted Living Center

LEGEND

Current Development Plan

June 2010

FIGURE 1

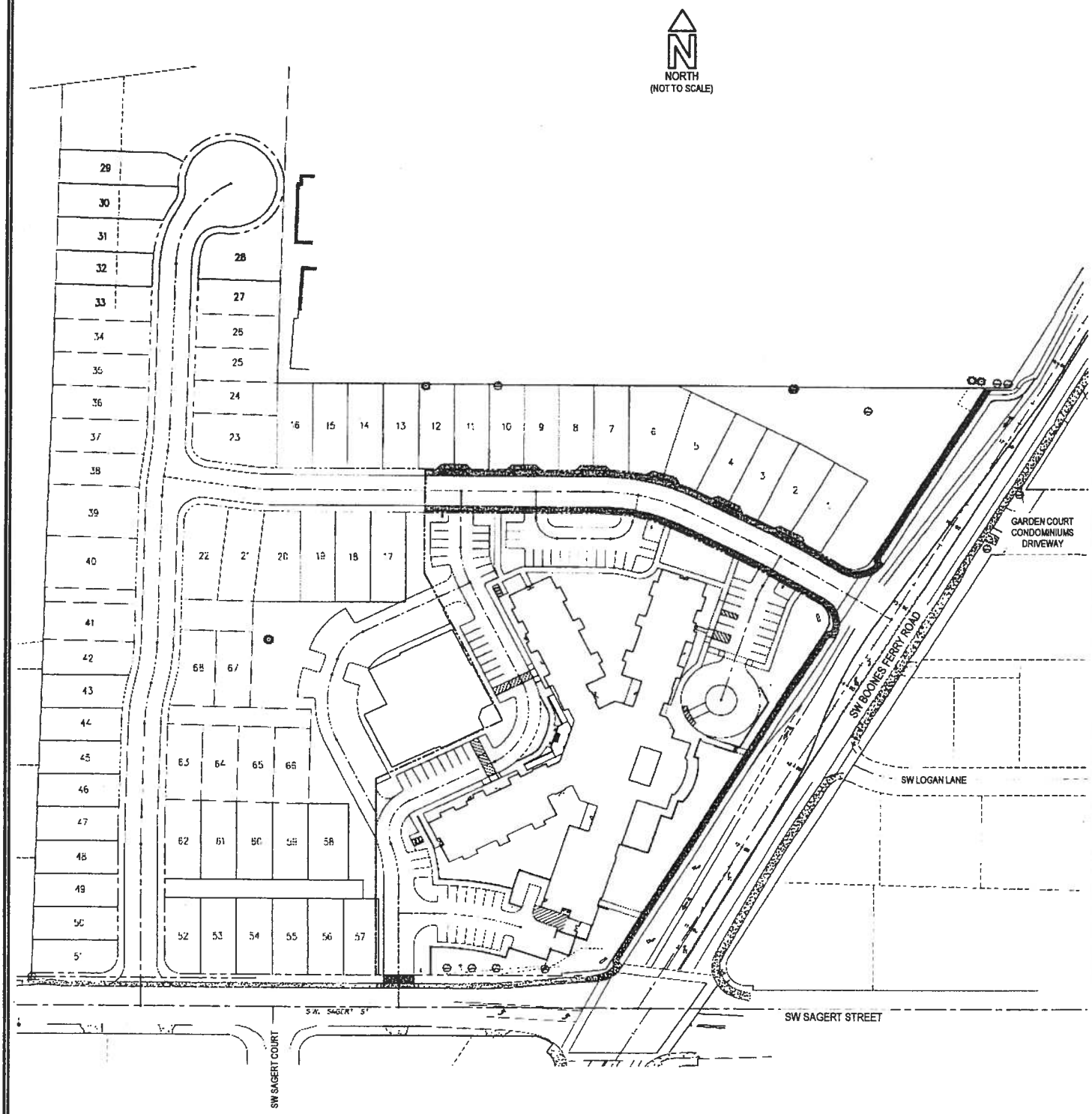


Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

The Dunn Traffic Engineering study concluded that rezoning the 5.44 acres from RL to RML in the previous plan would have no "significant impact" on the surrounding transportation system. As shown in Tables 2 and 3, the current plan will generate fewer trips than the previous plan, current zoning, and rezone alternative scenarios analyzed in the Dunn Traffic Engineering study. **As a result, the transportation impacts of the current plan will be less than the existing zoning and rezoning all 13.37 acres to RML, for development as specified in the current plan, will have no "significant impact" on the transportation system.**

SITE-ACCESS OPERATIONS ANALYSIS

Although the Dunn Traffic Engineering study analyzed the overall impacts of the proposed development on the surrounding transportation system, it did not analyze site access. Therefore, this letter provides a detailed analysis of the three site accesses. Analysis of both near-term and long-term traffic conditions was conducted to confirm the site accesses will operate in the distant future with higher traffic volumes on the surrounding roadways.

Transportation System Improvements

Unless noted, the traffic volumes and transportation system assumptions used in this analysis are based on the information included in the Dunn Traffic Engineering study. Transportation improvements that have recently occurred or will be included with the project and aren't specifically described in the Dunn Traffic Engineering study are listed below.

- Although this analysis is focused on the operations of the site accesses, vehicle queues were calculated at the SW Boones Ferry Road/SW Sagert Street intersection to determine their impact on the site driveways. Washington County upgraded the northbound and southbound left-turn movements at this intersection from protected only to protected-permitted phasing in May of 2010. This upgrade is included in this analysis.

- The project will include the half-street widening of SW Boones Ferry Road along the site frontage to accommodate the western half of the roadway's planned 5-lane cross section. The widening along the site frontage will be striped to provide a separate southbound right-turn lane at the SW Boones Ferry Road/SW Sagert Street intersection and is included in this analysis.

- The SW Boones Ferry Road half-street widening will enable the project to stripe a median refuge at the proposed Boones Ferry Local Street Access to allow motorists making an eastbound left when exiting the site to do so via separate gaps in the southbound and northbound traffic flows.

Assignment of Site Trips

The trip generation for the current plan, as shown in Table 3, was assigned to the site accesses consistent with the Trip Distribution shown in Figure 6 of the Dunn Traffic Engineering study. The resulting assignment of site-generated trips for the current plan during the weekday AM and PM peak hours are shown in Figures 2 and 3.

2013 Near-Term Access Operations

Although build-out of the project is dependent upon market conditions, full build-out may occur as soon as 2013. In order to determine 2013 traffic conditions at the site driveways, the existing traffic volumes shown in the Dunn Traffic Engineering study were increased to reflect year 2013 background traffic volumes at the site accesses. The site-generated trips were added to the 2013 background volumes to develop the 2013 Total Traffic volumes shown in Figures 4 and 5.

Levels of Service

The corresponding 2013 Total Traffic levels of service at the site accesses are also shown in Figures 4 and 5. The associated level-of-service worksheets are attached.

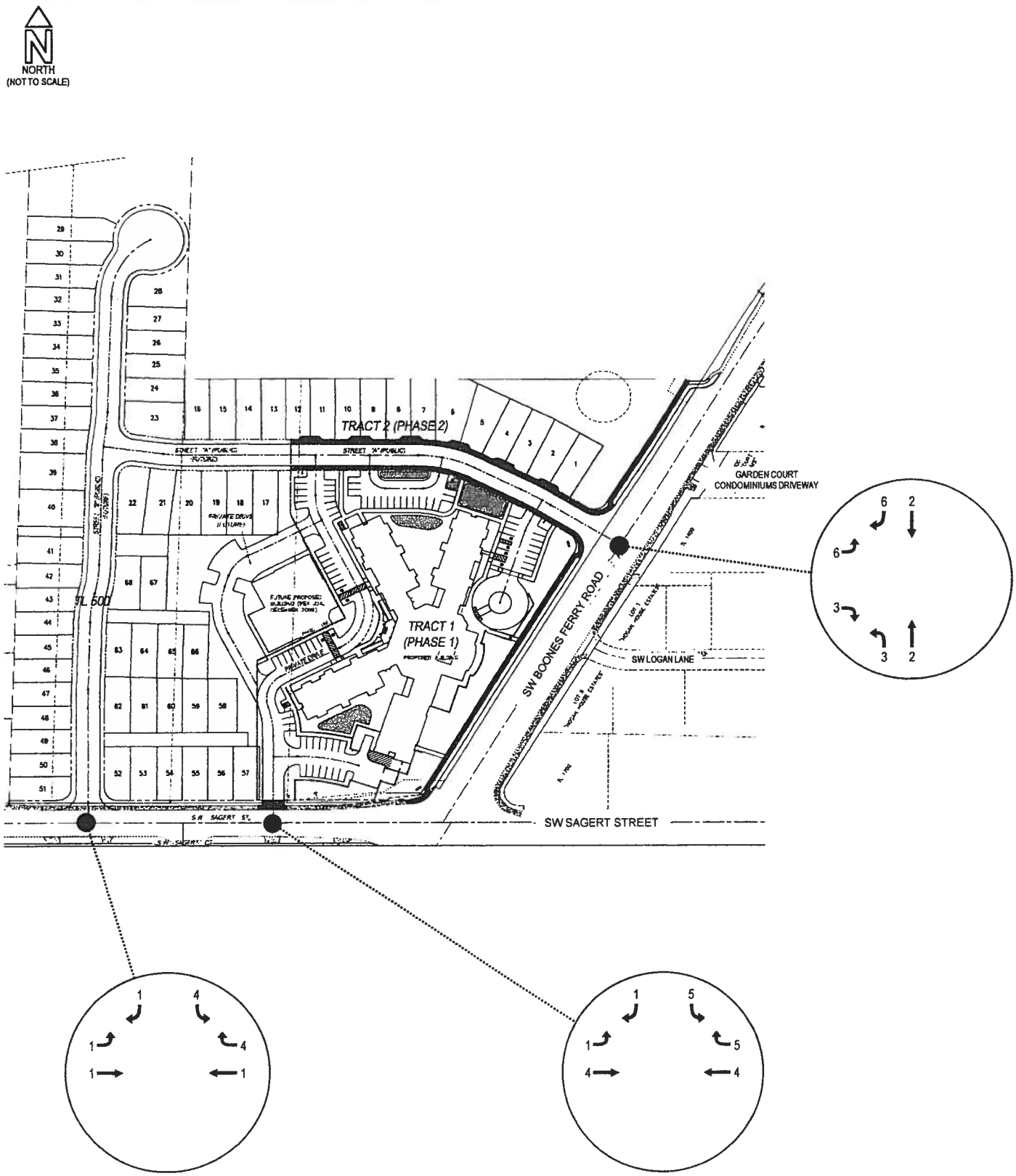
LEGEND

Total Site-Generated Trips

Weekday AM Peak Hour

June 2010

FIGURE 2

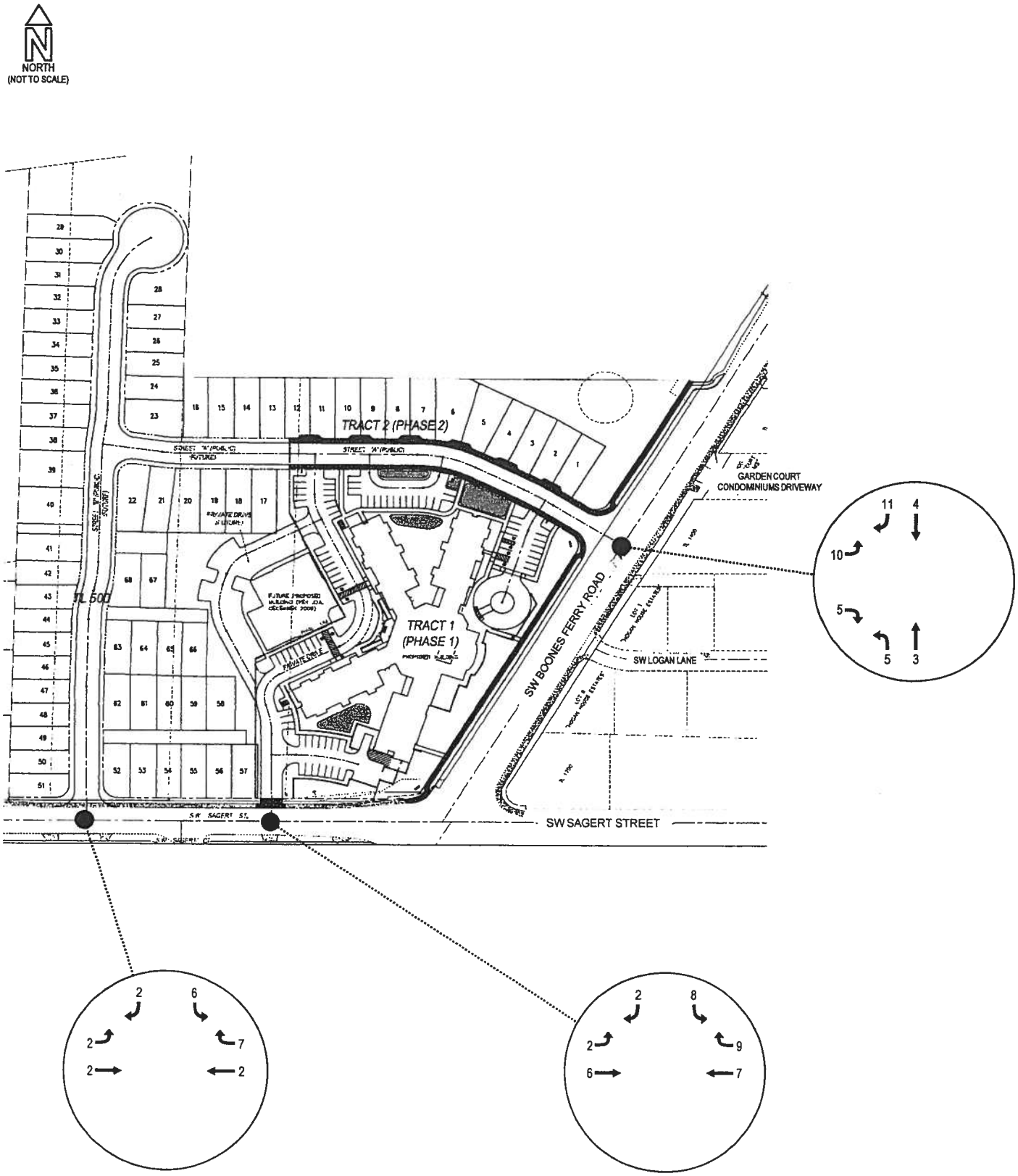


LEGEND

Total Site-Generated Trips
Weekday PM Peak Hour

June 2010

FIGURE 3



LEGEND

LOS
DEL
V/C

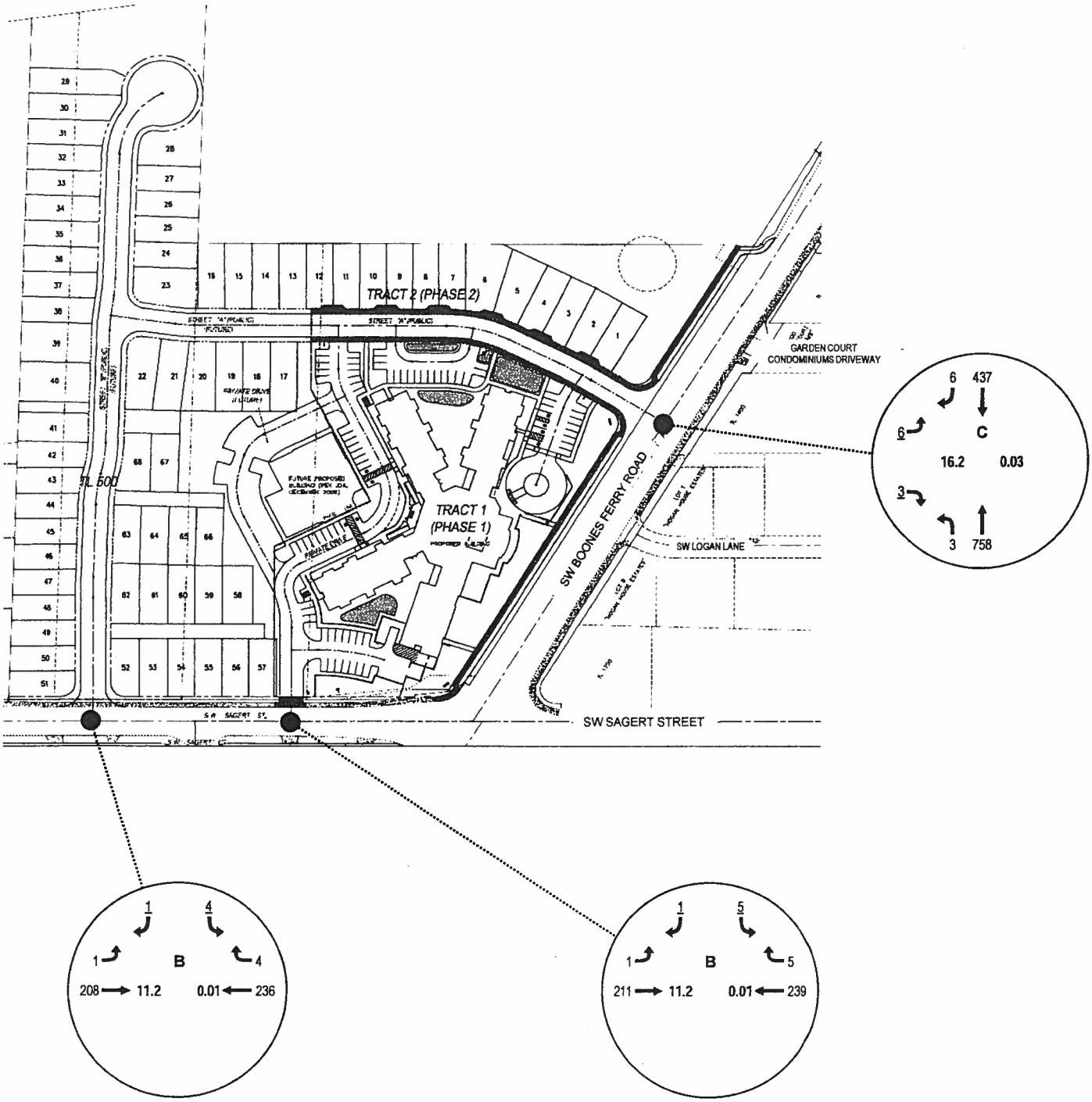
LOS- Level of Service
DEL- Delay (seconds)
V/C- Volume-to-Capacity Ratio
Data for Two-Way Stop is for critical approach (underlined)
Data for Signals is average of all approaches

2013 Total Traffic Conditions
Weekday AM Peak Hour

June 2010

FIGURE 4

NORTH
(NOT TO SCALE)



LEGEND

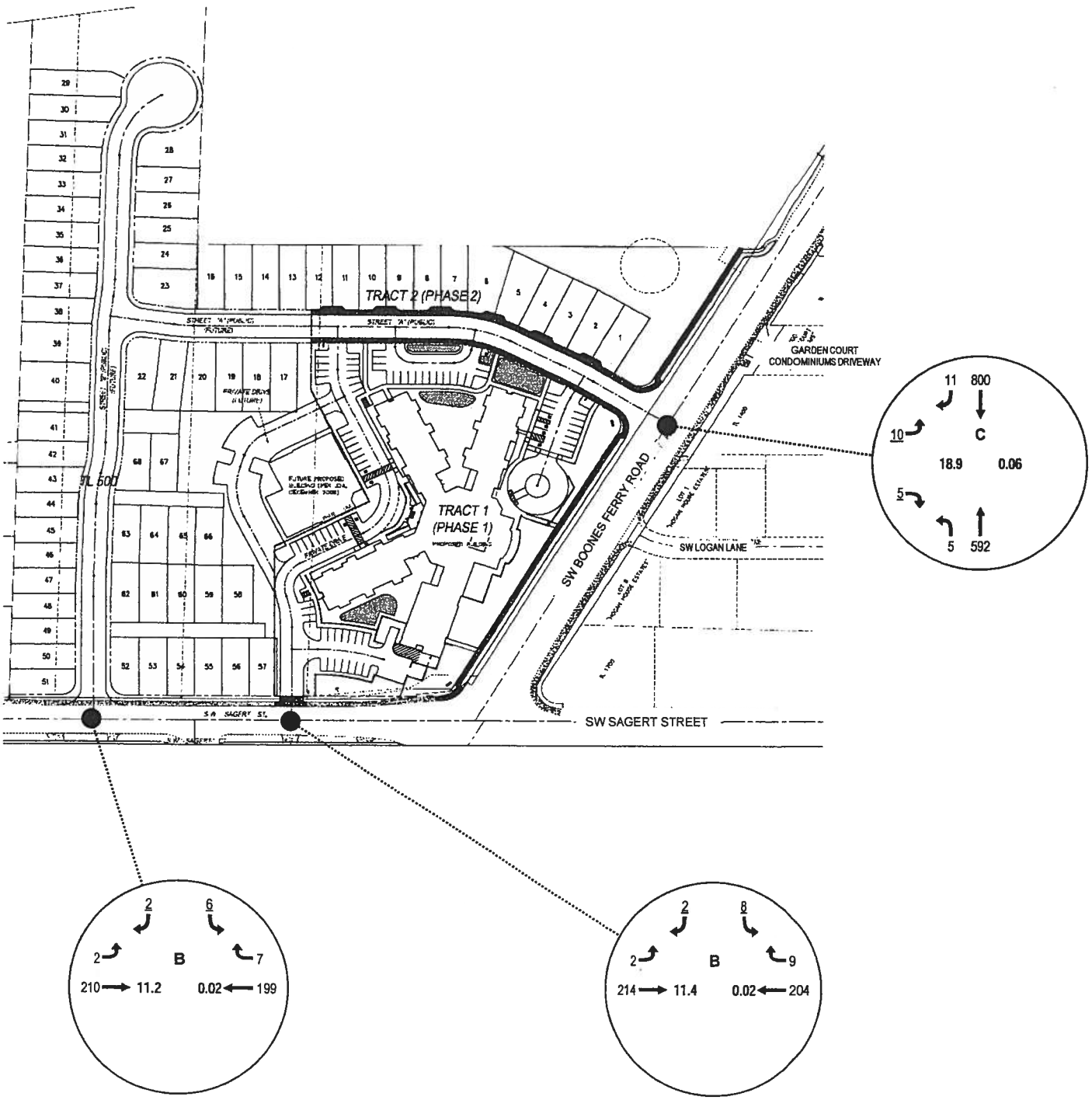
LOS- Level of Service
DEL- Delay (seconds)
V/C- Volume-to-Capacity Ratio
Data for Two-Way Stop is for critical approach (underlined)
Data for Signals is average of all approaches

2013 Total Traffic Conditions
Weekday PM Peak Hour

June 2010

FIGURE 5

NORTH
(NOT TO SCALE)



As shown in the figures, the site accesses will operate with acceptable levels of service during the weekday AM and PM peak hours. Due to the high traffic flows on SW Boones Ferry Road, provision of a center median on SW Boones Ferry Road to enable motorists making an eastbound left-turn exit to do so via separate gaps in the northbound and southbound traffic flows provides a significant improvement in this critical movement. Without a median refuge, adequate capacity would still be available because the site traffic is so low, but delays would be much greater with this movement operating at LOS F.

2030 Long-Term Access Operations

The operation of the site accesses were analyzed with forecast 2030 traffic volumes to confirm the site accesses will operate acceptably in the long-term future. The 2029 traffic volumes in the Dunn Traffic Engineering study were increased to reflect year 2030 background traffic volumes at the site accesses. The site-generated trips were added to the 2030 background volumes to develop the 2030 Total Traffic volumes shown in Figures 6 and 7.

Levels of Service

The corresponding 2030 Total Traffic levels of service at the site accesses are also shown in Figures 6 and 7. The associated level-of-service worksheets are attached.

As shown in the figures, the site accesses will continue to operate with acceptable levels of service during the weekday AM and PM peak hours.

Vehicle Queues

Analysis of vehicle queues at the site accesses and between the accesses and the SW Boones Ferry Road/SW Sagert Street intersection were conducted to determine vehicle storage requirements and identify any conflicts or access blockages.

The 95th-percentile vehicle queues during the weekday AM and PM peak hours for near-term 2013 and long-term 2030 traffic conditions are shown in Figures 8 and 9. The vehicle queue worksheets are attached.

As illustrated in the figures, the 95th-percentile vehicle queues at the site accesses are forecast to be short, one vehicle or 25 feet, due to the low volumes at the site driveways. All of the site accesses provide storage for at least two vehicles and this is preferred to accommodate the rare occasions when two vehicles arrive or depart at the same time. As a result, the site accesses provide storage in excess of the peak hour queue requirements.

Also illustrated in Figures 8 and 9 are the 95th-percentile vehicle queues on the southbound and eastbound approaches to the SW Boones Ferry Road/SW Sagert Street intersection to determine if queues at the signalized intersection will spillback and block any of the site accesses. The long-term vehicle queues may be longer than those shown in Figure 9 if SW Boones Ferry Road is not widened to its planned 5-lane cross section and traffic volumes increase to the level forecast in the Dunn Traffic Engineering study where the SW Boones Ferry Road/SW Sagert Street intersection approaches or exceeds capacity.

LEGEND

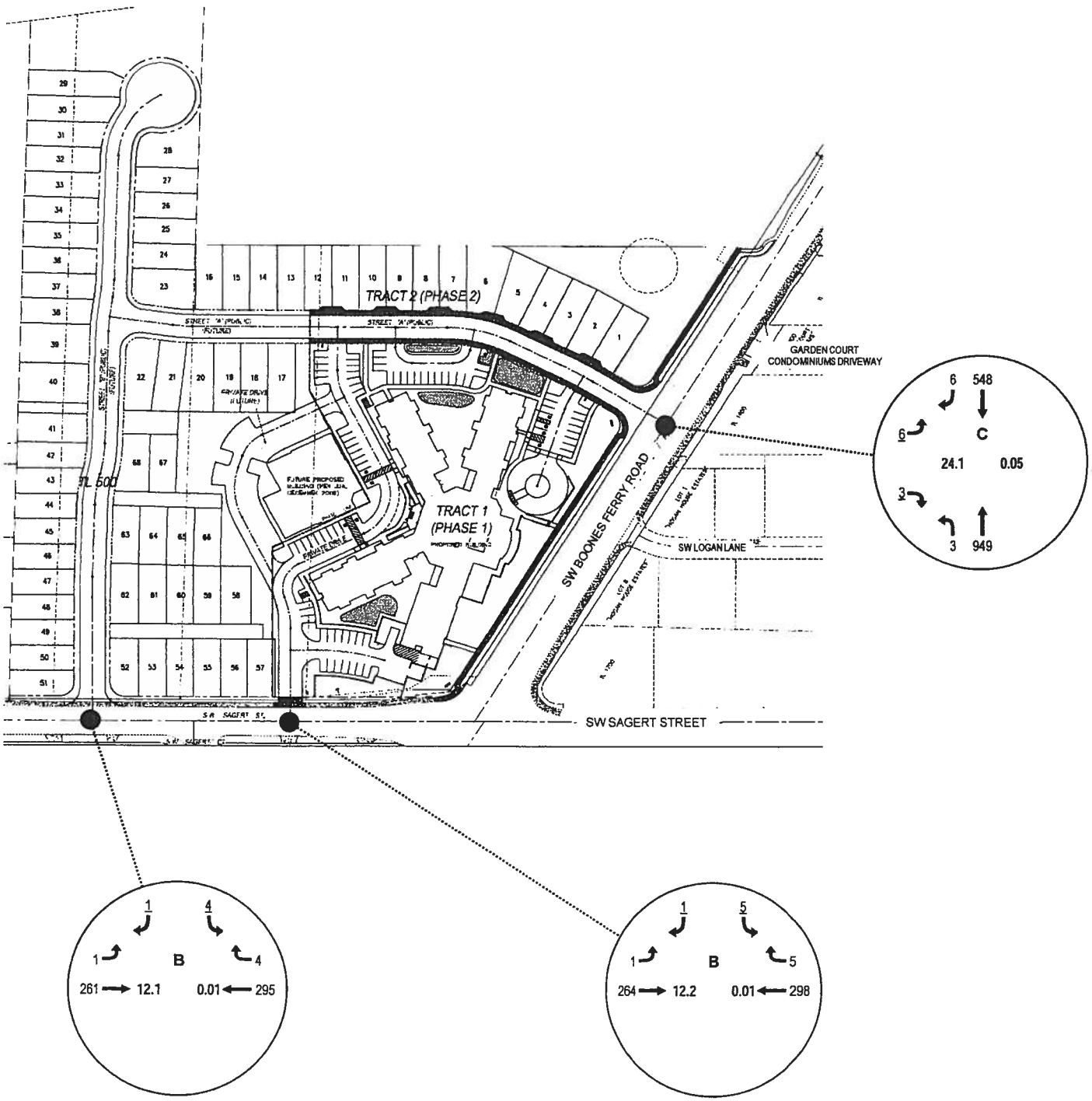
LOS- Level of Service
DEL- Delay (seconds)
V/C- Volume-to-Capacity Ratio
Data for Two-Way Stop is for critical approach (underlined)
Data for Signals is average of all approaches

2030 Total Traffic Conditions
Weekday AM Peak Hour

June 2010

FIGURE 6

NORTH
(NOT TO SCALE)



LEGEND

LOS- Level of Service

DEL- Delay (seconds)

V/C- Volume-to-Capacity Ratio

Data for Two-Way Stop is for critical approach (underlined)

Data for Signals is average of all approaches

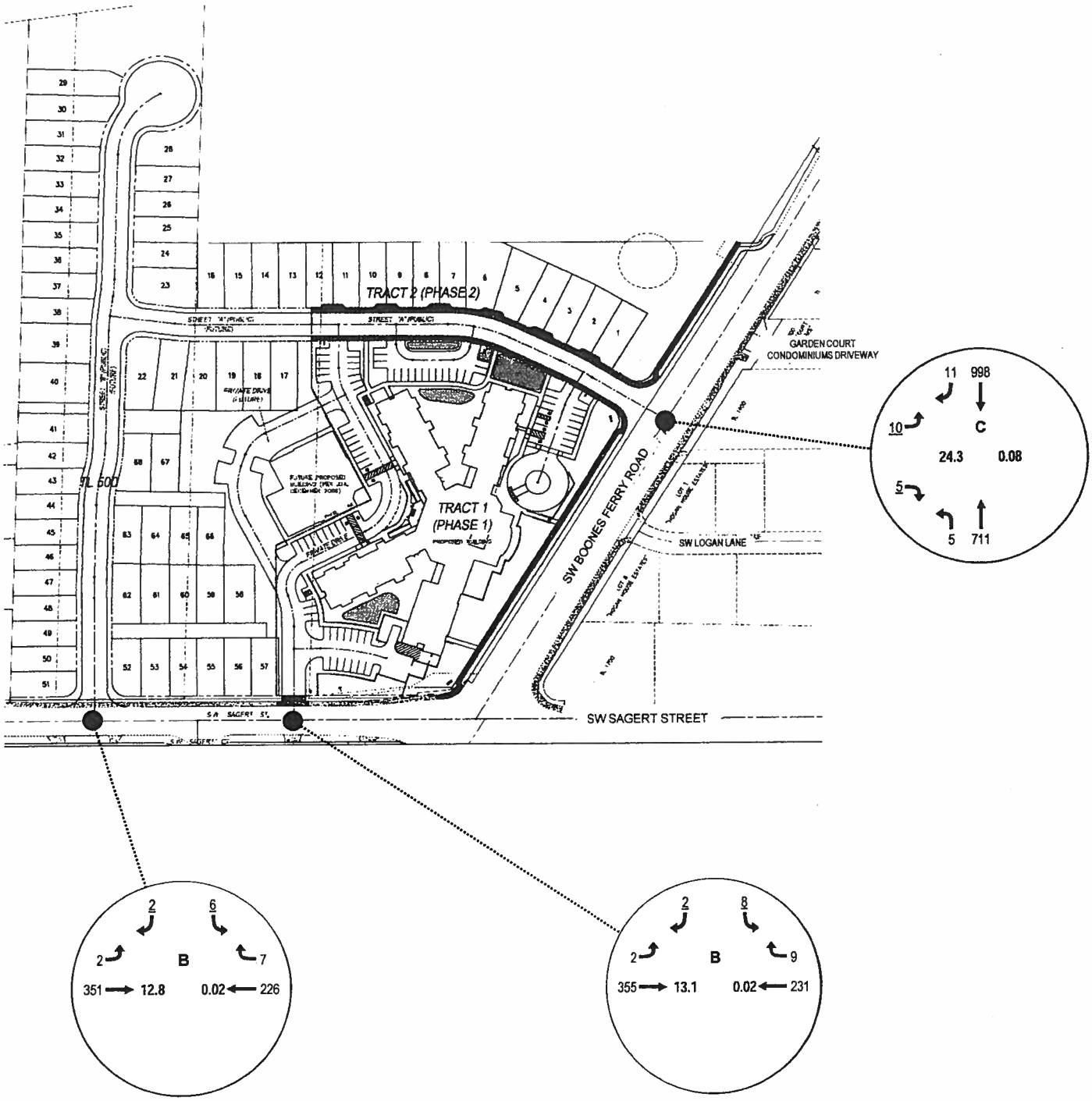
2030 Total Traffic Conditions

Weekday PM Peak Hour

June 2010

FIGURE 7

NORTH
(NOT TO SCALE)



LEGEND

x' 95th-Percentile Vehicle Queues (feet)

2013 Vehicle Queues

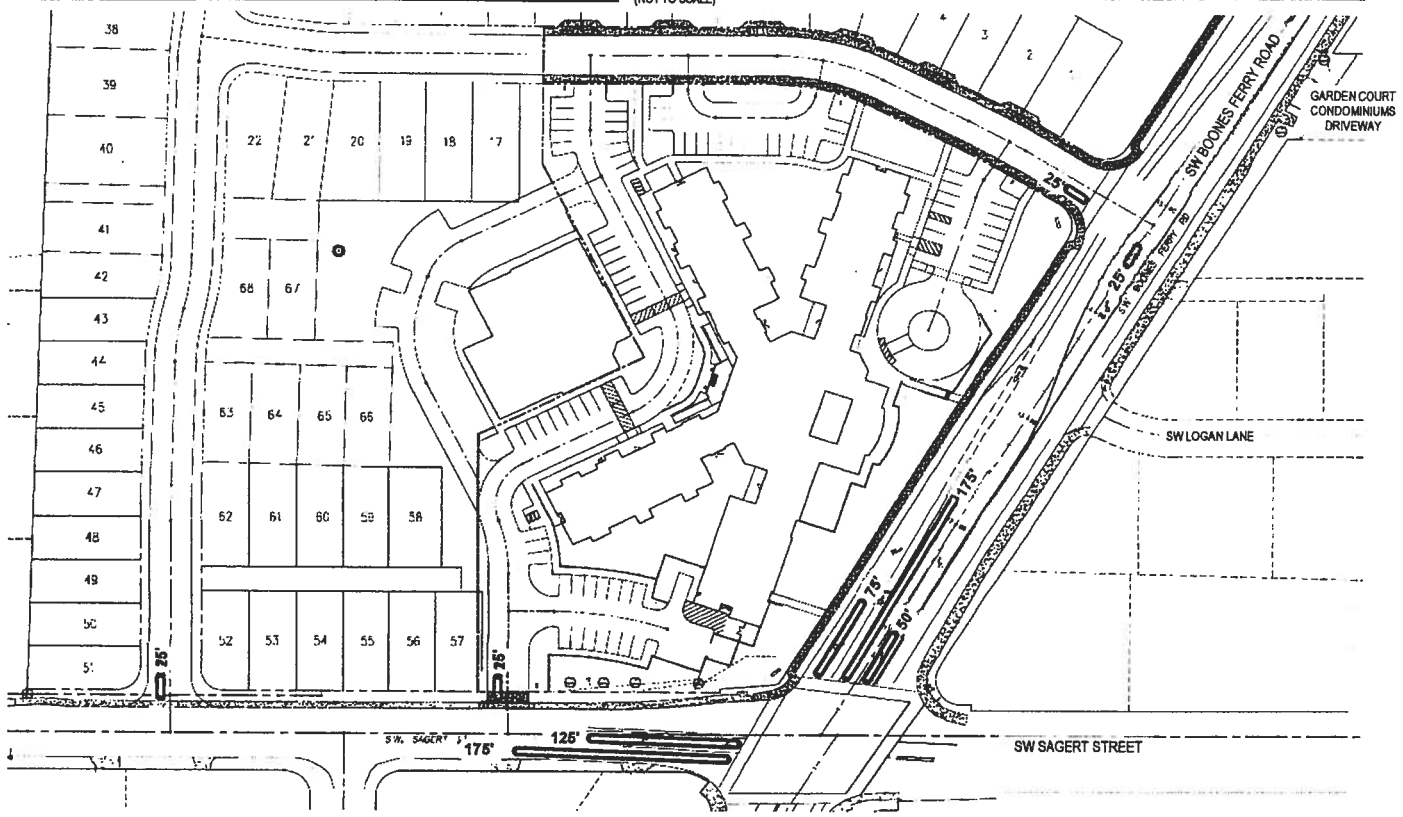
Weekday AM & PM Peak Hours

June 2010

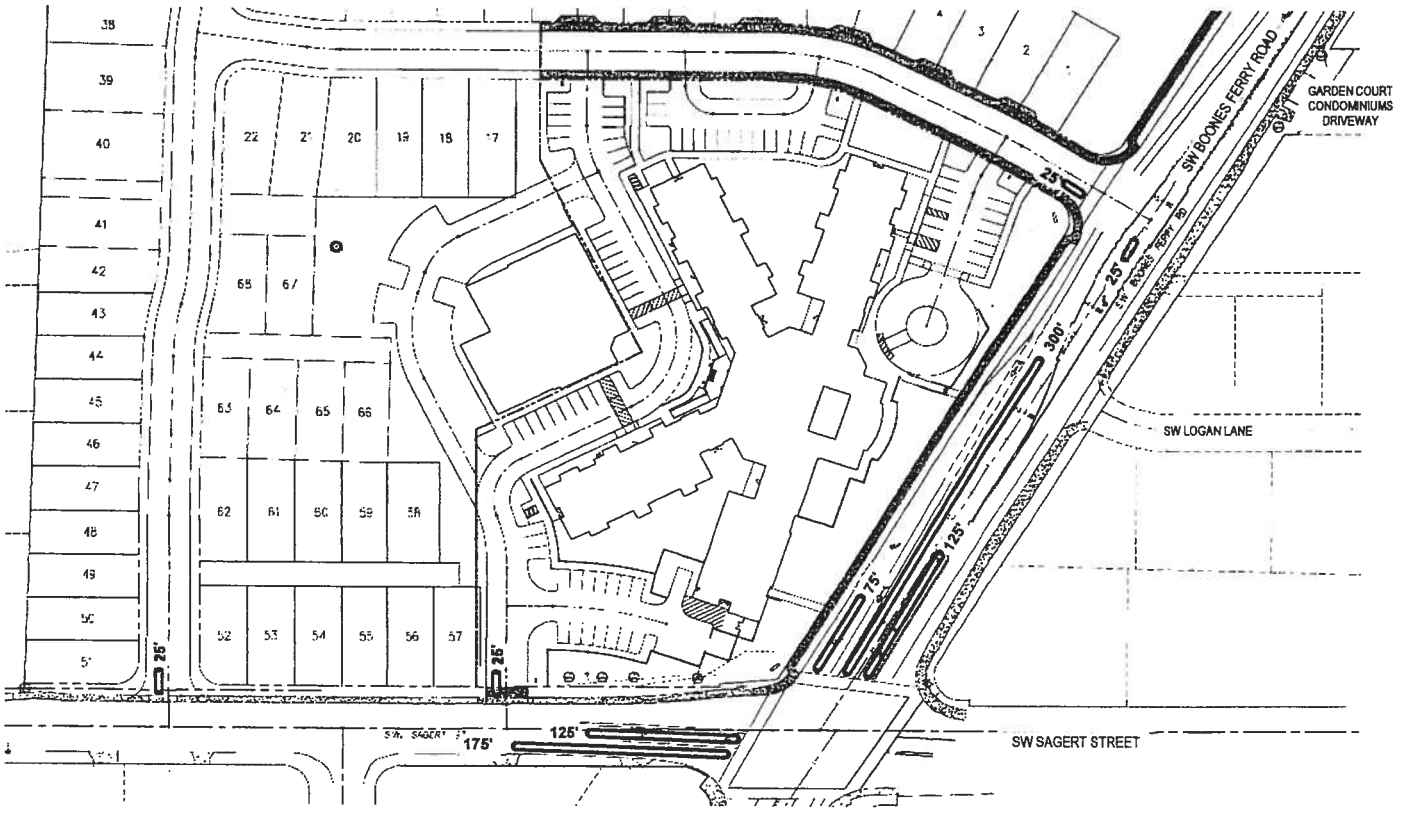
FIGURE 8

NORTH (NOT TO SCALE)

Weekday AM Peak Hour



Weekday PM Peak Hour



LEGEND

X' 95th-Percentile Vehicle Queues (feet)

2030 Vehicle Queues

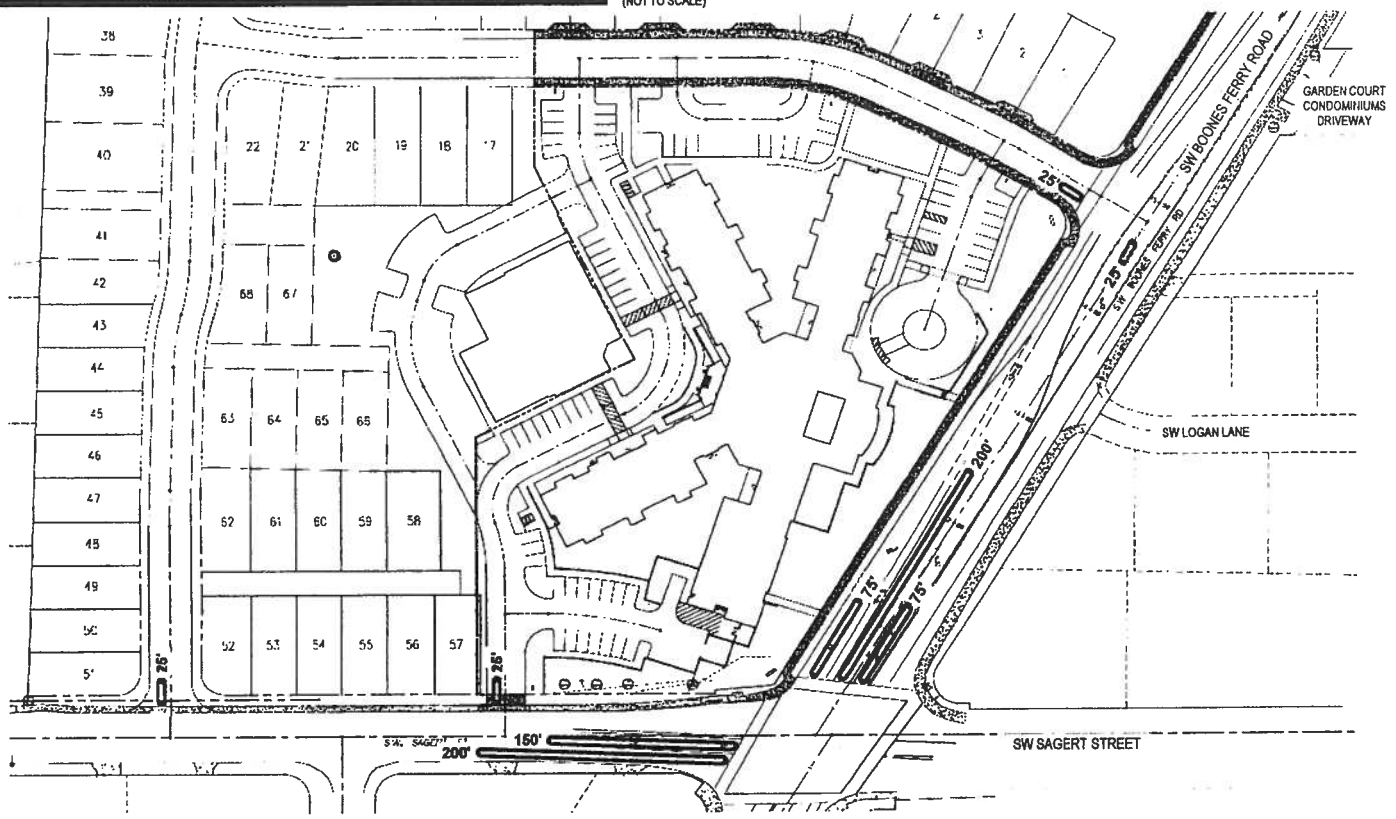
Weekday AM & PM Peak Hours

June 2010

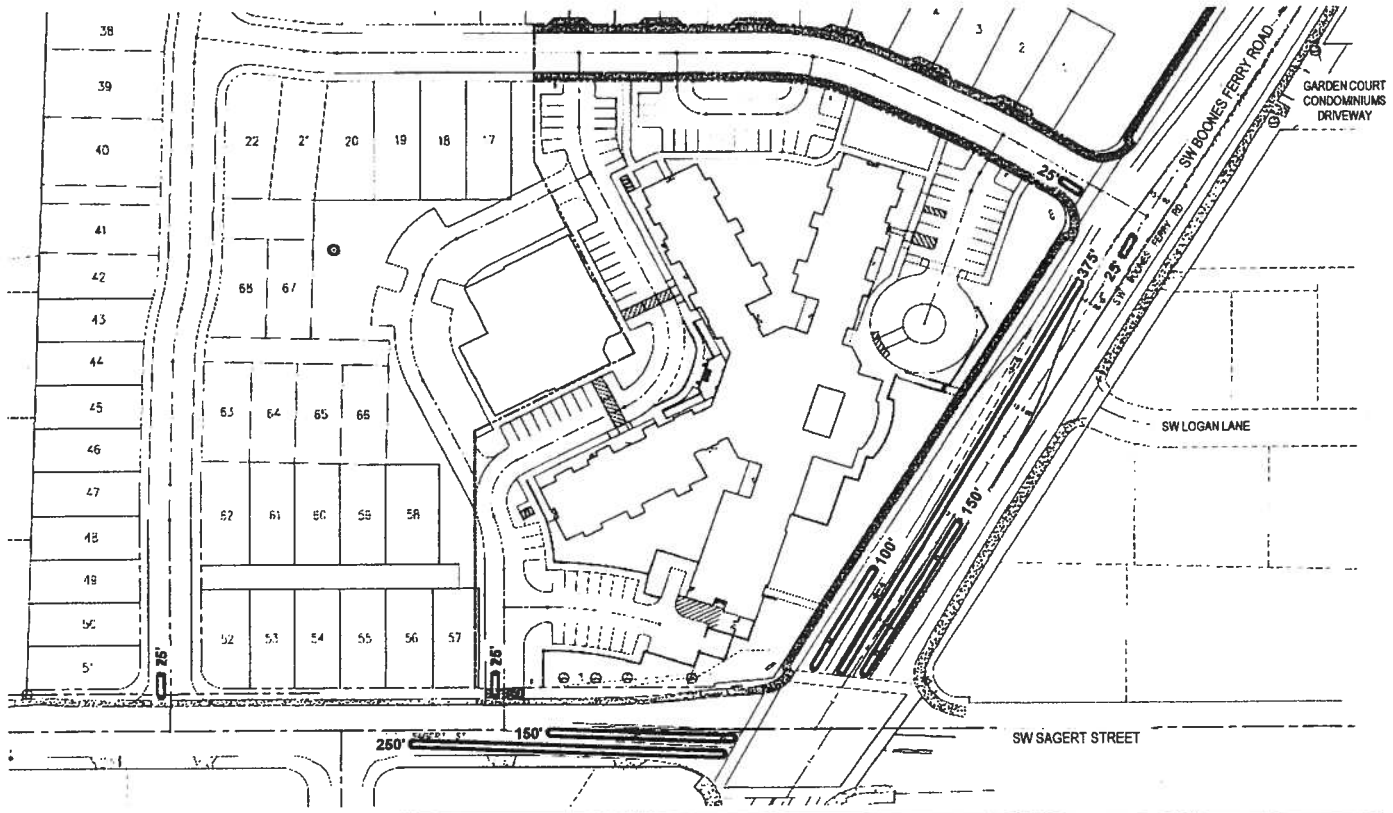
FIGURE 9

NORTH (NOT TO SCALE)

Weekday AM Peak Hour



Weekday PM Peak Hour



6/7/10 4:25 PM

Approximately 175 feet of storage is available between the Eastern Sagert Driveway and the SW Boones Ferry Road/SW Sagert Street intersection. The near-term weekday AM and PM peak hour 95th-percentile queues are also 175 feet, indicating that the majority of queues on SW Sagert Street will not block the projects Eastern Sagert Driveway. Peak queues that do reach or block the Eastern Sagert Driveway would occur towards the end of the eastbound red phase at the SW Boones Ferry Road/SW Sagert Street intersection and would clear with the following green signal phase. Although this may occasionally delay motorists making a southbound left-turn at the Eastern Sagert Driveway, traffic volumes for this movement are low (5-10 peak hour vehicles) and alternative access is available.

As traffic volumes increase in the future, the frequency of vehicle queues extending past the Eastern Sagert Driveway increases. A low posted speed of 25 miles per hour and relatively low through volumes on SW Sagert Street in the long-term will provide a lot of gaps in traffic for motorists at the Eastern Sagert Driveway, though they may have to wait longer when peak queues extend past the driveway.

Field observations also revealed that during the weekday PM peak hour, large vehicle platoons occasionally arrive towards the end of the red phase for southbound traffic on SW Boones Ferry Road, resulting in a brief queue that would extend the length of the site. This does not occur every cycle and the queue clears with the following green phase. Although this may occasionally increase delays for motorists making an eastbound left-turn movement out of the Boones Ferry Local Street Access, the volume of motorists making this movement is low (less than 10 vehicles during the weekday PM peak hour), it should only occur a few times during the Weekday PM peak hour with all other time periods operating considerably better, and alternative access is provided via the SW Sagert Street Accesses. In addition, Washington County staff has indicated the intersections along SW Boones Ferry Road are wired for progression, but the interconnection cables are not connected. If these cables are connected in the future to progress traffic on SW Boones Ferry Road, platoons should progress more efficiently with shorter southbound queues. The widening of SW Boones Ferry Road to the planned 5-lane cross section will also reduce future queues and improve operations.

Access Conflicts

A review of existing accesses that may conflict with the proposed site accesses was conducted to determine any operational or safety issues.

SW Logan Lane

Access is provided to 6 single family homes (with a potential of 8 single family homes) on the east side of SW Boones Ferry Road via SW Logan Lane, which intersects SW Boones Ferry Road approximately 150 feet south of the project's proposed Boones Ferry Local Street connection. The SW Logan Lane intersection with SW Boones Ferry Road is interim and will be removed when development of land to the southeast of these homes enables access via SW Sagert Street. Traffic volumes are very low with peak hour turn movement volumes between 0-3 vehicles. Although the existing pavement striping prohibits left-turn movements to/from SW Logan Lane, there is no raised median on SW Boones Ferry Road to prevent these movements from occurring.

The current development plan widens SW Boones Ferry Road, enabling a center turn lane to be added for the project's Boones Ferry Local Street Access without impacting the roadway striping at the SW Logan Lane and SW Sagert Street intersections with SW Boones Ferry Road. If a motorist were to make a southbound left-turn at SW Logan Lane, there is the potential their maneuver would utilize a portion of the center turn lane to the project's proposed Boones Ferry Local Street Access. Although this is not an ideal situation, it is relatively common on roadways with multiple access points and a shared center turn lane. In this situation the site traffic making this movement is low (approximately 5 peak hour vehicles or less) and the number of vehicles making this movement to SW Logan Lane is even lower (approximately 2 peak hour vehicles). Therefore, this will not frequently occur and if motorists choose to make a southbound left turn to the interim SW Logan Lane access, the project's improvements will provide a longer and wider center turn lane. **Therefore, conflicts between the proposed Boones Ferry Local Street Access and the interim SW Logan Lane are expected to be minimal. If feasible, striping a center turn lane that is wider than the standard 14 feet will be an efficient use of the project's half-street widening and will improve the operations and reduce conflicts at the driveways in the area.**

Garden Court Condominiums Access

Access to the 7-unit Garden Court Condominiums and a single family home, which also houses Lukas Photography, is provided by a driveway on the east side of SW Boones Ferry Road and approximately 150 feet north of the project's proposed Boones Ferry Local Street Access. Traffic volumes are very low with peak hour turn movement volumes estimated between 0-3 vehicles.

Although there isn't currently a center median at this location, the project's widening of SW Boones Ferry Road and center lane striping for the Boones Ferry Local Street Access will extend past the Garden Court Condominium Driveway. This will significantly improve operations for motorists exiting to the south from the Garden Court Condominium Driveway by providing a center turn lane refuge and enabling them to make the movement via separate gaps in the northbound and southbound traffic flows. **Although motorists making a westbound left-turn out of the Garden Court Condominium Driveway may utilize the same portion of the SW Boones Ferry Road center turn lane as motorists making a left-turn exit out of the site, the volumes are low (10 peak hour vehicles or less) and the addition of the center turn lane improves operations for both accesses.**

SW Sagert Court

SW Sagert Court, an unpaved City street, provides access to 3 single family homes on the south side of SW Sagert Street. The project's Sagert Local Street Access will intersect SW Sagert Street approximately 135 feet west and the project's Eastern Sagert Driveway will intersect SW Sagert Street approximately 120 feet east. Traffic volumes at all three driveways will be low (0-10 peak hour vehicles) and there is no center turn lane on SW Sagert Street for opposing flows to occupy. Additionally, SW Sagert Street is a low speed facility with a posted speed of 25 miles per hour. **As a result, conflicts between access connections on SW Sagert Street are not expected.**

Sight Distance

The sight distance was reviewed at all three proposed access locations and revealed adequate lines of sight should be available for safe and efficient operations. Low growing landscaping and non-sight obstructing trees are recommended for sight distance to remain in the future.

CONCLUSION & RECOMMENDATIONS

The Tualatin Marquis Assisted Living Center can be developed while maintaining acceptable levels of service and safety at the site accesses on the surrounding transportation system. The access analysis developed the conclusions and recommendations listed below.

Conclusions

- The proposed development is a relatively low trip generating land use with development of all 13.37 acres generating approximately 40 AM peak hour and 67 PM peak hour trips. This is a 25-50% reduction in site trips when compared to the existing and rezone scenarios analyzed in the Dunn Traffic Engineering study.
- Consistent with the Dunn Traffic Engineering study, the current plan will have no "significant impact" on the transportation system.
- If the site is not developed as outlined in the current plan, the site's Residential Medium-Low Density rezone will revert back to the current Residential Low Density zoning.
- The project will widen the western half of SW Boones Ferry Road in order to accommodate the roadway's planned 5-lane cross section. In the interim, this widening will provide a separate southbound right-turn lane at the SW Boones Ferry Road/SW Sagert Street intersection.
- Site traffic at the proposed site accesses will be low and the proposed accesses will operate with acceptable levels of service during both the weekday AM and PM peak hours in the near-term and long-term.
- Adequate storage will be provided to accommodate vehicle queues at the site accesses.
- Peak eastbound queues at the SW Boones Ferry Road/SW Sagert Street intersection may occasionally extend past the site's Eastern Sagert Driveway. Although this may delay the low volume of motorists exiting at this driveway, there will be a high volume of gaps for motorists to utilize when the queues clear.
- Peak traffic flows on SW Boones Ferry Road may delay motorists making an eastbound left turn out of the site's proposed Boones Ferry Local Street Access. These occurrences will be infrequent and with limited duration, and alternative access is available for this low volume movement. Future widening of SW Boones Ferry to its planned 5-lane cross section will significantly improve long-term operations and queues.
- Low volumes at the site accesses and nearby driveways will result in minimal conflicts between accesses. Although it will be shared, the project will improve the center median on SW Boones Ferry Road for the existing driveways that will be a short distance from the proposed Boones Ferry Local Street Access.
- All three access locations provide adequate sight distance for safe operation.

Recommendations

- If feasible, striping a center turn lane at the Boones Ferry Local Street Access that is wider than the standard 14-foot width will be an efficient use of the project's half-street widening and will improve the operations and reduce conflicts for the driveways in the area.
- Low growing landscaping and non-sight obstructing trees are recommended near the site accesses to maintain long-term sight distance.

Please let me know if you have any questions or if I can provide additional information.

Sincerely,

Christopher Stanley

Christopher Stanley, P.E.
Principal

REGISTERED PROFESSIONAL ENGINEER
53107
OREGON
July 13, 1999
CHRISTOPHER S. STANLEY

EXPIRES:

Attachments: 2013 Level of Service Worksheets
2030 Level of Service Worksheets
Vehicle Queue Worksheets

- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: C[16.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0	1 0	0	0 0	0 1	0	0 0	1! 0	0	0 0	0 0	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	3	758	0	0	437	6	6	0	3	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	3	758	0	0	437	6	6	0	3	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	3	758	0	0	437	6	6	0	3	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	3	790	0	0	455	6	6	0	3	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	3	790	0	0	455	6	6	0	3	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	429	xxxx	xxxxx	xxxx	xxxx	xxxxx	1083	1083	425	xxxx	xxxx	xxxxx
Potent Cap.:	1091	xxxx	xxxxx	xxxx	xxxx	xxxxx	140	126	603	xxxx	xxxx	xxxxx
Move Cap.:	1091	xxxx	xxxxx	xxxx	xxxx	xxxxx	140	126	603	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	269	240	xxxxx	238	239	xxxxx
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx	0.02	0.00	0.01	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	8.3	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	A	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	330	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	16.2	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			16.2			xxxxxx		
ApproachLOS:	*			*			C			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[11.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	5	0	1	1	211	0	0	239	5
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	5	0	1	1	211	0	0	239	5
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	5	0	1	1	211	0	0	239	5
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	5	0	1	1	220	0	0	249	5
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	5	0	1	1	220	0	0	249	5
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	404	404	167	170	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	559	497	814	1313	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	559	497	814	1313	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	589	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.2	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx				11.2		xxxxxx			xxxxxx		
ApproachLOS:		*			B			*			*	

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[11.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0 0 0 0			0 0 1! 0 0			0 1 0 0 0			0 0 0 1 0		
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	4	0	1	1	208	0	0	236	4
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	4	0	1	1	208	0	0	236	4
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	4	0	1	1	208	0	0	236	4
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	4	0	1	1	217	0	0	246	4
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	4	0	1	1	217	0	0	246	4
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	449	449	226	228	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	553	492	792	1311	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	552	492	792	1311	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	588	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.2	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			11.2			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[18.9]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0	1 0	0	0 0	0 1	0	0 0	1! 0	0	0 0	0 0	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	5	592	0	0	800	11	10	0	5	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	5	592	0	0	800	11	10	0	5	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	5	592	0	0	800	11	10	0	5	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	6	680	0	0	920	13	11	0	6	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	6	680	0	0	920	13	11	0	6	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	802	xxxx	xxxxx	xxxx	xxxx	xxxxx	1682	1682	794	xxxx	xxxx	xxxxx
Potent Cap.:	672	xxxx	xxxxx	xxxx	xxxx	xxxxx	66	60	312	xxxx	xxxx	xxxxx
Move Cap.:	672	xxxx	xxxxx	xxxx	xxxx	xxxxx	66	60	312	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	262	234	xxxxx	232	232	xxxxx
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx	0.04	0.00	0.02	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	10.4	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	B	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	277	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.2	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	18.9	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx				18.9		xxxxxx		
ApproachLOS:		*			*			C			*	

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.3 Worst Case Level Of Service: B[11.4]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	8	0	2	2	214	0	0	204	9
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	8	0	2	2	214	0	0	204	9
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	8	0	2	2	214	0	0	204	9
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	9	0	2	2	246	0	0	234	10
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	9	0	2	2	246	0	0	234	10
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	467	467	211	216	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	536	478	803	1306	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	536	477	803	1306	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	574	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.4	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			11.4			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[11.2]

Approach:	North Bound					South Bound					East Bound					West Bound				
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Stop Sign					Stop Sign					Uncontrolled					Uncontrolled				
Rights:	Include					Include					Include					Include				
Lanes:	0	0	0	0	0	0	0	1!	0	0	0	1	0	0	0	0	0	0	1	0
Volume Module: >> Count Date: 1 Sep 1997 <<																				
Base Vol:	0		0		0	6		0		2	2		210		0	0		199		7
Growth Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00	
Initial Bse:	0		0		0	6		0		2	2		210		0	0		199		7
Added Vol:	0		0		0	0		0		0	0		0		0	0		0		0
PasserByVol:	0		0		0	0		0		0	0		0		0	0		0		0
Initial Fut:	0		0		0	6		0		2	2		210		0	0		199		7
User Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00	
PHF Adj:	0.87	0.87		0.87		0.87	0.87		0.87		0.87	0.87		0.87		0.87	0.87		0.87	
PHF Volume:	0		0		0	7		0		2	2		241		0	0		229		8
Reduct Vol:	0		0		0	0		0		0	0		0		0	0		0		0
FinalVolume:	0		0		0	7		0		2	2		241		0	0		229		8
Critical Gap Module:																				
Critical Gp:	xxxxx	xxxx	xxxxx			6.4		6.6		6.3	4.1	xxxx	xxxxx		xxxxx	xxxx	xxxxx			
FollowUpTim:	xxxxx	xxxx	xxxxx			3.5		4.0		3.3	2.2	xxxx	xxxxx		xxxxx	xxxx	xxxxx			
Capacity Module:																				
Cnflict Vol:	xxxx	xxxx	xxxxx			479		479		233	237	xxxx	xxxxx		xxxx	xxxx	xxxxx			
Potent Cap.:	xxxx	xxxx	xxxxx			540		482		799	1313	xxxx	xxxxx		xxxx	xxxx	xxxxx			
Move Cap.:	xxxx	xxxx	xxxxx			539		481		799	1313	xxxx	xxxxx		xxxx	xxxx	xxxxx			
Volume/Cap:	xxxx	xxxx	xxxx			0.01		0.00		0.00	0.00	xxxx	xxxx		xxxx	xxxx	xxxx			
Level Of Service Module:																				
2Way95thQ:	xxxx	xxxx	xxxxx			xxxx	xxxx	xxxxx			0.0	xxxx	xxxxx		xxxx	xxxx	xxxxx			
Control Del:	xxxxx	xxxx	xxxxx			xxxxx	xxxx	xxxxx			7.7	xxxx	xxxxx		xxxxx	xxxx	xxxxx			
LOS by Move:	*	*	*			*	*	*			A	*	*		*	*	*			
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxx			xxxx		587		xxxxx	xxxx	xxxx	xxxxx		xxxx	xxxx	xxxxx			
SharedQueue:	xxxxx	xxxx	xxxxx			xxxxx		0.0		xxxxx	0.0	xxxx	xxxxx		xxxxx	xxxx	xxxxx			
Shrd ConDel:	xxxxx	xxxx	xxxxx			xxxxx		11.2		xxxxx	7.7	xxxx	xxxxx		xxxxx	xxxx	xxxxx			
Shared LOS:	*	*	*			*		B		*	A	*	*		*	*	*			
ApproachDel:	xxxxxx					11.2					xxxxxx					xxxxxx				
ApproachLOS:	*					B					*					*				

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
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Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[24.1]

Approach:	North Bound					South Bound					East Bound					West Bound				
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled					Uncontrolled					Stop Sign					Stop Sign				
Rights:	Include					Include					Include					Include				
Lanes:	1	0	1	0	0	0	0	0	1	0	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 1 Sep 1997 <<																				
Base Vol:	3	949		0		0	548		6		6		0		3		0		0	
Growth Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00		1.00		1.00		1.00		1.00	
Initial Bse:	3	949		0		0	548		6		6		0		3		0		0	
Added Vol:	0	0		0		0	0		0		0		0		0		0		0	
PasserByVol:	0	0		0		0	0		0		0		0		0		0		0	
Initial Fut:	3	949		0		0	548		6		6		0		3		0		0	
User Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00		1.00		1.00		1.00		1.00	
PHF Adj:	0.96	0.96		0.96		0.96	0.96		0.96		0.96		0.96		0.96		0.96		0.96	
PHF Volume:	3	989		0		0	571		6		6		0		3		0		0	
Reduct Vol:	0	0		0		0	0		0		0		0		0		0		0	
FinalVolume:	3	989		0		0	571		6		6		0		3		0		0	
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx					6.4		6.6		6.3	xxxxx	xxxx	xxxxx		
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx					3.5		4.0		3.3	xxxxx	xxxx	xxxxx		
Capacity Module:																				
Cnflict Vol:	516	xxxx	xxxxx	xxxx	xxxx	xxxxx					1694		1694		513	xxxx	xxxx	xxxxx		
Potent Cap.:	980	xxxx	xxxxx	xxxx	xxxx	xxxxx					36		32		521	xxxx	xxxx	xxxxx		
Move Cap.:	980	xxxx	xxxxx	xxxx	xxxx	xxxxx					35		32		521	xxxx	xxxx	xxxxx		
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					151		135		xxxxx	132	135	xxxxx		
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx					0.04		0.00		0.01	xxxx	xxxx	xxxx		
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx					xxxx		xxxx		xxxxx	xxxx	xxxx	xxxxx		
Control Del:	8.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		xxxx		xxxxx	xxxxx	xxxx	xxxxx		
LOS by Move:	A	*	*	*	*	*					*		*		*	*	*	*		
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					xxxx		198		xxxxx	xxxx	xxxx	xxxxx		
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		0.1		xxxxx	xxxxx	xxxx	xxxxx		
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		24.1		xxxxx	xxxxx	xxxx	xxxxx		
Shared LOS:	*	*	*	*	*	*					*		C		*	*	*	*		
ApproachDel:	xxxxxx			xxxxxx							24.1					xxxxxx				
ApproachLOS:	*			*							C					*				

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[12.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	5	0	1	1	264	0	0	298	5
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	5	0	1	1	264	0	0	298	5
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	5	0	1	1	264	0	0	298	5
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	5	0	1	1	275	0	0	310	5
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	5	0	1	1	275	0	0	310	5
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	505	505	202	204	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	477	426	760	1244	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	477	425	760	1244	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	508	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.2	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx				12.2		xxxxxx			xxxxxx		
ApproachLOS:		*			B			*			*	

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[12.1]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	4	0	1	1	261	0	0	295	4
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	4	0	1	1	261	0	0	295	4
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	4	0	1	1	261	0	0	295	4
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	4	0	1	1	272	0	0	307	4
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	4	0	1	1	272	0	0	307	4
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	542	542	256	258	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	475	424	742	1245	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	474	424	742	1245	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	511	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.1	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			12.1			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[24.3]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0	1 0	0	0 0	0 1	0	0 0	1! 0	0	0 0	0 0	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	5	711	0	0	998	11	10	0	5	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	5	711	0	0	998	11	10	0	5	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	5	711	0	0	998	11	10	0	5	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	6	817	0	0	1147	13	11	0	6	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	6	817	0	0	1147	13	11	0	6	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	1047	xxxx	xxxxx	xxxx	xxxx	xxxxx	2461	2461	1038	xxxx	xxxx	xxxxx
Potent Cap.:	502	xxxx	xxxxx	xxxx	xxxx	xxxxx	16	15	208	xxxx	xxxx	xxxxx
Move Cap.:	502	xxxx	xxxxx	xxxx	xxxx	xxxxx	16	15	208	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	202	180	xxxxx	179	179	xxxxx
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx	0.06	0.00	0.03	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	12.3	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	B	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	204	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.3	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	24.3	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx				24.3		xxxxxx		
ApproachLOS:		*			*			C			*	

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[13.1]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	8	0	2	2	355	0	0	231	9
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	8	0	2	2	355	0	0	231	9
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	8	0	2	2	355	0	0	231	9
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	9	0	2	2	408	0	0	266	10
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	9	0	2	2	408	0	0	266	10
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	659	659	235	240	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	412	369	774	1272	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	411	368	774	1272	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	454	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	13.1	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			13.1			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[12.8]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	6	0	2	2	351	0	0	226	7
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	6	0	2	2	351	0	0	226	7
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	6	0	2	2	351	0	0	226	7
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	7	0	2	2	403	0	0	260	8
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	7	0	2	2	403	0	0	260	8
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	672	672	264	268	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	417	373	768	1279	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	416	373	768	1279	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	470	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.8	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			12.8			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

Signalized Queues

Project	*Tualatin Marquis Assisted Living Center*
Analysis Scenario	*Year 2013*
Cycle Length	*100 Seconds*
Vehicle Length	*25 Feet*
Analysis Date	*Wednesday, May 26, 2010*

Boones/Sagert	Weekday AM Peak Hour					Weekday PM Peak Hour				
	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Volume	28	328	84	81	135	86	628	91	78	144
g/c	0.02	0.6	0.6	0.05	0.11	0.07	0.56	0.56	0.08	0.11
Lanes	1	1	1	1	1	1	1	1	1	1
Veh/Sec	0.008	0.091	0.023	0.023	0.038	0.024	0.174	0.025	0.022	0.040
Red Time	98	40	40	95	89	93	44	44	92	89
Queues in Vehicles	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	0.8	3.6	0.9	2.1	3.3	2.2	7.7	1.1	2.0	3.6
95th Percentile	2.0	7.0	3.0	5.0	7.0	5.0	12.0	3.0	5.0	7.0
Queues in Feet	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	25	100	25	75	100	75	200	50	50	100
95th Percentile	50	175	75	125	175	125	300	75	125	175

Signalized Queues

Project	*Tualatin Marquis Assisted Living Center*
Analysis Scenario	*Year 2030*
Cycle Length	*100 Seconds*
Vehicle Length	*25 Feet*
Analysis Date	*Wednesday, May 26, 2010*

Boones/Sagert	Weekday AM Peak Hour					Weekday PM Peak Hour				
	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Volume	35	411	105	101	168	107	783	113	128	235
g/c	0.02	0.61	0.61	0.05	0.11	0.07	0.54	0.54	0.12	0.15
Lanes	1	1	1	1	1	1	1	1	1	1
Veh/Sec	0.010	0.114	0.029	0.028	0.047	0.030	0.218	0.031	0.036	0.065
Red Time	98	39	39	95	89	93	46	46	88	85

Queues in Vehicles	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	1.0	4.5	1.1	2.7	4.2	2.8	10.0	1.4	3.1	5.5
95th Percentile	3.0	8.0	3.0	6.0	8.0	6.0	15.0	4.0	6.0	10.0

Queues in Feet	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	25	125	50	75	125	75	275	50	100	150
95th Percentile	75	200	75	150	200	150	375	100	150	250

ATTACHMENT E

PMA-10-01: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PMA-10-01 and other supporting documents is summarized in this section.

The applicant is Scott Miller of Marquis Companies and the property owner is the Tigard-Tualatin School District (TTSD). Marquis Companies is represented by Kirsten Van Loo of Emerio Design. Marquis Companies proposes to purchase and redevelop the 7.3 acre western portion of the 12.75 acre Old Tualatin Elementary school property as a 2nd Phase (revised to Phases II-IV) to the proposed Marquis senior/retirement housing facility. The 5.4 acre eastern portion of the 12.7 acre property was designated Medium Low-Density Residential (RML) in PMA-09-03 and the subject property is in the Low-Density Residential (RL) Planning District.

The development proposed by the applicant is to "...create a vibrant senior housing village complex in Tualatin, with benefits and amenities for the entire community." The proposed development on the eastern 5.4 acres will include:

- an assisted living facility with 80 residential rooms;
- skilled nursing facility with approximately 54 beds; and;
- supporting living, dining, health and community facilities for the residents.

The proposed Marquis development on the western subject property will include:

- 60+ "independent living" senior residential housing in the form of attached duplex, townhouse or condominium units on individual lots.

The (existing) RL Planning District allows single-family detached residential housing as a permitted use with minimum average lot sizes of 6,500 sq. ft. with a density maximum of 6.4 dwelling units per net acre. RL allows small lot subdivisions (one unit per lot/5,000-6,499 sq. ft. lot size/7.5 du per acre maximum density), common wall dwellings (one unit per lot/zero lot line/6,000 sq. ft. minimum lot size), condominium dwellings (no minimum lot size/6.4 du per acre maximum density) and Retirement Housing conforming to the standards in TDC 34.160 - 34.170 as conditional uses [TDC 40.030(4)(o, p)]. The RL Planning District limits the maximum density for retirement housing in accordance with 34.170(2) to 10 dwelling units per net acre but still has a minimum lot size of 6,000 sq. ft.

Changing the designation on the 7.3 acre western parcel to RML would allow various forms of attached housing and residential facilities up to 10 dwelling units per acre (73 dwelling units on the 7.3 acre portion and 124 total units on the 12.4 acre Phase I and II Marquis site) as a permitted use and with a conditional use permit for retirement housing, would allow Retirement Housing with up to 15 dwelling units per acre (110 dwelling units on the 7.3 acre portion and 191 total units on the 12.7 acre Phase I and II-IV Marquis site) [TDC 41.015(3)]. Marquis Companies seeks the Plan Map Amendment to change the designation to RML to allow development of the types of senior housing to add "independent living", owner-occupied residences on the site. A Development Agreement between Marquis Companies, TTSD and the City is in effect for the Phase I portion of the Property. An Amended and Restated development agreement applying to the Phases I-IV development is proposed with the PMA-10-01 application.

ORDINANCE NO. 1284-09

AN ORDINANCE RELATING TO CHANGING THE PLANNING DISTRICT FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) AT 19945 SW BOONES FERRY ROAD; AND AMENDING COMMUNITY PLAN MAP 9-1 (PMA09-01).

WHEREAS upon the application of Marquis Development, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on June 8, 2009, related to changing the planning district from Low-Density Residential (RL) to Medium Low-Density (RML) at 19945 SW Boones Ferry Road; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 21, 2009, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A", attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City on May 15, 2009, 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", 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 5-1]; with Councilors Barhyte, Truax, Harris, Beikman and Davis voting for approval; Mayor Ogden opposed; and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, and especially the City staff report dated June 8, 2009, the Council makes and adopts as its findings of fact the findings and analysis in the City staff report, marked "Exhibit D," 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

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

Section 1. TDC Map 9-1 is amended by changing the planning district from

Low-Density Residential to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:

By_____
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: July 21, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Tony Doran, EIT TD
Engineering Associate

SUBJECT: **PTA-10-02, Marquis BFR New Public Street, PMA-10-01, Marquis RL to RML Remaining Lots 2 & 3**

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(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.

TDC 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.

Attachment G
Engineering Division
Memorandum

The applicant has submitted traffic information dated June 21, 2010 titled Tualatin Marquis Assisted Living Center – Access Analysis created by Green Light Transportation. This submittal refers to a study dated March 2009 titled Marquis Companies Plan Map Amendment/Zone Change created by Dunn Traffic Engineering, submitted previously for PMA-09-03, Marquis RL to RML Corner Lot. This traffic information was submitted for PTA-10-02, PMA-10-01, and AR-10-04 for Marquis development.

The City Engineer generally agrees with the submitted traffic studies.

ODOT has responded without requirements. Washington County has not submitted a response at this time.

Transportation

The site is adjacent to SW Boones Ferry Road & SW Sagert Street and will have access to SW Sagert Street. A proposed public street intersection is planned to be 500 feet north of SW Sagert Street on SW Boones Ferry Road. With future development, this street would be able to connect to SW Sagert Street. The PTA applications requests the following addition to Tualatin Development Code Section 75.110 New Streets, BOONES FERRY ROAD, Tualatin-Sherwood Road to Sagert Street: "On the west side, all existing driveways will be allowed to remain. **A new local street intersection is permitted, located approximately 500 feet north of the intersection of Sagert Street."**

The PMA proposes a zone change from RL to RML on all acreage of Tax Map 2S123DD Lot 500. Currently on this lot only approximately 5.44 acres at the corner of SW Boones Ferry Road & SW Sagert Street are zoned RML. If the Marquis development doesn't continue as proposed on the remainder of this lot, the zoning for this PMA will revert back to RL.

The Green Light study evaluates the proposed public street access under two conditions: 1) current/reverted RL zoning and 2) proposed Marquis development RML rezoning of the PMA. These conditions represent the most and least potential trip generation.

SW Boones Ferry Road

SW Boones Ferry Road is designated by the City of Tualatin as a Major Arterial (Eb&t), which would ultimately have a right-of-way width of 98 to 102 feet that includes four 12-foot travel lanes, one center turn lane, 6-foot bike lanes, 6–foot planter strips, and 6–foot sidewalks. The current width of SW Boones Ferry Road right-of-way along the property frontage is 30 feet west of centerline.

The AR shows a proposed public street intersection with SW Boones Ferry Road approximately 500 feet to the north of SW Sagert Street, for approval in the PTA. Dedication of right-of-way with the AR is shown to be an additional 19 feet (to total 49 feet from centerline) along with constructing associated ½ street improvements for a complete cross-section and any mitigation required due to traffic. This widening will enable the project to stripe a median refuge at the proposed access to allow motorists making an eastbound left when exiting the site to do so via separate gaps in the southbound and northbound traffic flows.

Conflicts between the proposed access and the interim SW Logan Lane access are expected to be minimal. The center turn lane will improve operations and reduce conflicts at the driveways in the area. Motorists making a westbound left-turn out of the Garden Court Condominium driveway may utilize the same portion of the SW Boones Ferry Road center turn lane and motorists making a left-turn- exit out of the Marquis site, the volumes are low and the addition of the center turn lane improves operations for both accesses.

Vehicle queuing for southbound SW Boones Ferry Road for AM and PM Peak Hours are accommodated without blocking the proposed access. Adequate site distance exists at the location of the proposed access for safe operation.

There are several benefits of allowing the proposed intersection on SW Boones Ferry Road with a future street connecting to SW Sagert Street:

- The lot's traffic would be divided between two main public streets, lowering the impact on SW Sagert Street and reducing the load on the SW Boones Ferry Road & SW Sagert Street intersection. Vehicles driving to and from downtown are able to directly access the site via SW Boones Ferry Road.
- Emergency vehicles would have two locations to access the site. The proposed location will allow fire trucks to have accesses separated by a distance of half the diagonal of the development (a standard TVF&R request).
- This access supports neighborhood, pedestrian, and bicycle connectivity. Without the connection to SW Boones Ferry Road the future public street off SW Sagert Street would become a cul-de-sac street.

SW Sagert Street

SW Sagert Street is a City of Tualatin facility and designated as a Minor Collector (Cb&p), which has a right-of-way width of 68 to 72 feet that includes two 12-foot travel lanes, one 8-foot parking lane, 6-foot bike lanes, 6–foot planter strips, and 6–foot sidewalks. Currently there is 60 feet of right-of-way, with 30 feet from centerline on the north side.

Dedication of right-of-way with the AR is shown to be an additional 4 feet (to total 34 feet from centerline). The AR shows one access to the west side of the development area to SW Sagert Street, but indicates that this is not the primary access. Additionally, a future public street intersection has been identified on SW Sagert Street in the approximate alignment of SW 90th Place.

Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour Total	In	Out	Weekday PM Peak Hour Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour Total	In	Out	Weekday PM Peak Hour Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

Trip Differentials Between Scenarios	**ADT**	**AM Peak In**	**AM Peak Out**	**AM Peak Total**	**PM Peak In**	**PM Peak Out**	**PM Peak Total**
Current zone RL/RML vs. All RL	+85	-3	+0	-3	+5	+1	+6
Previous Marquis Plan vs. All RL	+194	+4	-17	-13	-10	+1	-9
Previous Marquis Plan vs. RL/RML	+109	+7	-17	-10	-15	+0	-15
Current Marquis Plan vs. All RL	-217	+1	-40	-39	-28	-5	-33
Current Marquis Plan vs. RL/RML	-302	+4	-40	-36	-33	-6	-39
Current vs. Previous Marquis Plans	-411	-3	-23	-26	-18	-6	-24

The studies show that the current Marquis development plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives. *Note: While there is a small increase of AM Peak incoming traffic in comparison to RL and RML zones, the Total AM Peak generation is reduced.*

The percentage impact to streets, Level-of-Service for nearby intersections, and summary evaluation below are from the Dunn study for reference.

AM Peak Impact of Reasonable Worst-Case RML Zone Added to Existing Traffic

Street	Segment	Existing Traffic	Added Trips	Percent Impact
SW 95th Avenue	North of SW Sagert Street	309	3	1.0%
SW Boones Ferry Road	North of SW Warm Springs Street	1,082	13	1.2%
	SW Warm Springs Street to SW Sagert Street	1,102	13	1.2%
	SW Sagert Street to SW Avery Street	1,281	11	0.9%
	South of SW Avery Street	1,361	4	0.3%
SW Martinazzi Avenue	North of SW Sagert Street	1,017	4	0.4%
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	363	3	0.8%
	SW Boones Ferry Road to SW Martinazzi Avenue	684	7	1.0%
	East of SW Martinazzi Avenue	713	3	0.4%
SW Avery Street	West of SW Boones Ferry Road	865	7	0.8%

PM Peak Impact of Reasonable Worst-Case RML Zone Added to Existing Traffic

Street	Segment	Existing Traffic	Added Trips	Percent Impact
SW 95th Avenue	North of SW Sagert Street	268	3	1.1%
SW Boones Ferry Road	North of SW Warm Springs Street	1,380	16	1.2%
	SW Warm Springs Street to SW Sagert Street	1,292	16	1.2%
	SW Sagert Street to SW Avery Street	1,377	13	0.9%
	South of SW Avery Street	1,491	5	0.3%
SW Martinazzi Avenue	North of SW Sagert Street	1,208	5	0.4%
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	237	3	1.3%
	SW Boones Ferry Road to SW Martinazzi Avenue	654	10	1.5%
	East of SW Martinazzi Avenue	861	5	0.6%
SW Avery Street	West of SW Boones Ferry Road	1,013	8	0.8%

Level of Service	2009 Existing		2029 RL		2029 RML	
Intersection	AM	PM	AM	PM	AM	PM
Boones Ferry Road & Warm Springs Street	B	B	B	B	B	B
Boones Ferry Road & Sagert Street	C	C	E	E	E	E
Boones Ferry Road & Avery Street	C	E	D	***F***	D	***F***
95th Avenue & Sagert Street	B	B	C	C	C	C
Martinazzi Avenue & Sagert Street	E	C	***F***	D	***F***	D

TDC 11.610 Transportation Goals and Objectives (2) (e) For Plan Map and Text Amendments adopt a Level of Service standard 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. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

Year 2029 assumes all future developments outlined in TDC Chapter 11 are constructed.

The submitted Dunn Engineering Traffic Study shows the Level of Service during AM and PM Peaks at the intersections of SW Sagert Street & SW Martinazzi Avenue and SW Avery Street & SW Boones Ferry Road exist in 2029 regardless of development.

Sanitary Sewer, Stormwater, & Water

Within the Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from residential to the proposed zone. Any necessary upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW Boones Ferry Road adjacent to the development. The applicant will need to determine the location of stormwater treatment and connections to the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the Architectural Review proposed in AR-10-04.

Engineering Recommendation

Engineering recommends approval for both the PTA and the PMA based on compliance with City code.

ATTACHMENT H

PMA-10-01: 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 a 7.3 acre portion of Tax Lot 500 on Map 2S123DD from Low-Density Residential (RL) to Medium Low-Density Residential (RML) on land known as the western portion of the Old Tualatin Elementary School (TES) site located at 19945 SW Boones Ferry 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. Granting the amendment is in the public interest.

The Applicant states: "If this site were to remain zoned RL, it would accommodate 30+/- new single family homes. There is no current demand, by either the residential development community or the Tualatin consumer, for this product. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity." (Attachment D, pg. 6) The Applicant further states "...granting this request for a Plan Map Amendment is in the public interest because a change from RL to RML zoning will provide underlying value to the property that can encourage development." "...the change in the zoning district to RML permits construction of 60+ dwellings. 60+ dwellings can be facilitated through the provisions of the requested zoning district (RML)."

As identified by staff, the public interest is to:

1) To respond to a proposal for new development and redevelopment of the Tigard-Tualatin School District (TTSD)/Old TES property with planning actions such as the proposed PMA;
2) Designate residential land that is suitable for senior housing facility development in a location that will be compatible with nearby residential development, be near communities services and amenities such as stores, parks and libraries, have access to the health care facilities in the Tualatin area, and be served by adequate transportation facilities;
3) To ensure an adequate supply of residential land is available for various housing types including independent and assisted living facilities suitable for an aging population.
4) To consider relevant Tualatin Tomorrow Community Vision and Action Plan objectives related to housing and services.

The applicant's public interest statements and the first (1) public interest listed in this analysis are associated with the ownership, sale and development of the Old TES property. The 12.75 acre site is centrally located in Tualatin and borders SW Boones Ferry Road, a major arterial street connecting the residential areas in the south part of

Tualatin with the City's downtown area. The former school buildings on the site have proven too expensive for reuse and rehabilitation due to structural problems and the presence of hazardous material. The buildings are in the process of demolition by TTSD & Marquis Companies (HIST-08-01 approved the demolition of the Gerald Avery Building and Gymnasium).

Since closing the school in 2004 and declaring it surplus property, the TTSD solicited private and public groups to purchase and redevelop the property. The TTSD seeks to obtain reasonable economic value from the property while respecting the community value associated with a former public school site and the residential area that it is in. Given the costs of purchase and development and the markets for residential and institutional uses during the period since 2004, the responding private developers all proposed a form of development that required a change in the Planning District designation from the existing RL to a Planning District that would allow higher density and different housing types. Marquis Companies, with purchase of the eastern portion of the site and application for Architectural Review for an assisted living and skilled nursing senior care facility and its plans to purchase and redevelop the western acres of the Old TES property for a Phase II "independent living" senior housing is the only developer to come to terms with TTSD at this time. The proposed RML designation on the western portion of the Old TES property will allow the independent living senior housing project with 60+ dwelling units proposed by Marquis Companies to be a viable development on the property. This satisfies the public interest in supporting viable and appropriate redevelopment of the Old TES property.

The proposed RML Planning District designation for the Phase II portion of the Old TES site will allow the applicant to develop owner-occupied, independent living units in the form of detached homes or attached townhouses, townhomes or condominium in addition to the assisted living and skilled nursing component in the Phase I eastern portion. The independent living housing that will be part of the Marquis senior housing community with the assisted living and skilled nursing residential care housing and support facilities. The RML designation will allow the 10 dwelling units per acre density that the applicant needs to invest in constructing and operating a senior housing and care facility on the site. The Old TES site is located in a residential area with a mix of single-family and multi-family housing development. The site is near to the commercial and civic areas of downtown Tualatin, is on a public transit line, and with good access to medical facilities such as the Kaiser Clinic at the west end of the Town Center and Legacy Meridian Park Hospital further east via SW Sagert Street. The Phase II subject property location is suitable for a senior housing facility and will meet the public interest listed in #2) above.

The Old TES property is currently in the RL Planning District that is primarily for single-family detached residential housing (up to 36 single family homes on the 7.3 acre subject property net 20% for required public streets and water quality facilities) as well as limited-size residential facilities. The RML Planning District allows as permitted uses various housing types including single and multi-story attached dwelling units such as duplex/triplexes, apartments, condominiums, townhouses as well as residential facilities such as assisted living and congregate care (TDC 41.020).

With the RML designation, the 7.3 acres subject property will accommodate up to 70 individual independent living dwelling units (less when subtracting public street ROW and public facility tracts). With approximately 8.9 acres of the 12.75 acre Marquis property included in the Phases II-IV independent living subdivision (Phase I AL/SN development area is approximately 3.8 acres), the number of allowed dwelling units for the Phase II-IV portion of the property would be 89, using the 10 du/acre calculation. Due to the way housing density is calculated for a residential facility such as congregate care, assisted living or skilled nursing, the proposed assisted living and skilled nursing facility would count as two dwelling units, but as proposed may have between130-170 residents. The proposed RML designation will provide opportunity for more housing types and numbers of dwelling units that are suitable for senior independent living, and will meet the public interest listed in #3 above.

Tualatin Tomorrow Strategy HSS 17 is

> Services for Aging Residents. Help ensure that Tualatin's aging residents have access to affordable housing, health care, transportation, social services and cultural activities.

Strategy GHT 11 is

> Housing Choices and Types. Develop a range of housing choices and types in Tualatin and promoting a balanced community with a diversity of persons living, recreating, shopping and working within the city.

The proposed Marquis senior housing and care development is designed to provide housing, care, and assistance in a community setting. This is consistent with the Tualatin Tomorrow vision and strategies and meets public interest #4.

The public interests listed in the Tualatin Tomorrow Action Plan calling for a mix of higher–density and affordable housing in the City are discussed in the section under Criterion C of this attachment.

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

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

The Applicant states: "It is a potential developer's best interest to time product delivery on this site to a future upturn in the market. As the market for housing catches up to and hopefully challenges the existing supply over the next two years, a developer of this site can be gaining land use approvals, building permits and constructing a new project. This timeline is in the best interests of the public because it will put Tualatin in a position of prominence with new residential development." (Attachment D, pp. 6-7)

In addition, the amendment is appropriate at this time because prospective residential and senior housing developers require a planning district designation that enables a greater range of housing types and allows senior housing and shared care facilities at a number of units and resident spaces greater than the current standards allow. The property will be more suitable for redevelopment and for the only committed purchaser

of the old TES site if the designation of the western 7.3 acres is changed to RML. It is in the public interest to change the Planning District designation of the subject portion of the Old TES site property to RML, thus encouraging redevelopment of the site as a senior housing project.

The City has a development agreement (Attachment I) with the applicant (Marquis Companies) and TTSD establishing that the implementing Ordinance for PMA-09-01 (1284-09) will have an effective date tied to Marquis Companies obtaining conditional use and AR approval within 18 months of its effective date (June 8, 2009). A revised development agreement, known as the "Amended and Restated Non-Statutory Development Agreement" has been prepared that will replace the 2009 agreement (Attachment J). The Amended Agreement updates the timing and scope of development on the entire property and includes deadlines intended to ensure that the development proposed by Marquis in its application for the RML Planning District designation approved in PMA-09-03 and proposed in PMA-10-01 for the 7.3 acre western portion of the Old Tualatin Elementary School site will be constructed in a timely manner. Marquis must obtain Project Approvals including Architectural Review for a senior housing project and construction of the proposed senior housing development then must commence within 18 months of the "Amended Effective Date" (the date the Amended & Restated agreement is signed) or the Plan Amendments will not become effective and the property will retain the RL Planning District designation. Marquis Companies and TTSD will both sign the agreement. The Amended development agreement will be presented to the City Council for approval and authorization at the August 23, 2010 meeting.

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

Criterion "B" is met.

C. 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:

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

Staff agrees with the applicant (Attachment D, pg. 8) the objective of TDC 4.050(6) is met because the RML designation will be a transition between the RL Planning Districts on the south and east of the site with the RML and RH (High Density Residential) Planning Districts on the west and north. These areas are primarily residential except for the church use at the southeast corner of SW Sagert Street and SW Boones Ferry Road. The residential uses allowed in the proposed RML Planning District designation are compatible with residential development in this part of Tualatin. The RML Planning District designation allows a higher number of residential dwelling units and a larger scale residential facility that when built will increase the efficiency and utilization of

public facilities improvements in the area, including sewer, water, stormwater and transportation.

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

The applicant states, "With this application the request for RML zoning on a specific site addresses the requirement for a variety of living environments. RML zoning facilitates construction of small cottages, townhouses, garden apartments, condominiums, and/or large apartments. The district also facilitates development of senior housing facilities." (Attachment D, pp 8-9)

Staff agrees the objective of TDC 4.050(9) is met because adding RML land to the SW Boones Ferry Road area would add variety by increasing the amount of land available for medium-low density residential uses by 7.3 acres. The proposed RML designation will complement the RL, RML and RH developments in this area of Tualatin and add to the variety of living environments available. This objective is met.

Residential Planning District Objectives:

TDC 5.030 Objectives (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

The applicant states "RML zoning on the corner of Boones Ferry Road and Sagert Street provides an opportunity for higher development along an arterial street and an excellent location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core with potential pedestrian access for employment and shopping. The site is adjacent to multi-family development with apartments to the north and west of the property." (Attachment D, pg. 9)

The proposed map amendment to designate the 7.3 acre western property as RML is an appropriate planning response to the need to redevelop the former TES site in this area of Tualatin. Staff agrees that the RML designation is in an area with existing multi-family housing and with the applicant's reasons meets the objective.

TDC 5.030(1) Provide for the housing needs of existing and future City residents. (2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.

The applicant states "A change in the zoning district to RML on the subject property permits construction of 60+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested zoning district. RML zoning facilitates construction of small cottages, townhouse and condominiums. A large variety of housing options are available for development on this site with the requested zoning district. These housing options can address varied income levels and tastes that can be

functionally and aesthetically compatible. Staff and Architectural Review Board evaluation of any proposed development will further ensure neighborhood compatibility." (Attachment D, pg. 9)

The Tualatin Tomorrow Community Vision and Strategic Action Plan, June 2007, lists under the Diverse Housing Strategy for Housing Choices & Types/Action Item "Strategy GHT 11 Housing Choices and Types " Develop a range of housing choices and types in Tualatin and promoting a balanced community with a diversity of persons living, recreating, shopping and working within the city." The proposed Marquis senior housing and care development is designed to provide housing, care, and assistance in a community setting. As discussed previously, the RML Planning District allows a greater range of housing types and an increase in housing opportunities in respect to resident's income and needs. These objectives are met.

Planning District Objectives

(2) Medium-Low Density Residential Planning District (RML). To provide areas of the City suitable for common-wall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small-lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed 10 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

The applicant states "The requested new zoning district objectives are aligned with other residential development in the area. The objectives facilitate a variety of residential options including the potential for senior (retirement) housing." (Attachment D, pg. 9)

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

Criterion "C" is met.

D. 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 includes the areas on both sides of SW Boones Ferry Road and SW Sagert Street, including the existing Old TES campus site (subject site), the residential apartments to the north and west, duplexes to the west, and the primarily single family residential areas to the south and east. The subject property/Old TES site is close to the Tualatin downtown retail and commercial areas to the north. The Applicant states "The application of the RML district to this site will

improve the incremental transition from commercial and high-density residential development with a medium density project at this important intersection."

The proposed amendment is appropriate in relation to the characteristics of the SW Boones Ferry Road/SW Sagert Street residential area.

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

The Applicant states: "The site is suitable for medium density residential development. All of the necessary infrastructure is available or can be made available to serve the project at the intended maximum density." (Attachment D, pg. 10) The residential and semi-institutional (schools, churches & senior care facilities) land uses allowed in the RML Planning District are consistent with the surrounding land uses in the SW Boones Ferry Road/SW Sagert Street vicinity. The area is suitable for RML Planning District uses and the proposed senior housing and care facility.

Trends in land improvement and development.

The Applicant states: "The continued housing construction slump is predicted for the next few years as inventory of new homes and home re-sales are absorbed at average or below average rates. If this site were to remain zoned RL, it would accommodate 30-36 new single-family homes. There is no current demand, by either the residential development community or the Tualatin consumer for this product. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site." (Attachment D, pg. 10)

As described in the public interest section, the trends associated with a severe downturn in local and regional housing markets has resulted in no investor interest in redeveloping the Old TES property as RL housing. There is interest by the Marquis Companies to develop a senior housing project on the remaining 7.3 acre portion of the 12.75 acre site. Marquis has noted the trends for integrating senior independent living units with assisted living and care facilities in an attractive and service oriented "community" or "village" atmosphere. Marquis proposes to develop this kind of facility on the Old TES site and seeks to change the Planning District designation to RML.

Property values.

The Applicant states: "The site is located in an area of both newer homes (Logan House Subdivision) and older homes (on the south side of Sagert Street)." "Regardless of the quantity of sales or the price of individual homes over the past five years, the presence of an abandoned elementary school has not increased the perception of property values in the vicinity. Redevelopment of the site - which can be facilitated with the requested change in the zoning district - will improve the perception of the immediate community and serve to improve the quality of the neighborhood." (Attachment D, pg. 10)

While there is no evidence that the current vacant use and condition of the Old TES buildings 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: "Granting this request for a Plan Map Amendment is in the public interest because a change from RL to RML zoning will provide underlying value to the property that can encourage development." (Attachment D, pg. 12)

The property owner, TTSD, finds it important to sell the Old TES property and obtain a financial return. As discussed in previous sections, sale of the property is dependent on the financial aspects of redevelopment on the site. The proposed Marquis Companies senior housing project needs a change in the Planning District designation to RML to be viable and meet the needs of the TTSD while allowing for future development in the area.

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

The Applicant states: "New construction on the site will be conditioned to dedicate additional ROW on Boones Ferry Road. Redevelopment of the site - which can be facilitated with the requested change in the zoning district – will facilitate the dedication of that ROW." (Attachment D, pg. 12) The Engineering Division Memorandum (Attachment G) identifies a need for additional ROW on both the SW Boones Ferry Road and SW Sagert Street frontages and discusses the issues of access to SW Boones Ferry Road. The ROW and access issues related to development on the property are relevant to both the existing and proposed Planning District designation are proposed in the AR-10-04 application and will be addressed in the Public Facilities decision.

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 Old TES site. The Old TES site includes six Tualatin Heritage Trees (a Douglas Fir, an English Chestnut & four Catalpa). The Douglas Fir Heritage Tree is located in the western 7.3 acre portion of the property.

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: "The Plan Map Amendment from RL to RML will facilitate redevelopment of a site that is currently abandoned and a community detraction. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity." (Attachment D, pg. 12)

Staff agrees with the Applicant that the proposed amendment creates an opportunity for redevelopment of the no longer needed Old TES site with its vacant condition. 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.

As stated earlier in this Section and in the applicant's statements quoted above (Attachment D, pg. 11), the area of the City affected by this amendment includes the existing single-family and multi-family residential developments in the vicinity of SW Boones Ferry Road and SW Sagert Street. TDC Map 9-2 Neighborhood Planning Areas identifies the area in the vicinity of the Old TES as Area 2, characterized by the mix of commercial and industrial service uses, higher density multi-family residential and the school site close to the city's central districts (TDC 9.032). The proposed change to RML conforms to the Area 2 mix of uses. The decision by the TTSD to sell the Old TES property for redevelopment represents a significant change in this area that will likely result in more residential development on a site that was largely open recreation fields.

A mistake in the plan map or text.

The Applicant states: "The fact that the school facility was an allowable – albeit conditional use - on low density residential zoned land meant that community planners left the site RL zoning. The belief at the time was the school would always own the property and continue to use the site for educational purposes. While this decision is not necessarily a mistake, it did not reflect the best practices for gradient density zoning radiating out from the City Center." (Attachment D)

Staff disagrees with the Applicant's statement suggesting that the existing RL designation (established as a residential zone in the 1960's and designated in 1979 as RL) may be a mistake in the plan map. The development of the City of Tualatin Plan and zoning code in the1960's and succeeding adoption of the Tualatin Community Plan and Development Code in 1979 both represented the thoughtful efforts of the City's leaders at the particular time the low-density residential designations were enacted. It also reflected the reasonable intentions of the school property owners and neighboring residents at the time. In the context of today's conditions, with the school no longer in operation on the site, there may be a change in the property's use and how development intensity may be viewed by owners, developers and neighbors. It represents a change in housing markets, changes to school facility siting and development by the TTSD and the arrangement of various land uses in the City, not a mistake in the plan map.

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

Criterion "D" is met.

E. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The Applicant states: "The property is the location of the former Tualatin Elementary School. The application is signed by the Superintendent of the School District. The School District is cognizant of this request to increase the potential residential density

on the property. At such time as a specific development request is made for land use approval, the school district will evaluate the capacity of the schools serving this site and prepare a report for jurisdiction consideration."

The TTSD has not commented on the effect of increasing the allowed residential density on the western 7.3 acres property from RL (maximum 6.4 du/acre) to RML (6-10 du/acre) 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. An increase in residential density is something to be evaluated by the TTSD.

Staff agrees with the Applicant that the TTSD has authorized this proposed map amendment and can choose to consider the TTSD Facility Plan at this time or when development actions occur in the future. Criterion E was adequately considered.

F. 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: "The development team has held two neighborhood meetings discussing the potential for development on the property. All of the required steps were followed to ensure opportunity for citizen participation in the land use planning process." "The City has an acknowledged Comprehensive Plan and a process for amending the plan map with new or different zoning districts."

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. 15) and describes 60+ housing units that can result with the proposed RML designation of the

7.3 acre subject property and discusses the increase in housing forms and types allowed in the RML District over the existing RL Planning District designation.

Staff has prepared information on the effect of changing the designation of the property and the adjacent public ROW from the residential RL to RML on meeting the Metropolitan Housing Rule with updated analysis of planned housing density and housing mix to reflect the size of the RML properties as shown on Tables 2A & 2B.

Staff determined that changing the 7.3 acres of land and .29 acres of public street ROW from RL to RML will increase existing (City of Tualatin-Metro Housing Rule) residential density from the current 8.17 du/acre (based on PMA-09-01 and PMA-09-02) to 8.18, 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 7.3 acres of RL residential land in the City's supply to RML (with maximum 10 du/acre) will increase the attached/multi-family housing share from 52.09 percent to 52.31 percent (based on approvals of PMA-09-01 and PMA-09-02), 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.

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: "RML zoning on the corner of Boones Ferry Road and Sagert Street provides an opportunity for higher development along an arterial street and an excellent location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core with potential pedestrian access for employment and shopping. The detailed (traffic) analysis and executive summary provides traffic conclusions demonstrating that the requested new zoning district will have little impact on regional

Table 2A

CITY OF TUALATIN-- METRO HOUSING RULE COMPLIANCE, PMA-10-01-- WITH PROPOSED REDUCTION OF 7.3 ACRES (+ 0.29 Acres ROW) FROM RL and ADDING TO RML DISTRICT *

	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	-7.6	7.6				0.0	
Total acres of ROW in each residential district (+/- 0.29 acres ROW)	-442.8	-59.3	-32.4	-23.6	-3.4	-561.5	
Total Gross Buildable Acres	**1,759.2**	**213.3**	**155.8**	**142.4**	**14.8**	2,285.5	Acres
Environmental restrictions (100 flood, NRPO, slopes > 25%)	-293.5	-44.4	-54.8	-76.4	-12.6	-481.7	
Total Acres Minus Environmental Restrictions	**1,465.7**	**168.9**	**101.0**	**66.0**	**2.2**	1,803.9	Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-289.8	-11.8	-6.3	-0.2	-0.1	-308.1	
Total net Buildable Acres	**1,175.9**	**157.1**	**94.7**	**65.8**	**2.2**	1,495.7	Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0		
Total Dwelling Units Allowed	**7,525.8**	**1,570.9**	**1,421.0**	**1,646.0**	**64.8**	12,228.5	DUs
Dwelling units per acre						**8.176**	

Table 2B

PMA-10-01 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	-7.6	7.6				0.0	
Total acres of ROW in each residential district **	-442.6	-59.3	-32.4	-23.6	-3.4	-561.3	
Total Gross Buildable Acres	**1,759.4**	**213.3**	**155.8**	**142.4**	**14.8**	2,285.7	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	**1,465.7**	**213.3**	**155.8**	**142.4**	**14.8**	1,992.1	Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-289.8	-11.8	-6.3	-0.2	-0.1	-308.1	
Total net Buildable Acres	**1,175.9**	**201.5**	**149.5**	**142.2**	**14.7**	1,683.9	Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0		
Total Dwelling Units Allowed	**7,526.0**	**2,015.0**	**2,242.6**	**3,556.0**	**441.9**	**15,782**	DUs
Total **Single Family Detached** Units Allowed (RL)	7526.0					**7,526.0**	**47.69%** of DUs Allowed
Total **Attached/Multi-Family** Units Allowed (RML, RMH, RH, RH/HR)						**8,255.5**	**52.31%** of DUs Allowed

8/5/2010

* Removes 7.6 acres (7.3 lots + 0.29 ROW) from RL Gross; Removes 0.29 acres from RL ROW / Adds (7.3 lots + 0.29 ROW) to RML Gross & .29 acres to RML ROW.

** No loss due to Environmental Restrictions with Shift in Density Provision available in RML-RH/HR

traffic movement. The traffic analysis was originally provided in relation to the previous plan amendment of Lot 3400 (PMA-09-03), but remains consistent with this plan map plan amendment as this application will not create any increase in transportation needs from the previous application." (Attachment D, pg. 14)

The applicant submitted traffic information dated June 21, 2010 titled Tualatin Marquis Assisted Living Center–Access Analysis prepared by Green Light Transportation. This submittal refers to a study dated March 2009 titled Marquis Companies Plan Map Amendment/Zone Change created by Dunn Traffic Engineering, submitted previously for PMA-09-01. The Green Light study reviews the traffic information relevant to PMA-10-01 RML designation for the western 7.3 acres considering the proposed SW Boones Ferry Road public street access to the Marquis Companies development.

The submitted traffic analysis provides extensive analysis of nearby street facilities to the Year 2029 horizon and concludes that "...the proposed land use is not expected to 'significantly affect' an existing or planned transportation facility and is therefore in compliance with the Transportation Planning Rule." (Attachment D, TIA Dunn Traffic Engineering LLC, pp. 5-6)

The Engineering Division provides information concerning the TPR analysis in the narrative and the Reasonable Worst Case Scenarios presented in Table 2 Trip Generation Alternatives in the Dunn Traffic Engineering Study, Table 3 Current Development Plan Trip Generation and Trip Differentials Between Scenarios tables in Attachment G. The Engineering Memo states "the studies show that the current Marquis development plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives." (Attachment G, pg. 3)

Staff agrees with the Applicant that the proposed amendment is consistent with Statewide Planning Goal 12.

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

Staff has reviewed the applicant's material and agrees the PMA is consistent with 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 Boones Ferry Road north of SW Sagert Street as "IN Inner Neighborhood". The proposed amendment revising the Planning District from RL to RML retains the residential use classification with an increased range of housing types and density. This is consistent with the "IN" classification.

Table 1 in Title I states the City's housing capacity from 1994 to 2017 is 4,054 dwelling units. The PMA proposes to change the low density residential (RL) planning district which supports 1-6.4 dwelling units per acre to low-medium density residential (RML) which supports 7-10 dwelling units per acre. The proposed increase in density allows a greater number of dwelling units to be built on this parcel [7.3 x (10.0-6.4)= 27 additional dwelling units] and therefore increases the City's ability to attain the housing capacity

target number set by Metro. For this reason, the proposed PMA could assist the City in complying with dwelling capacity identified in Table 1 of Title in the UGMFP.

The applicant's responses to the Functional Plan are presented in the application narrative (Attachment D, pp. 15-17). Staff notes that Title 1 (Housing and Employment Accommodation) and Title 7 (Affordable Housing) of the UGMFP (Chapter 3.07) are applicable to the proposed PMA and agrees Titles 1 & 7 are satisfied.

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 analysis (Attachment D, TIA Report- Dunn Traffic Engineering LLC) analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the subject parcel from RL to RML for four scenarios: the old elementary school; RL single family homes; RML apartments; and the Marquis development. The TIA assumes two SW Boones Ferry Road accesses for the Marquis Companies development (see discussion in Attachment G, pg. 2). The 2029 analysis included the benefits of all intersection & street improvements listed in TDC Chapter 11. Under the worst case scenarios for both the current RL zone and the proposed RML zone in the 2029 analysis, the study intersections of SW Boones Ferry Road/SW Avery Street and SW Martinazzi Avenue/SW Sagert Street are forecasted to have a Level of Service (LOS) that is "less" (LOS F) than prescribed in the TDC (LOS E/E) during the weekday p.m. peak hour & a.m. peak hour respectively. (Attachment G, pp. 3-4) The Engineering Memorandum states "The Level of Service during AM and PM Peaks at the intersections of SW Sagert Street & SW Martinazzi Avenue and SW Avery Street & SW Boones Ferry Road exist in 2029 regardless of development."

See Attachment G, a memorandum from Tony Doran, EIT, regarding compliance with Criterion 8.

RESOLUTION NO. 4899-09

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS, Marquis Companies has applied for a Plan Map Amendment to change a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site located at 19945 SW Boones Ferry Road from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior living facilities on the site; and

WHEREAS, the proposed Agreement has been prepared to assure that if the Council approves proposed PMA-09-01 Plan Amendment after considering the evidence in a quasi-judicial public hearing, the approval will apply only to the senior living facility proposed by Marquis; and

WHEREAS, the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendment will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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;

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 June, 2009.

CITY OF TUALATIN, Oregon

By_____
Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

ATTEST:

By_____
City Manager

Attachment I
June 8, 2009 Development Agreement

NON-STATUTORY DEVELOPMENT AGREEMENT

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the 15 day of May, 2009 (the "Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property").

B. By Purchase and Sale Agreement dated as of May 9, 2008 (as amended, the "Purchase Agreement"), the School District agreed to sell approximately 5.4 acres of the Property to Marquis, which is more fully depicted on Exhibit A hereto (the "Marquis Property"), and Marquis agreed to purchase the Marquis Property from the School District on the terms and conditions set forth in the Purchase Agreement.

C. Marquis has applied to the City for approval to develop on the Marquis Property a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living facility (the "Facility").

D. Marquis has applied for a Plan Map Amendment to permit a change in the zoning of the Marquis Property from RL to RML (the "Amendment").

E. 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 Facility.

F. The parties are interested in entering into this Agreement in order to document the Parties' intent.

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

1. If approved by the Tualatin City Council, the Amendment shall provide for an effective date, on the date Marquis has received from the City both a conditional use permit and architectural review board approval for the Facility and the corresponding appeal periods for those approvals have expired (the "Project Approvals"). Provided the conditions set forth in this Section 1 are met, the Amendment shall be effective as of the date described in this Section 1 (the "Amendment Effective Date") without the need for further action or the execution of further documents.

Att. I

2. In the event (i) Marquis has not obtained the Project Approvals within eighteen (18) months after the Effective Date or (ii) Marquis has not been issued a foundation permit within twelve (12) months after the Amendment Effective Date then, without the need for further action or the execution of further documents, this Agreement, in the case of the event described in clause (i), and this Agreement and the Amendment, in the case of the event described in clause (ii), shall be null and void and of no further force and effect.

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

4. 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.

5. 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.

6. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: Scott J. Mill
Its: Director of Property Development

The City of Tualatin

By: _____
Its: Mayor

Att I

NON-STATUTORY DEVELOPMENT AGREEMENT

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the 18th day of May 2009 (the "Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property").

B. By Purchase and Sale Agreement dated as of May 9, 2008 (as amended, the "Purchase Agreement"), the School District agreed to sell approximately 5.4 acres of the Property to Marquis, which is more fully depicted on Exhibit A hereto (the "Marquis Property"), and Marquis agreed to purchase the Marquis Property from the School District on the terms and conditions set forth in the Purchase Agreement.

C. Marquis has applied to the City for approval to develop on the Marquis Property a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living facility (the "Facility").

D. Marquis has applied for a Plan Map Amendment to permit a change in the zoning of the Marquis Property from RL to RML (the "Amendment").

E. 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 Facility.

F. The parties are interested in entering into this Agreement in order to document the Parties' intent.

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

1. If approved by the Tualatin City Council, the Amendment shall provide for an effective date, on the date Marquis has received from the City both a conditional use permit and architectural review board approval for the Facility and the corresponding appeal periods for those approvals have expired (the "Project Approvals"). Provided the conditions set forth in this Section 1 are met, the Amendment shall be effective as of the date described in this Section 1 (the "Amendment Effective Date") without the need for further action or the execution of further documents.

Att I
EXHIBIT A

2. In the event (i) Marquis has not obtained the Project Approvals within eighteen (18) months after the Effective Date or (ii) Marquis has not been issued a foundation permit within twelve (12) months after the Amendment Effective Date then, without the need for further action or the execution of further documents, this Agreement, in the case of the event described in clause (i), and this Agreement and the Amendment, in the case of the event described in clause (ii), shall be null and void and of no further force and effect.

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

4. 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.

5. 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.

6. 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.

Tigard-Tualatin School District 23J

By: _____
Its: Superintendent

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: Mayor

Att I

RESOLUTION NO. **DRAFT**

RESOLUTION APPROVING AN "AMENDED AND RESTATED" DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS, Marquis Companies and the Tigard-Tualatin School District (TTSD) have entered into a Non-Statutory Development Agreement with the City of Tualatin (adopted as Resolution #4899-09) that applies to Plan Map Amendment PMA-09-01 (Ordinance 1284-09) and the construction of a senior living facilities development on a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site (Property) located at 19945 SW Boones Ferry Road, and;

WHEREAS, Marquis Companies has applied for a Plan Map Amendment (PMA-10-01) to change the 7.3 acre parcel on the western portion of the 12.75 site from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior housing on the site; and

WHEREAS, Marquis Companies has applied for a Plan Text Amendment (PTA-10-02) proposing to amend the access management requirements to allow a public street access onto the Property from SW Boones Ferry Road.; and

WHEREAS, the proposed Amended and Restated Agreement has been prepared to replace the existing Agreement and to assure that if the Council approves the proposed PMA-10-01 Plan Map Amendment and PTA-10-02 Plan Text Amendment after considering the evidence in a quasi-judicial public hearings, the approvals will apply only if development of the senior living facility proposed by Marquis is commenced; and

WHEREAS, the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendments will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the agreement [Vote (x-x)]; with Councilor xxx absent.

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

Section 1. The City Council approves the accompanying Amended and Restated Non-Statutory Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

Section 2. The Non-Statutory Development Agreement of June 8, 2009 (Resolution #4899-09) is rescinded.

INTRODUCED AND ADOPTED this 23th day of August, 2010.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:
By_____
City Manager

PMA-10-01 App
6-17-10

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

This Amended and Restated Non-Statutory Development Agreement (this "Amended Agreement") is made and entered into as of the _____ day of _____, 2010 (the "Amended Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City"), (collectively the "Parties").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

H. Marquis also wishes to assure that the Project will include the creation of a public street intersection onto Boones Ferry Road (the "BFR Intersection"), which would require a Plan Text Amendment to the Tualatin Development Code (the "PTA"). Accordingly, Marquis intends to submit a Plan Text Amendment to the City to allow for the creation of the BFR Intersection.

I. Hereinafter the Initial Planning District Designation Change, the Additional Planning District Designation Change and the PTA will be collectively referred to as the "Project Approvals."

J. The City wishes to assure that if the various Project Approvals are granted by the City Council after a public, quasi-judicial hearing, those Project Approvals would only apply to the Project and only if certain conditions precedent are satisfied within certain specified time periods.

K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

1. Marquis agrees to apply for the PTA to allow for the creation of the BFR Intersection and, the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's Community Development staff, to recommend to the Tualatin City Council approval of the PTA.
2.
3. Marquis agrees to apply for the Additional Planning District Change and the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's

Community Development staff, to recommend to the Tualatin City Council approval of the application for the Additional Planning District Change.

4. The Project Approvals shall be effective, without the need for further action or the execution of further documents, as of the date on which Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"). The Parties acknowledge and agree that there can be no assurances that the Project Approvals, to the extent not already granted as of the Amended Effective Date, will be granted or that, if the Project Approvals are granted, that the conditions set forth in this Section 3 will be satisfied.

5. The Parties acknowledge and agree that this Agreement is subject to the following conditions subsequent (the "Conditions Subsequent").

    a. If Marquis has not obtained the approval of the Architectural Review cited in Recital "C" and the remaining Project Approvals within eighteen (18) months after the Amended Effective Date (the "Project Approval Deadline"), it being understood and agreed that as of the Amended Effective Date Marquis has obtained the Initial Planning District Designation Change, then, without the need for further action or the execution of further documents, the Project Approvals shall not be enacted and this Agreement shall be null and void and of no further force and effect.

    b. If Marquis has obtained the Architectural Review cited in Recital "C" and the Project Approvals by the Project Approval Deadline but has not been issued a foundation permit within twelve (12) months after the Project Approval Date, then, without the need for further action or the execution of further documents, this Agreement and the Project Approvals shall be null and void and of no further force and effect.

    If the Conditions Subsequent are satisfied, then the Project Approvals shall be final and binding and the Project Approvals and this Agreement shall each be deemed to be a covenant which runs with the land for the benefit of the Property. In furtherance, and not in limitation, of the immediately preceding sentence, if the Conditions Subsequent are satisfied, the Additional Planning District Designation Change shall not be invalidated with respect to Lot 3 even if Lot 3 is never acquired by Marquis.

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

7. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and incorporates the requirements of the Original Development

Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

8. 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.

9. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: _____

DRAFT

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01)

WHEREAS upon the application of Scott Miller of Marquis Companies, a public hearing was held before the City Council of the City of Tualatin on August 23, 2010, related to changing the planning district designation from Low Density Residential (RL) to Medium Low Density Residential (RML) of parcels of land addressed at 19945 SW Boones Ferry Road (2S123DD 500) and amending the Community Plan Map 9-1 (PMA-10-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; 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," attached and incorporated by this reference; and by mailing a copy of the notice under Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on August 23, 2010, and heard and considered the testimony and evidence presented by 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 by a vote of [_-_],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated August 23, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to change the Planning District designation of 7.3 acre western portion of Tax Lot 500 (and .29 acres of abutting public ROW) on Assessors Map 2S123DD from RL to RML. (Exhibit D)

Section 2. As specified in Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District, this amendment shall become effective as of the date on which:

a. Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"); and

b. The Conditions 4(a) and 4(b) are satisfied.

Section 3. If the conditions of Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District are not satisfied, this amendment shall not become effective and the entire property will remain in the RL Planning District.

INTRODUCED AND ADOPTED this 23rd Day of August, 2010.

CITY OF TUALATIN, OREGON

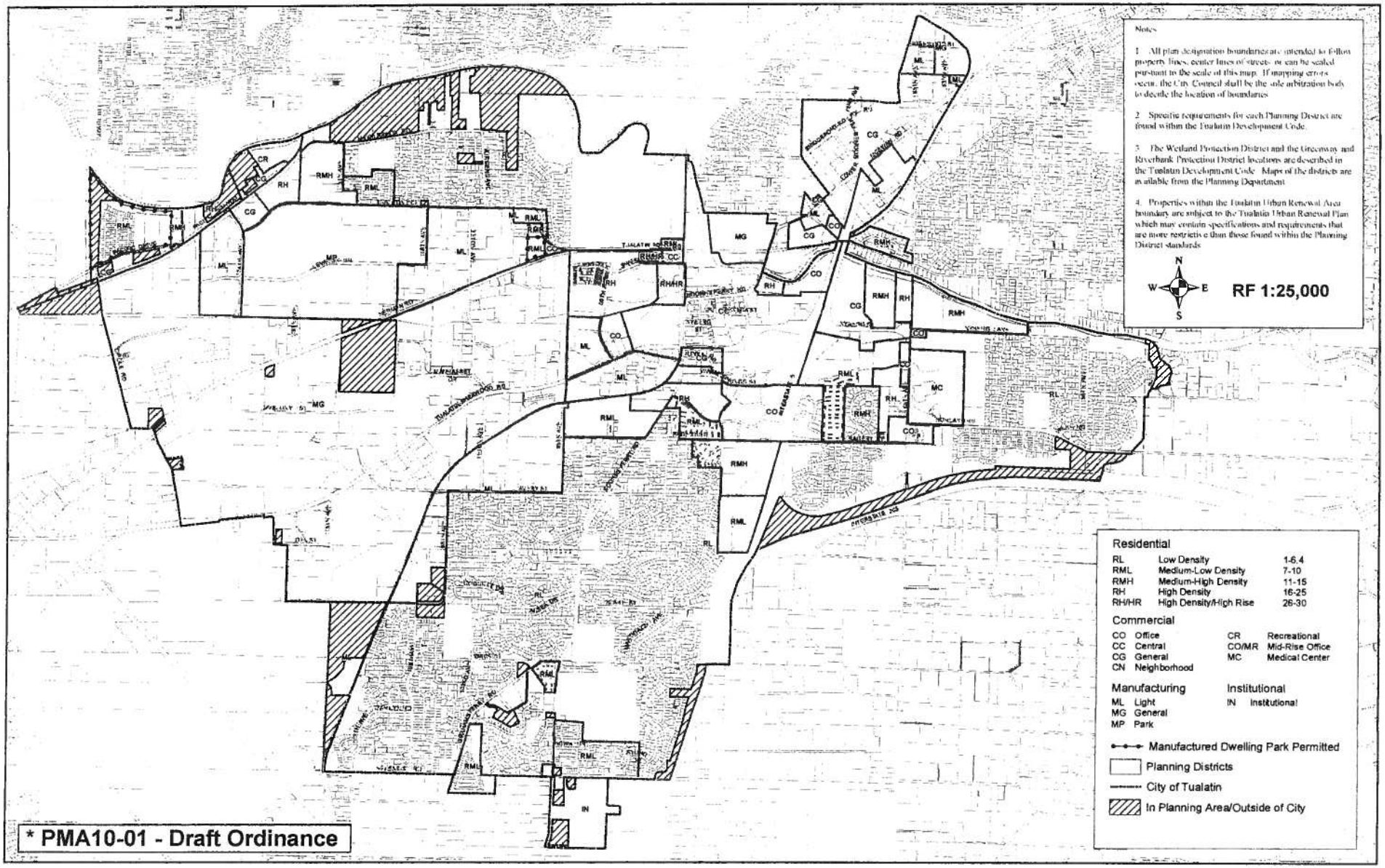
BY_____
Mayor

ATTEST:

BY_____
City Recorder

Map 9-1 Community Plan Map

TUALGIS



*** PMA10-01 - Draft Ordinance**

Exhibit D

PMA-10-01 App
6-17-10

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

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RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

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K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

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Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

8. 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.

9. 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.

Tigard-Tualatin School District 23J

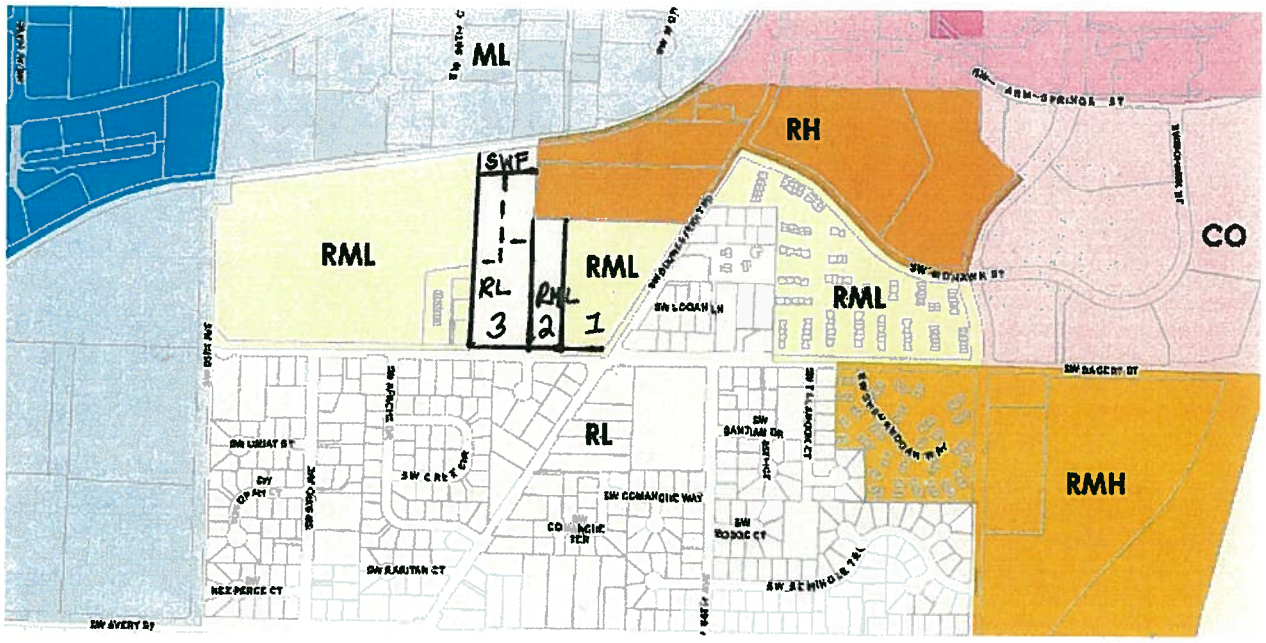
By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

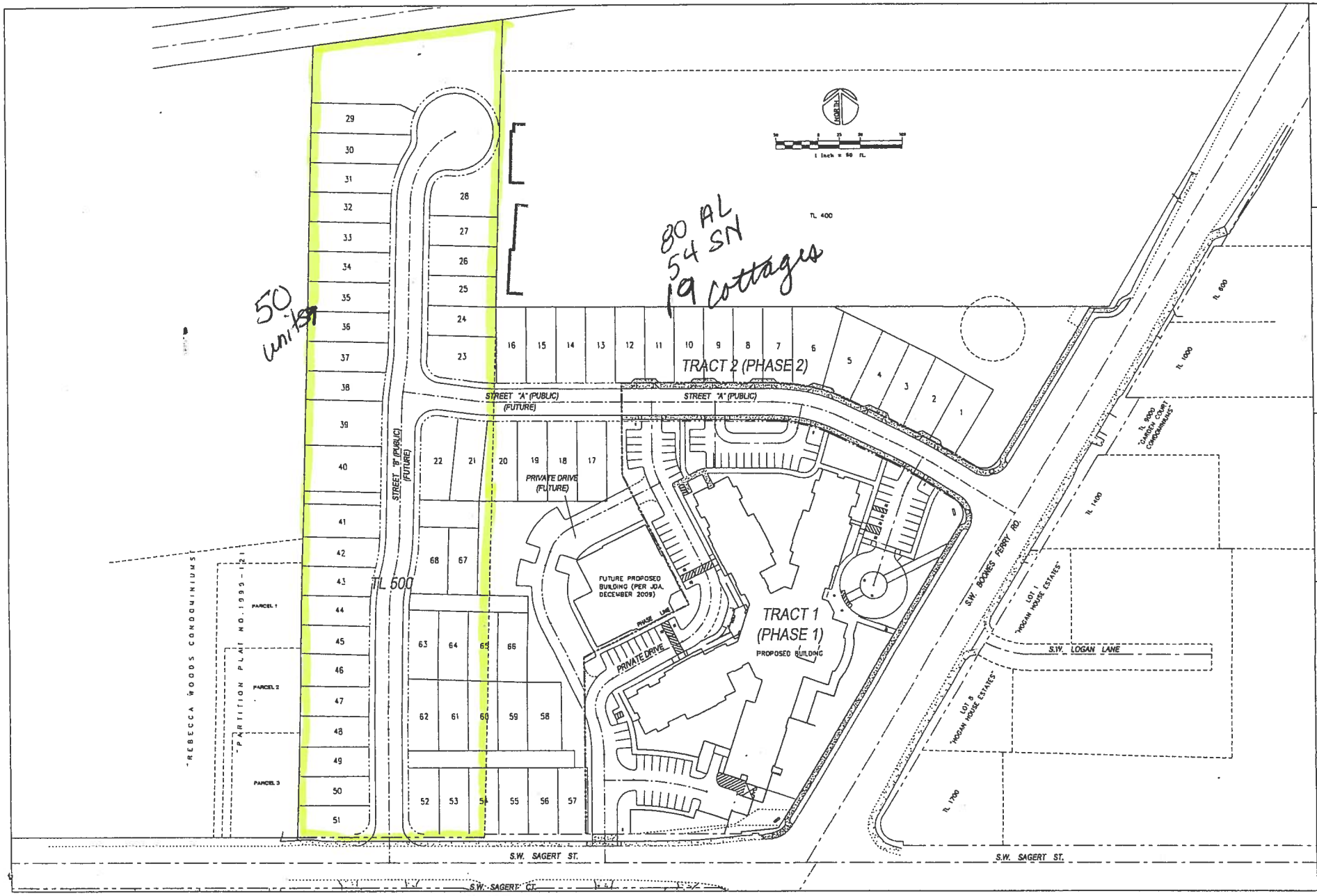
The City of Tualatin

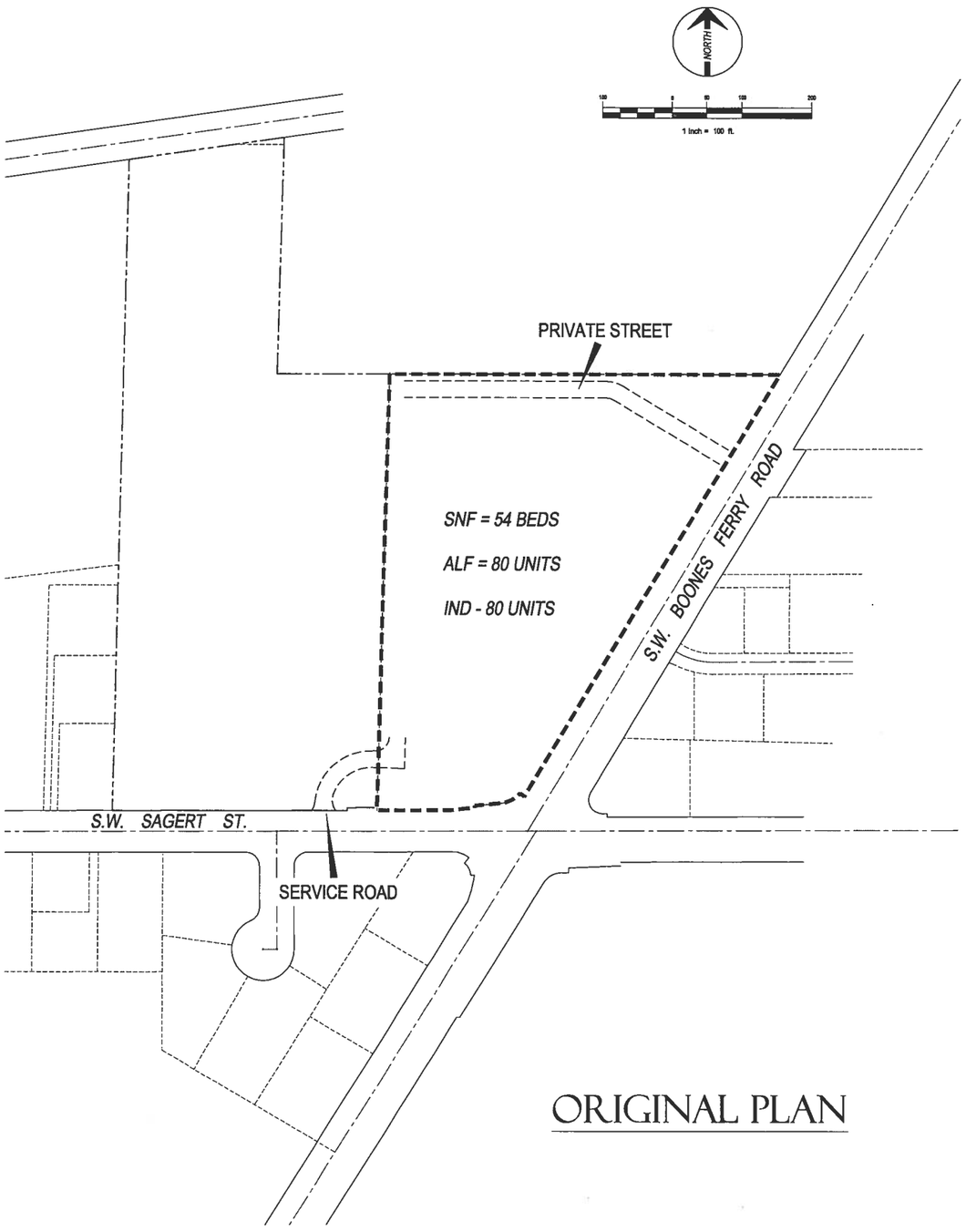
By: _____
Its: _____



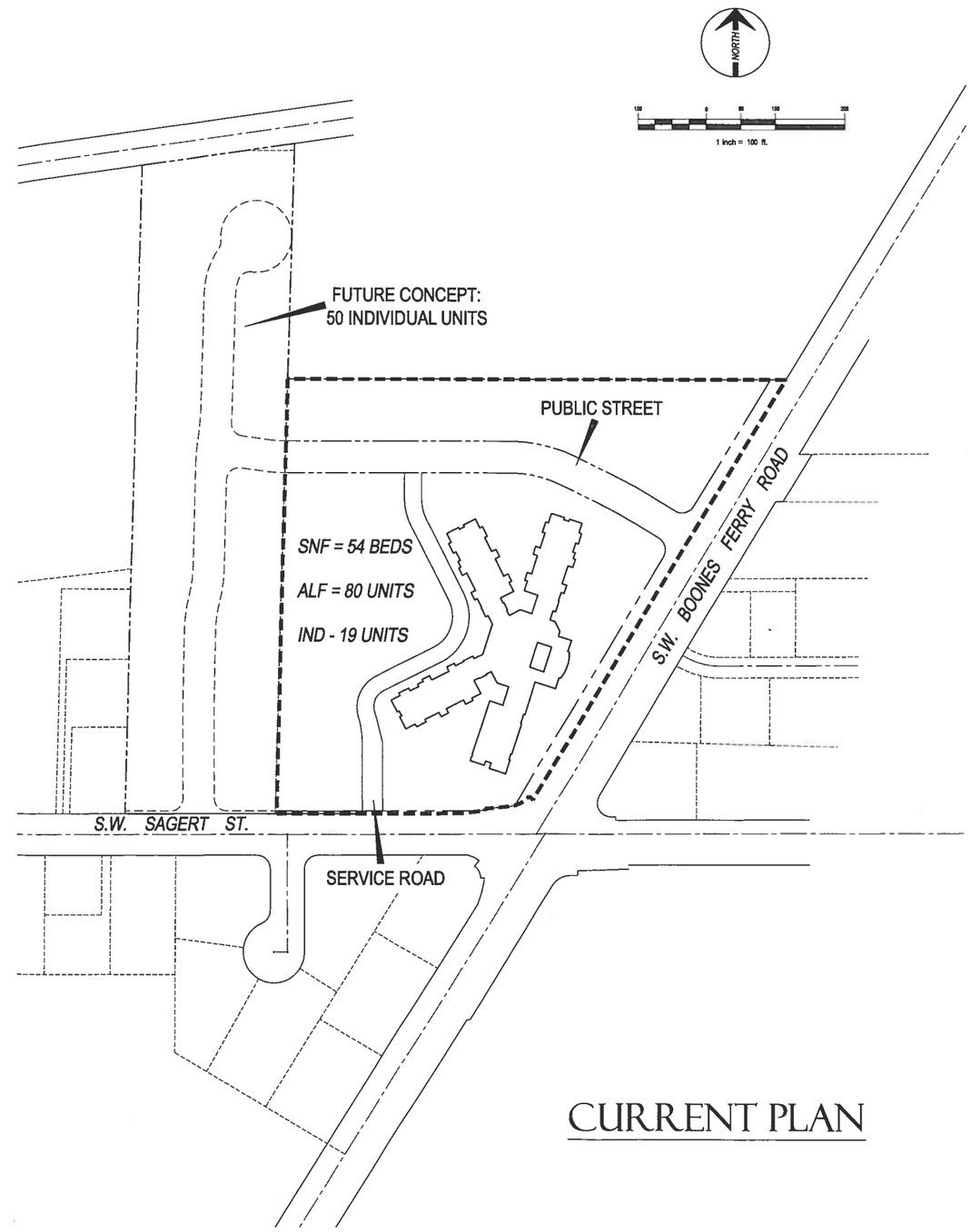
Post-Marquis Development Zoning
if
Lot 3 of TTSD Property Reverts to Low Density Residential

"SWF" = Regional Stormwater Facility
Lot 3 is approximately 220 feet wide
Local street right-of-way required = 50"
Dashed line on Lot 3 depicts stormwater easement


TUALATIN MARQUIS
ASSISTED LIVING CENTER
TAX LOT 500
SE 1/4 SE 1/4 OF SEC. 23, T2S R1W
CITY OF TUALATIN, OREGON
EMERIO PROJECT NO. 072-003
PRELIMINARY SITE PLAN
REVISIONS
NO. DATE DESCRIPTION
EMERIO Designs
6107 SW MURRAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 319-5928
FAX: (503) 639-9592
SHEET 3
1 inch = 50 ft.
NORTH
80 AL
54 SN
19 cottages
50 units
TL 400
TL 500
TL 600
TL 1000
TL 1400
TL 1700
TL 5000 TUALATIN COURT CONDOMINIUMS
TRACT 2 (PHASE 2)
TRACT 1 (PHASE 1)
PROPOSED BUILDING
FUTURE PROPOSED BUILDING (PER JDA, DECEMBER 2009)
PHASE LINE
PRIVATE DRIVE
PRIVATE DRIVE (FUTURE)
STREET "A" (PUBLIC) (FUTURE)
STREET "B" (PUBLIC) (FUTURE)
S.W. BOONES FERRY RD.
S.W. LOGAN LANE
S.W. SAGERT ST.
S.W. SAGERT CT.
"HOGAN HOUSE ESTATES"
LOT 1
LOT 6
"REBECCA WOODS CONDOMINIUMS"
"PARTITION PLAT NO. 1995-121"
PARCEL 1
PARCEL 2
PARCEL 3



ORIGINAL PLAN



CURRENT PLAN

TUALATIN MARQUIS
ASSISTED LIVING CENTER
TAX LOT 500
SE 1/4 SE 1/4 OF SEC. 23, T2S R1W
CITY OF TUALATIN, OREGON

SITE USE PLAN

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-6528

SHEET 1 OF

SITE DATA

Gross Site Area	**12.33 Acres**
• Lot 34 (Tualatin Gardens)	5.12 Acres
• South 2/3 of Lot 36 (Tualatin Gardens)	2.37 Acres
• Remainder of Tax Lot 500	4.84 Acres
Building Setbacks	See Site Plan
Building Height Average	T.B.D.
Building Height Max	35'-0"

SITE PARKING

Total Parking	**109 Spaces**
• Resident Required (27 SNF + 40 AL)	67 Spaces
• Resident Provided	67 Spaces
• Employee/Guest	42 Spaces
• Ratio Varies	

BUILDING DATA

Construction Type:
V-A Construction / Wood Frame

Occupancy:
First: SR-2 & I-2 Occupancies
Second & Third: SR-1 & I-1Occupancies

Gross Building Area	**100,844 sf**		
• SN Building Area (1st Floor)	35,911 sf		
• AL Building Area (2nd Floor)	33,983 sf		
• AL Building Area (3rd Floor)	30,950 sf		

AL Building / Unit Plans

• Average Studio / 1 Bath	397 sf	22 Units	28%
• Average 1 Br / 1 Bath	510 sf	46 Units	57%
• Average 2 Br / 1 Bath	649 sf	12 Units	15%
Total Units 80 Units	**40,004 sf**		

SN Building / Unit Plans

• Single Occupant	262 sf	30 Rooms / 30 Beds
• Double Occupant	400 sf	12 Rooms / 24 Beds
Total Units		**54 Beds**

COMMUNITY CENTER

Construction Type:
V-A Construction / Wood Frame

Occupancy:
First & Second: Group A-3 / Assembly

Gross Building Area	**12,655 sf**
• Auditorium	2,312 sf
• Gym/Workout	1,111 sf
• Fitness	1,069 sf

DUET UNITS

Construction Type:
V-A Construction / Wood Frame

Occupancy:
Group R-1

Unit Plans
- 26-Unit One – 32' Wide 1000 sf / 1Br, Den, 1-1/2 Bath
- 26-Unit Two – 35' Wide 1100 sf / 2 Br, 2 Bath
- 26-Unit Three – 38' Wide 1250 sf / 38' wide

Duet Units (Unit Mix Can be Modified)	**78 Duets**
• Type A (Plan2/Plan2)	13 Duets
• Type B (Plan 1/Plan3)	26 Duets

Parking

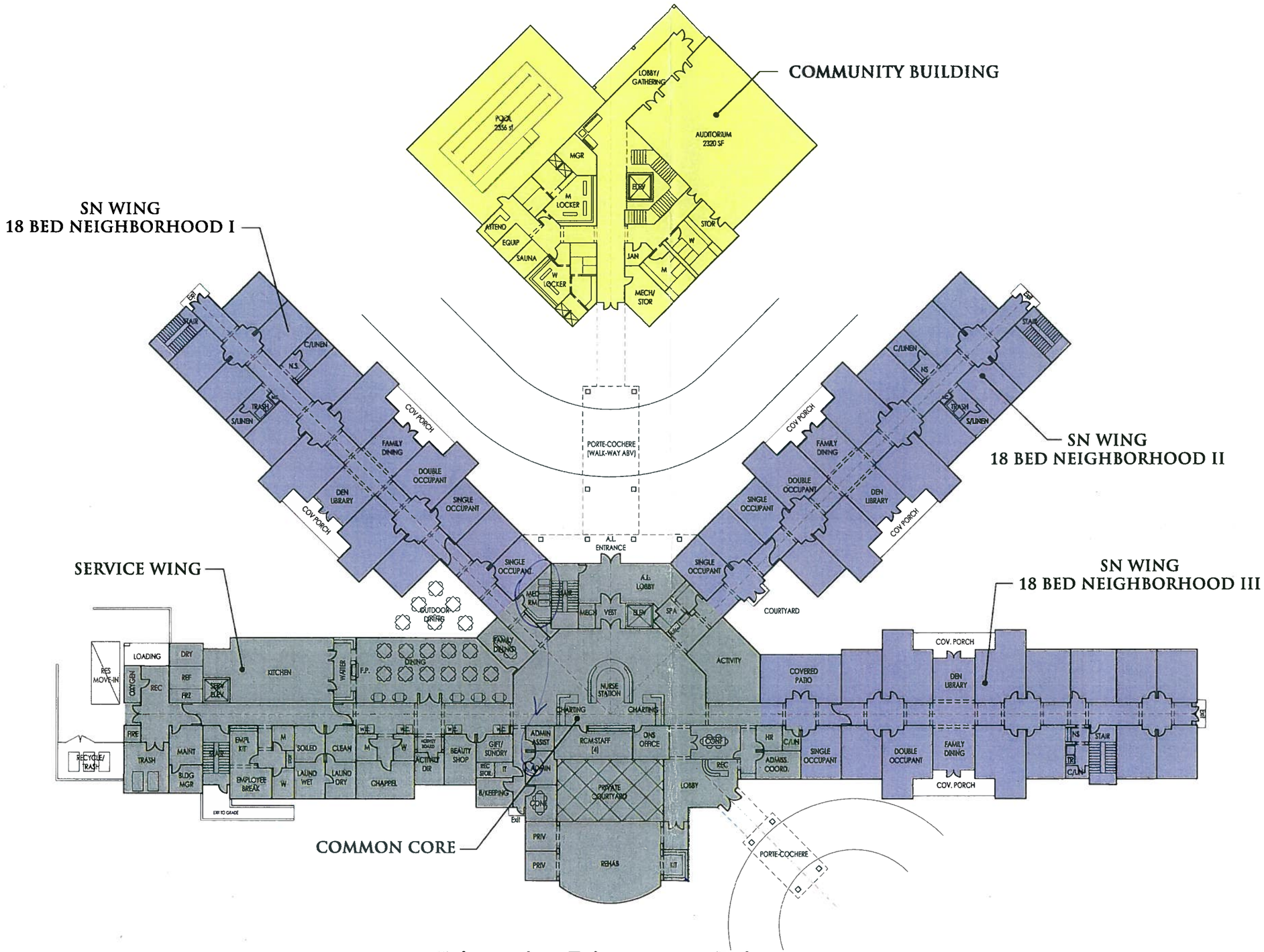
• Garage	104 Spaces
• Off-Street	104 Spaces
• On-Street	+/- 20 Spaces

Conceptual Site Plan

Marquis / Tualatin
Tualatin, Oregon

JIDEA

MARQUIS

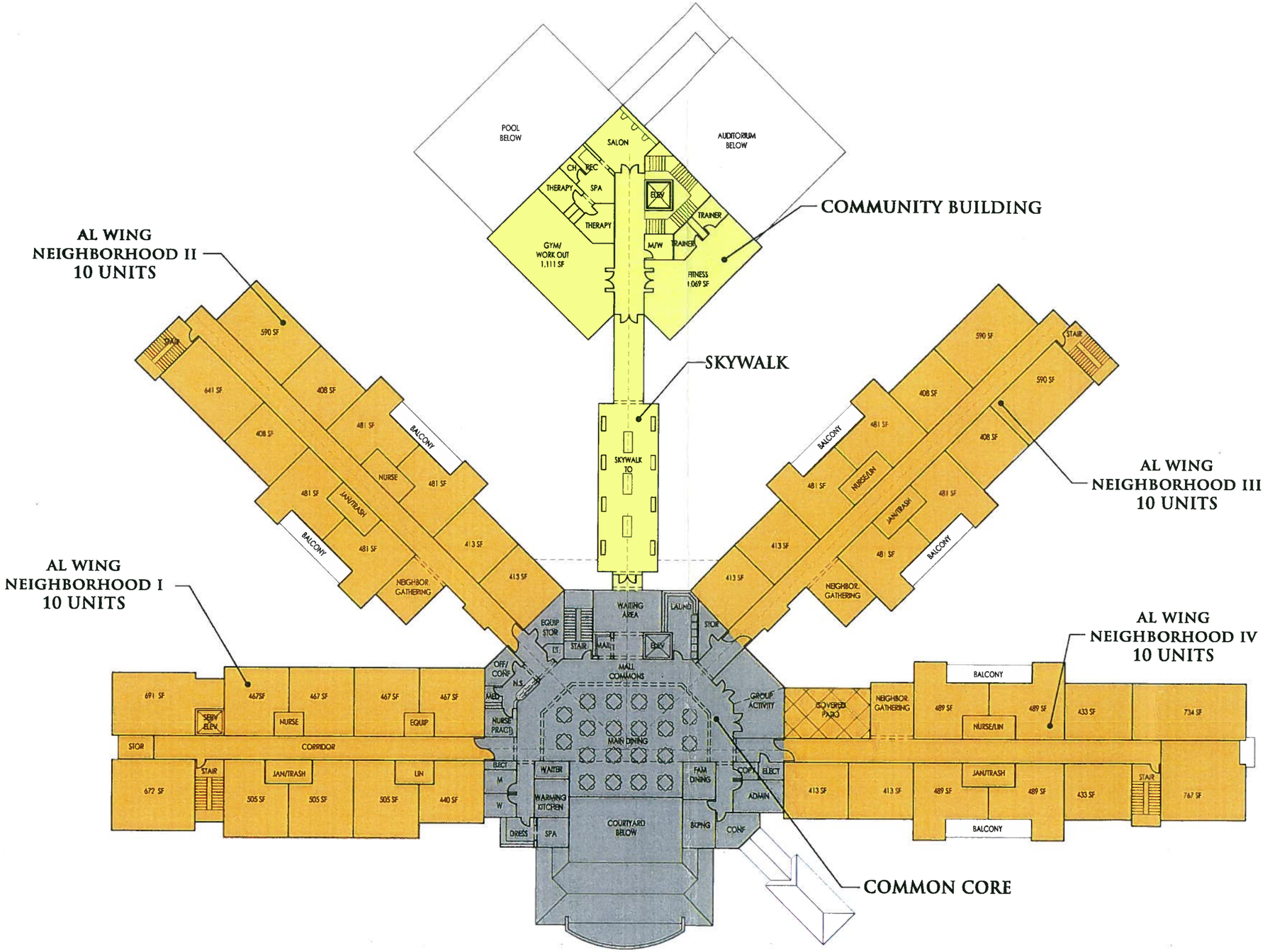


First Floor Plan

3/32" = 1'-0"

Marquis/ Tualatin
Tualatin, Oregon

MARQUIS

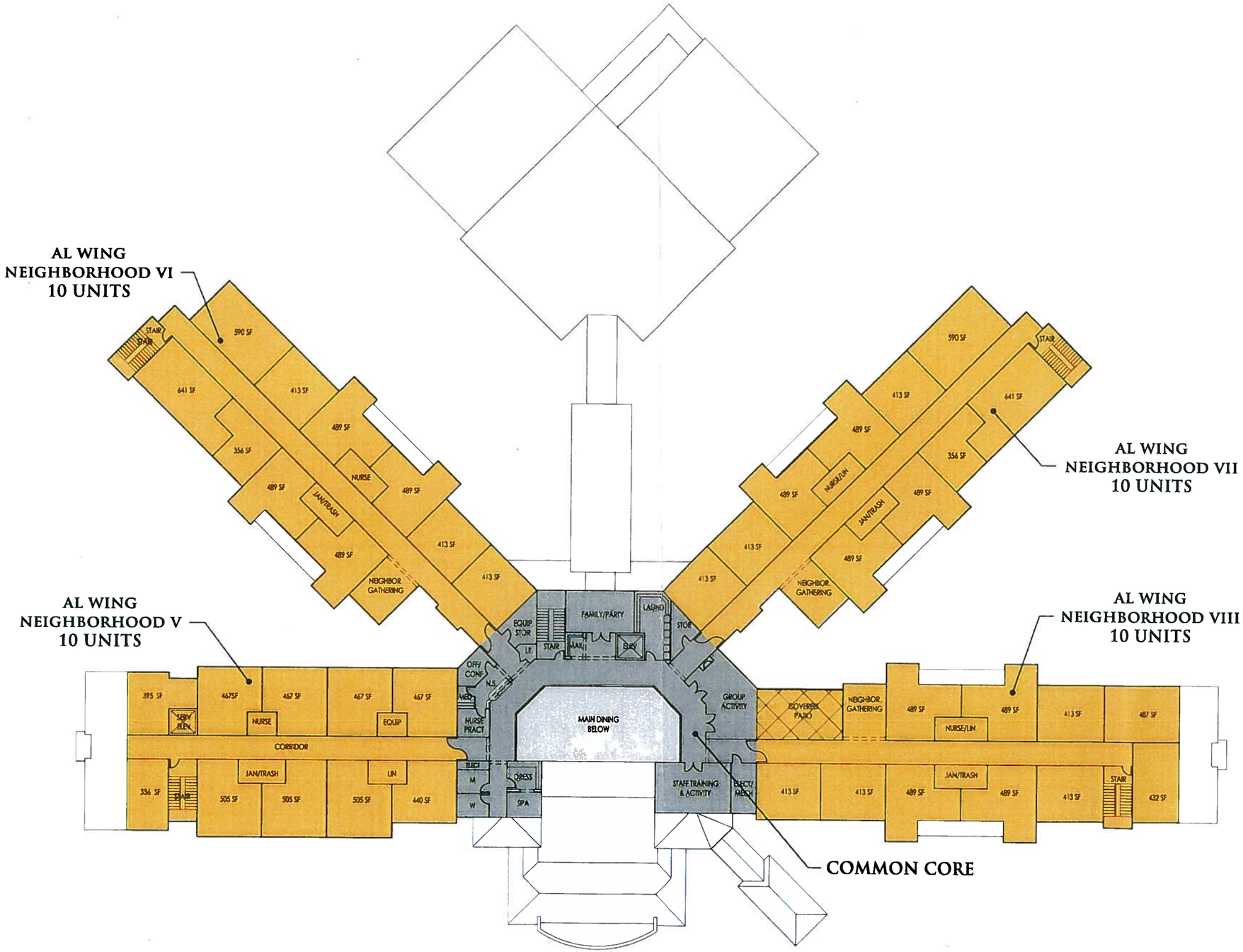


Second Floor Plan

3/32" = 1'-0"

Marquis / Tualatin
Tualatin, Oregon

MARQUIS

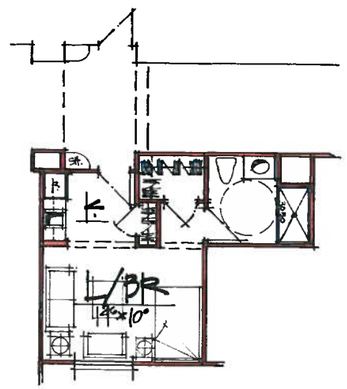


Third Floor Plan

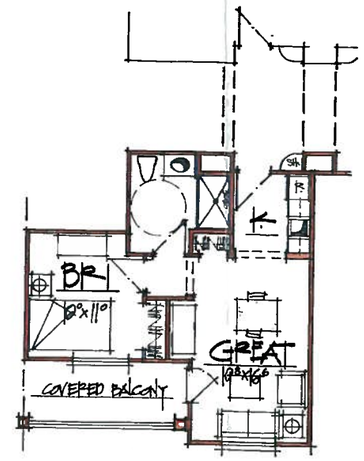
3/32"=1'-0"

Marquis/Tualatin
Tualatin, Oregon

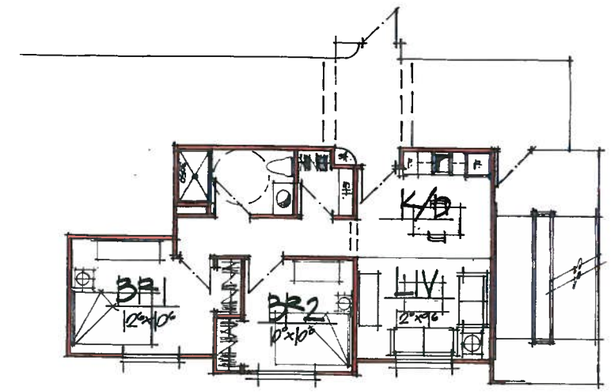
MARQUIS



STUDIO - 346 SF

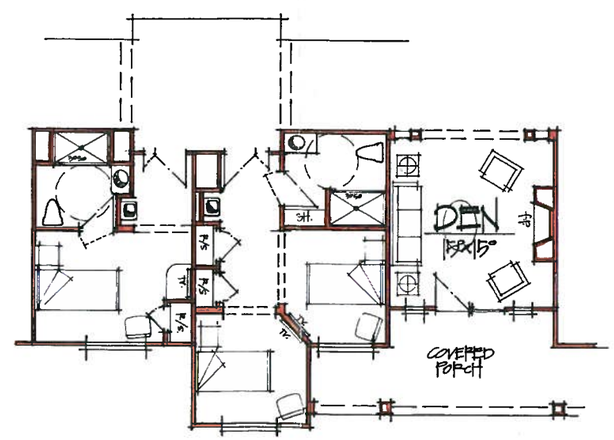


1 BEDROOM - 561 SF



2 BEDROOM - 651 SF

AL Unit Plans



SINGLE OC - 257 SF DOUBLE OCCUPANT - 405 SF DEN - 225 SF

SN Unit Plans

ORDINANCE NO. 1308-10

AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01)

WHEREAS upon the application of Scott Miller of Marquis Companies, a public hearing was held before the City Council of the City of Tualatin on August 23, 2010, related to changing the planning district designation from Low Density Residential (RL) to Medium Low Density Residential (RML) of parcels of land addressed at xxxx SW Boones Ferry Road (2S123DD 500) and amending the Community Plan Map 9-1 (PMA-10-01); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; 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," attached and incorporated by this reference; and by mailing a copy of the notice under Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on August 23, 2010, and heard and considered the testimony and evidence presented by 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 by a vote of [6-0] in favor; with Councilor Maddux absent,

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated August 23, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to change the Planning District designation of 7.3 acre western portion of Tax Lot 500 (and .29 acres of abutting public ROW) on Assessors Map 2S123DD from RL to RML. (Exhibit D)

Section 2. As specified in Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District, this amendment shall become effective as of the date on which:

a. Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"); and

b. The Conditions 4(a) and 4(b) are satisfied.

Section 3. If the conditions of Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District are not satisfied, this amendment shall not become effective and the entire property will remain in the RL Planning District.

INTRODUCED AND ADOPTED this 23rd Day of August, 2010.

CITY OF TUALATIN, OREGON

BY_____
Mayor

ATTEST:

BY_____
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

Map 9-1 Community Plan Map

TUALGIS

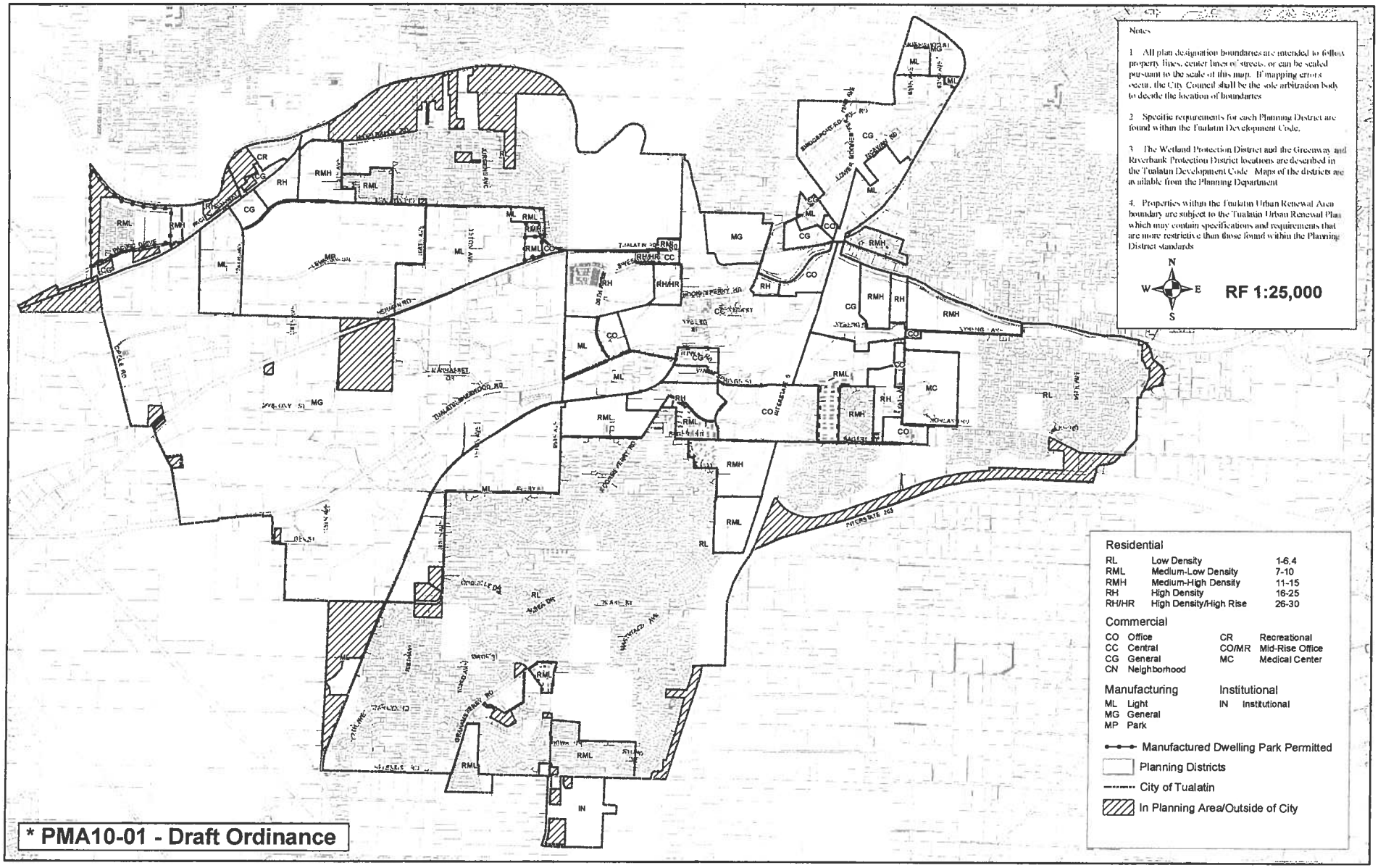


Exhibit D

PMA-10-01 App
6-17-10

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

This Amended and Restated Non-Statutory Development Agreement (this "Amended Agreement") is made and entered into as of the _____ day of _____, 2010 (the "Amended Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City"), (collectively the "Parties").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

H. Marquis also wishes to assure that the Project will include the creation of a public street intersection onto Boones Ferry Road (the "BFR Intersection"), which would require a Plan Text Amendment to the Tualatin Development Code (the "PTA"). Accordingly, Marquis intends to submit a Plan Text Amendment to the City to allow for the creation of the BFR Intersection.

I. Hereinafter the Initial Planning District Designation Change, the Additional Planning District Designation Change and the PTA will be collectively referred to as the "Project Approvals."

J. The City wishes to assure that if the various Project Approvals are granted by the City Council after a public, quasi-judicial hearing, those Project Approvals would only apply to the Project and only if certain conditions precedent are satisfied within certain specified time periods.

K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

1. Marquis agrees to apply for the PTA to allow for the creation of the BFR Intersection and, the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's Community Development staff, to recommend to the Tualatin City Council approval of the PTA.
2.
3. Marquis agrees to apply for the Additional Planning District Change and the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's

Community Development staff, to recommend to the Tualatin City Council approval of the application for the Additional Planning District Change.

4. The Project Approvals shall be effective, without the need for further action or the execution of further documents, as of the date on which Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"). The Parties acknowledge and agree that there can be no assurances that the Project Approvals, to the extent not already granted as of the Amended Effective Date, will be granted or that, if the Project Approvals are granted, that the conditions set forth in this Section 3 will be satisfied.

5. The Parties acknowledge and agree that this Agreement is subject to the following conditions subsequent (the "Conditions Subsequent").

    a. If Marquis has not obtained the approval of the Architectural Review cited in Recital "C" and the remaining Project Approvals within eighteen (18) months after the Amended Effective Date (the "Project Approval Deadline"), it being understood and agreed that as of the Amended Effective Date Marquis has obtained the Initial Planning District Designation Change, then, without the need for further action or the execution of further documents, the Project Approvals shall not be enacted and this Agreement shall be null and void and of no further force and effect.

    b. If Marquis has obtained the Architectural Review cited in Recital "C" and the Project Approvals by the Project Approval Deadline but has not been issued a foundation permit within twelve (12) months after the Project Approval Date, then, without the need for further action or the execution of further documents, this Agreement and the Project Approvals shall be null and void and of no further force and effect.

    If the Conditions Subsequent are satisfied, then the Project Approvals shall be final and binding and the Project Approvals and this Agreement shall each be deemed to be a covenant which runs with the land for the benefit of the Property. In furtherance, and not in limitation, of the immediately preceding sentence, if the Conditions Subsequent are satisfied, the Additional Planning District Designation Change shall not be invalidated with respect to Lot 3 even if Lot 3 is never acquired by Marquis.

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

7. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and incorporates the requirements of the Original Development

Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

8. 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.

9. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: _____

COMMUNITY NEWSPAPERS
8805 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS
I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
Notice of Hearing/PMA 10-01
TT11480

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
1
week in the following issue:
August 5, 2010

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this August 5, 2010.

Robin A. Burgess

NOTARY PUBLIC FOR OREGON
My commission expires

Acct #108462
Attn: Stacy Crawford
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Size: 2 x 8.25
Amount Due: $149.33*
*Please remit to the address above.

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, August 23, 2010 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01)

Before granting the proposed Quasi-judicial amendment, the City Council must find that:
(1) Granting the amendment is in the public interest; (2) The public interest is best protected by granting the amendment at this time; (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

Publish 08/05/2010. TT11480

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 3rd day of August, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

Dated this 3rd day of August, 2010.

Stacy Crawford

Stacy Crawford

Subscribed and sworn to before me this 3rd day of August, 2010.

Maureen A. Smith

Notary Public for Oregon
My Commission expires: July 4, 2013

OFFICIAL SEAL
MAUREEN A SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 438788
MY COMMISSION EXPIRES JULY 4, 2013

RE: AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01

EXHIBIT B

City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

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Before granting the proposed Quasi-judicial amendment, the City Council must find that: (1) Granting the amendment is in the public interest; (2) The public interest is best protected by granting the amendment at this time; (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on (August 5, 2010)

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 3rd day of August, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford

Stacy Crawford

SUBSCRIBED AND SWORN to before me this 3rd day of August, 2010.

Maureen A. Smith

Notary Public for Oregon
My commission expires: July 4, 2013

OFFICIAL SEAL
MAUREEN A SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 438788
MY COMMISSION EXPIRES JULY 4, 2013

RE: AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01

EXHIBIT C

Exhibit "A"

2S126AA 01400
Terry Lee Schreiber
20130 SW Boones Ferry Rd
Tualatin, OR 97062-6931

2S126AA 01500
Wilbur Hutchens
4830 Dawn Ave
Lake Oswego, OR 97035-8308

2S126AA 01600
Living Savior Lutheran Church
8740 SW Sagert St
Tualatin, OR 97062-9116

2S126AA 01700
Zaida & Claudia Munoz
20085 SW Boones Ferry Rd
Tualatin, OR 97062-6930

2S126AA 01701
Naum & Deena Chernobersky
6530 SW 89th Pl
Tigard, OR 97223-7108

2S126AA 01702
Delores Jean Dingman
20155 SW Boones Ferry Rd
Tualatin, OR 97062-6931

2S126AA 01703
Donald & Martha Edwards
8850 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01800
Rachel Suzanne Edwards
8900 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01801
Tyler Eaton
8910 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01900
Elizabeth & Robert Brown
Po Box 1338
Tualatin, OR 97062-1338

2S126AA 01901
Alberta Graham
8920 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01902
Steven Stolze
Po Box 1093
Tualatin, OR 97062-1093

2S126AA 02000
Wells Fargo Bank
3 Ada
Irvine, CA 92618-2304

2S126AA 02100
Russell Little
Po Box 1006
Tualatin, OR 97062-1006

2S126AB 00100
William & Lorelei Cohen
9050 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00101
Fred Stephens
9060 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00102
Dannielle Yates
Po Box 3307
Tualatin, OR 97062-3307

2S126AB 00103
Thomas Douville
9040 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00200
Jill Strader Carroll
9070 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00300
Chad Greear
9100 SW Sagert St
Tualatin, OR 97062-9051

2S126AB 04600
J Matthew & Kathleen Cunnington
9285 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04700
Diane Glenn
9275 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04800
James Edgington
9265 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04900
Deborah Bujanski
9252 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05000
Loretta Kay Brown
9248 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05100
Kevin & Wendy O'Riley
9244 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05200
Holly Teutsch
9242 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05300
Matthew Fisher
9240 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05400
Christian & Kristin Wolfe
9236 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05500
Mellisa Deregla
9232 SW Cree Cir
Tualatin, OR 97062-9046

2S123DD 00600
Hal Fabrycki
16543 S Harding Rd
[illegible]gon City, OR 97045-9679

2S123DD 00700
Shelley Simpson
Po Box 824
Tualatin, OR 97062-0824

2S123DD 00800
Mario Larsen
19738 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 00900
John Plaggmier Jr.
19740 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01000
Colleen Brazil
19790 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01100
Dawyne Larsen
19770 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01400
Ashley & Rebecca Lukas
19840 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 01700
Roberto Pintos
8735 SW Sagert St
Tualatin, OR 97062-9120

2S123DD 01900
Dennis Rice Sr.
8635 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 02000
Mary McDonald
8585 SW Sagert St
Tualatin, OR 97062-9115

2S123DD 02200
S N H Corporation
Po Box 5348
Salem, OR 97304-0348

2S123DD 02300
S N H Corporation
Po Box 5348
Salem, OR 97304-0348

2S123DD 02400
Pumilite Building Products Inc
Po Box 5348
Salem, OR 97304-0348

2S123DD 02600
Martin & Beverly Zell
1440 SW Taylor St
Portland, OR 97205-1924

2S123DD 02701
Columbia Self-Stor LLC
16225 NE Eugene Ct
Portland, OR 97230-5594

2S123DD 02800
Francisco Soltero
19760 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 02900
Brenda Houston
19750 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 03100
Richard & Tamara Caffall
8555 SW Sagert St
Tualatin, OR 97062-9115

2S123DD 03200
Karen Tindall
8575 SW Sagert St
Tualatin, OR 97062

2S123DD 03300
2003-018 Partition Plat
8575 SW Sagert St
Tualatin, OR 97062

2S123DD 03400
Curt & Leslie Caffall
8685 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 03500
Packard
8675 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 03600
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DD 03700
William Dean Inc
13044 SW Broadmoor Pl
Tigard, OR 97223-1783

2S123DD 03800
Sean & Amber Stansfield
8631 SW Logan Ln
Tualatin, OR 97062-7602

2S123DD 03900
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DD 04000
William Dean Inc
13044 SW Broadmoor Pl
Tigard, OR 97223-1783

2S123DD 04100
[illegible]liam Preston
8652 SW Logan Ln
Tualatin, OR 97062-7602

2S123DD 04200
William & Patsy Kimmer
4660 NE Belknap Ct #119
Hillsboro, OR 97124-8402

2S123DD 04300
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DA 00400
S N H Corporation
Po Box 5348
Salem, OR 97304-0348

2S123DA 00600
Northland Enterprises LLC
19460 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00700
Northland Enterprises LLC
19460 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00800
Tgoc LLC
19470 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00900
Jvtc Explorations LLC
19463 SW 89th Ave
Tualatin, OR 97062-8537

2S123DB 00200
Verizon Northwest Inc
Po Box 152206
Irving, TX 75015-2206

2S123DB 00400
Earl Itel
12155 SW Tualatin Sherwood Rd
Tualatin, OR 97062

2S123DC 00100
Sylvia Giustina
Po Box 989
Eugene, OR 97440-0989

2S123DC 00200
Jspd LLC
19570 SW 90th Ct
Tualatin, OR 97062-7620

2S123DC 00300
Watumull Properties Corp
307 Lewers St #6flr
Honolulu, HI 96815-2357

2S123DC 00600
American Apartment Communities
Po Box 4900
Scottsdale, AZ 85261-4900

2S123DC 00900
Emkay Development Co Inc
Po Box 73
Boise, ID 83729

2S123DC 01000
Harold & Shannon Moyer
9055 SW Sagert St
Tualatin, OR 97062-9052

2S123DC 01100
Schwarz
1395 Skye Pkwy
West Linn, OR 97068-1875

2S123DC 01200
Thomas Hosler
19148 SW Chesapeake Dr
Tualatin, OR 97062-9781

2S123DC 90000
Rebecca Woods Condo
9061 SW Sagert St
Tualatin, OR 97062

2S123DC 90001
Mary Linker
9061 SW Sagert St
Tualatin, OR 97062

2S123DC 90002
Kenneth Henry
9063 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90003
Lisa Hayes
9067 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90004
Helen Cain
5680 SW Meridian Way
Tualatin, OR 97062-6755

2S123DC 90005
Sloan Cathlene
9075 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90006
Lawrence & Diana Wolff
9077 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90007
Ron Netter
9083 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90008
Jennifer Streger
9085 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90009
Federal Home Loan Mortgage Corp
5000 Plano Pkwy
Carrollton, TX 75010-4900

2S123DC 90010
Robert & Janet Brehm
9089 SW Sagert St
Tualatin, OR 97062-7036

2S123DD 00200
Martin & Beverly Zell
1440 SW Taylor St
Portland, OR 97205-1924

2S123DD 00300
Beverlet & Alan Zell
1440 SW Taylor St
Portland, OR 97205-1924

2S123DD 00400
Envoy Chelan LLC
1111 Main St #700
Vancouver, WA 98660-2970

2S123DD 00500
Tigard-Tualatin School
6960 SW Sandburg St
Tigard, OR 97223-8039

2S123DD 04400
Logan House Estates
13044 SW Broadmoor Pl
[illegible]ard, OR 97223

2S123DD 04500
Tualatin City Of
18880 SW Martinazzi Ave
Tualatin, OR 97062-7092

2S123DD 90000
Garden Court Condo
19816 SW Boones Ferry Rd
Tualatin, OR 97062

2S123DD 90001
Kelly Peterson
19800 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90002
Terry Bourbonnais
19804 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90003
Jacqueline Amiel
19810 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90004
Heidi Lee Grant
19816 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90005
Janis Kistler
19820 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90006
Sheryl Young
19824 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90007
Beverley Hammons
Po Box 206
Tualatin, OR 97062-0206

2S124CC 00300
Robert Randall
9500 SW Barbur Blvd #300
Portland, OR 97219-5436

2S124CC 90000
Tualatin Village Condo Ph II
8350 SW Mohawk St
Tualatin, OR 97062

2S124CC 90301
Dan Rees
8502 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90321
Martin Tobias
8506 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90332
Damien Cuello Jr.
8508 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90341
Shelley Teel
8510 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90352
Cindy Valladares
21091 SW Bedstraw Ter
Sherwood, OR 97140-8894

2S124CC 90361
Elaine Gudekunst
8514 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90372
Jacqueline Rokey
8516 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90381
Mitzi Oliver
8518 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90392
Scott Glenn & Shelley Johnson
8520 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90401
Sherry Tucker
8522 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90412
Anita Orsburn
8524 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90421
Jenny Wong
8474 SW Mohawk St
Tualatin, OR 97062-9135

2S124CC 90432
Shereen Simonson
8476 SW Mohawk St
Tualatin, OR 97062-9135

2S124CC 90441
Ambre Fagerquist
8470 SW Mohawk St
Tualatin, OR 97062-9139

2S124CC 90452
David Cornell McSwain II
8472 SW Mohawk St
Tualatin, OR 97062-9139

2S124CC 90551
[illegible]un Hedmann
11433 SW 33rd Ave
Portland, OR 97219

2S126AA 00100
Living Savior Lutheran Church
8740 SW Sagert St
Tualatin, OR 97062-9116

2S126AA 01300
Jonathan Herman Hoppert
22805 SW Erio Pl
Tualatin, OR 97062-7374

2S126AB 06700
Dorothy Skiles
9260 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 06800
Joseph & Rose Kacan
9235 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 06900
Daniel & Juana Balboa
9247 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 07000
Rose Jackson
9251 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 07100
Catherine Schweigert
Po Box 707
Sherwood, OR 97140-0707

2S126AB 07600
Momarls LLC
8405 SW 158th Pl
Beaverton, OR 97007-5898

2S126AB 12600
Cheryl Henderson-Brown
9200 SW Sagert St
Tualatin, OR 97062-9050

2S126AB 12700
Lillian Marie Brink
9280 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 12700
Lillian Brink
9200 SW Sagert St
Tualatin, OR 97062-9050

Exhibit "B"

City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, August 23, 2010 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) OF PARCELS OF LAND LOCATED ON SW SAGERT STREET (TAX MAP 2S123DD, TAX LOT 500-WESTERN PORTION), AND .29 ACRES OF ABUTTING RIGHT-OF-WAY AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-10-01)

Before granting the proposed Quasi-judicial amendment, the City Council must find that: (1) Granting the amendment is in the public interest; (2) The public interest is best protected by granting the amendment at this time; (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan is considered; (6) The amendment is consistent with Statewide Planning Goals; (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and (8) granting the amendment is consistent with Level of Service E/E for the 2040 Design Type EA.

Individuals wishing to comment may do so in writing to the Community Development Department prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity for the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the applications, all documents and evidence relied upon by the applicant (the City of Tualatin) and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff reports will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on (August 5, 2010)

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

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: August 23, 2010

SUBJECT: AN ORDINANCE AMENDING THE EXISTING ACCESS MANAGEMENT FOR STREETS CONNECTING TO SW BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1 (PTA-10-02)

ISSUE BEFORE THE COUNCIL:
Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 75 Access Management on Arterial Streets, amending 75.120-Boones Ferry Road- and Map 75-1 to allow location and construction of a new public street access on the west side of SW Boones Ferry Road (an arterial street) for the development of the Marquis Retirement/Senior Care Community Project.

RECOMMENDATION:
- The Tualatin Planning Advisory Committee (TPAC) reviewed PTA-10-02 at the August 3, 2010 TPAC meeting and voted 5-0 to recommend that Council approve PTA-10-02, PMA-10-01 and the proposed Development Agreement.
- Staff's analysis and findings are included as Attachment H and in summary state that all criteria have been met or appropriately considered. Staff recommends that the City Council consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) and is a decision by the City Council and is a quasi-judicial action.
- The amendment is an application by Scott Miller of Marquis Companies. Marquis Companies is represented by Kirsten Van Loo of Emerio Design. Marquis is proposing development of a senior housing & care community with an assisted living/skilled nursing facility (in review in AR-10-04) as Phase I and a 60+ unit senior/retirement independent living component as Phase II-IV on a 12.75 acre

property. The amendment would allow location and construction of a new public street access on the west side of SW Boones Ferry Road (an arterial street subject to the access management provisions of TDC 75.120) for the development of the Marquis Retirement Housing/Senior Care Community Project (Attachments A & C).

- The property proposed for the Marquis development is known as the former Old Tualatin Elementary School (Old TES) site and has frontage on SW Boones Ferry Road (east property line) and SW Sagert Street. The property owner is the Tigard-Tualatin School District (TTSD). The eastern portion of the Marquis development site (adjoining SW Boones Ferry Road) is in the RML (Medium-Low Density Residential) Planning District (Assessors Map 2S123DD 500) as approved in PMA-09-01 (Ordinance 1284-09). The western portion of the Old TES/Marquis site is the subject of a proposed Plan Map Amendment (PMA)(PMA-10-01). A Vicinity Map, a Tax Map and a Site/Public Street Access Map are included as Attachments A, B and C respectively. The applicant's materials are included as Attachment D. Background information is included as Attachment E.
- As part of its plan to develop the Old TES site as a senior housing development, Marquis submitted an Architectural Review (AR-10-04) for an 80-unit assisted living/ 54-bed skilled nursing facility with supporting living, dining, health and community facilities for the residents on the eastern property. AR-10-04 is scheduled to be considered by the Architectural Review Board on September 1, 2010. Marquis also submitted a plan amendment application (PMA-10-01) to change the current RL designation of the western 7.3 acres of the site to an RML Planning District designation. A subdivision creating the Phase II-IV residential lots and associated public streets is contemplated.
- Marquis describes their plan to develop the western portion of the property with "small cottages" on individually owned lots as the "independent living" component of the senior living campus. The independent living/Phase II-IV residents will be eligible to share common facilities such as dining, activity areas, health services and amenities with the Assisted Living/Skilled Nursing (AL/SN) facility residents. Apartment-style dwellings such as multi-level garden apartments are not proposed for the Marquis development.
- The proposed new street connection to SW Boones Ferry Road would serve as a public street access for the AL/SN facility and as a connection to new public streets for the residential lots in the Phase II-IV independent living portion of the community.
- TDC Chapter 75 provides access management control of arterial streets. SW Boones Ferry Road is classified as a Major Arterial street (Eb&t). As stated in TDC 75.110 and shown on Map 75-1 (Attachment F), public street access to SW Boones Ferry Road (on the Marquis site frontage between SW Tualatin-Sherwood Road and SW Sagert Street) is restricted to SW Sagert Street and SW Mohawk Street. The new public street access proposed by Marquis on the northern portion of the development's frontage (Attachment C) is not shown on the current version of TDC Map 75-1. TDC 75.110(3) gives the City Council

authority to include an additional street connection to an arterial street on Map 75-1 through the plan amendment process.

- Marquis Companies seeks the Amendment to the current version of Map 75-1 to allow a new public street connection to SW Boones Ferry Road on the Marquis Development site to provide access to the new public streets in the proposed Phase II-IV independent living subdivision and provide (from the new public street) a north access for the Phase I AL/SN facility proposed in AR-10-04. The Marquis development plan shows access for the Phase I AL/SN Facility from a new ingress/egress access on SW Sagert, west of the signalized SW Boones Ferry Road intersection and on the north from a private driveway off of the proposed east/west local street that would extend west from SW Boones Ferry Road (Attachments B, D). Existing SW Boones Ferry Road driveways from the Old TES will be closed and no driveways from SW Boones Ferry Road are proposed for the Phase I AL/SN facility in AR-10-04. The proposed east/west local street will extend west in Phases II-IV to a new local street connecting to SW Sagert Street on the south.
- The benefits of the new public street access to SW Boones Ferry Road are:
    1. It will provide public street connectivity between the Marquis site's adjoining Major Arterial and Major Collector streets via new local streets serving the 12.75 acre Marquis Development;
    2. It provides additional direct access for emergency vehicles into the Marquis development in compliance with Building Code and Fire & Life Safety standards,
    3. Avoids a lengthy cul-de-sac street on the western portion of the Marquis development by connecting a new public street with an intersection on SW Sagert Street to another public street (SW Boones Ferry Road). The physical obstacles to connecting streets on this site are the railroad to the north and existing residential development to the north and west. The existing access management restrictions on SW Boones Ferry Road to the east are also a factor.
    4. Recognizes that existing SW Boones Ferry Road driveways are eliminated with the redevelopment. The proposed amendment will provide a public street entrance to the Marquis retirement community for vehicles arriving on SW Boones Ferry Road. The traffic studies show that approximately 40% of the daily trips expected for the Marquis development will arrive from the north on SW Boones Ferry Road.
- The submitted traffic analysis includes the Dunn Traffic Engineering LLC TIA Report, March 2009 and the Green Light Transportation Tualatin Assisted Living Center –Access Analysis June 7, 2009 (Attachment D). The Dunn report analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the 5.4 acre PMA-09-03 parcel from RL to RML for four scenarios: the Old Elementary School; RL single family homes; RML apartments; and the Marquis development. The Green Light study considers the proposed SW Boones Ferry Road public street access to the Marquis Companies development (see discussion in Attachment G, pg. 2). The

Engineering Division Memorandum (Attachment G, pg. 3) provides the following summary of Trip Generation figures:

Reasonable Worst Case Site Trip Generation:

Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

Trip Differentials Between Scenarios	**ADT**	AM Peak			PM Peak		
		In	Out	**Total**	In	Out	**Total**
Current zone RL/RML vs. All RL	+85	-3	+0	-3	+5	+1	+6
Previous Marquis Plan vs. All RL	+194	+4	-17	-13	-10	+1	-9
Previous Marquis Plan vs. RL/RML	+109	+7	-17	-10	-15	+0	-15
Current Marquis Plan vs. All RL	-217	+1	-40	-39	-28	-5	-33
Current Marquis Plan vs. RL/RML	-302	+4	-40	-36	-33	-6	-39
Current vs. Previous Marquis Plans	-411	-3	-23	-26	-18	-6	-24

The studies show that the current Marquis development plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives.

- Intersection LOS (Level of Service) and capacity analysis was only performed for Reasonable Worst Case for RL and RML zones. Under either scenario, all the study intersections are forecast to operate acceptably during the weekday a.m. & p.m. peak hours for the 2009 analysis. The TIA 2029 analysis included the benefits of the planned SW Boones Ferry Road intersection & street improvements listed in TDC Chapter 11. The Engineering Division does not find that the proposed public street access will constrain or impair the transportation system at the nearby SW Boones Ferry Road/SW Sagert & SW Warm Springs intersections. The Engineering Memorandum states "The Level of Service during AM and PM Peaks at the intersections of SW Sagert Street & SW Martinazzi Avenue and SW Avery Street & SW Boones Ferry Road exist in 2029 regardless of development." Both the existing RL and the proposed RML worst case scenarios will result in the LOS forecasted by the TIA. (Attachment G, pp. 2-4)
- The Applicant has prepared a narrative that addresses the Plan Text 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 H).
- The City has a development agreement (Attachment I) with the applicant (Marquis Companies) and TTSD ensuring that the implementing Ordinance for PMA-09-01(Attachment J) would have an effective date tied to Marquis Companies obtaining conditional use and AR approval within 18 months of its effective date (June 8, 2009). A revised development agreement, known as the "Amended and Restated Non-Statutory Development Agreement" has been prepared (Attachment K) that will replace the 2009 agreement. The Amended Agreement updates the timing and scope of development on the entire property and includes deadlines intended to ensure that the development proposed by Marquis in its application for the RML Planning District designation approved in PMA-09-03 and proposed in PMA-10-01 for the 7.3 acre western portion of the Old TES site will be constructed in a timely manner.

  The SW Boones Ferry Road public street access proposed in PTA-10-02 is also in the" Amended and Restated Development Agreement". Construction of the proposed senior housing development then must commence within 18 months of the "Amended Effective Date" (the date the "Amended & Restated Agreement" is signed) or the property will return to the RL Planning District designation and the SW Boones Ferry Road public street access will not be granted. Marquis Companies and TTSD will both sign the agreement. The Amended development agreement will be presented to the City Council for approval and authorization at the August 23, 2010 meeting.
- The Draft Ordinance for PTA-10-02 is included as Attachment L.
- 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 11 Transportation; TDC Chapter 41 Medium Low-Density Residential Planning District, and: TDC Chapter 75 Access Management on Arterial Streets. The Statewide Land Use Planning Goal 12 (Transportation

Planning Rule) is applicable. The Analysis and Findings section of this report (Attachment H) considers the applicable policies and regulations.

- The 120th day within which the City Council must make a decision in the quasi-judicial process is November 14, 2010. The scheduled August 23, 2010 public hearing before the City Council is on the 37th day.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment H) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PTA request by the Council will result in the following:

1. Allows a public street intersection on west side of SW Boones Ferry Road approximately 500 ft. north of the signalized SW Sagert Street intersection. The applicant has designed the proposed Marquis retirement/senior care community with a public street connection from SW Boones Ferry Road to new local streets and to SW Sagert Street.
2. Allows the applicant to develop the property with senior/retirement residential housing on the Phase II-IV portions of the 12.75 acre site with a senior residential care facility proposed in AR-10-04. Architectural Review will be required for detached and attached residential development on the site and Subdivision Approval will be required to create lots for a small lot subdivision or townhouses and the proposed public streets.
3. As a (near term) Reasonable Worst Case for RML housing and as the proposed Marquis Companies senior housing development, the function, capacity and safety of SW Boones Ferry Road or other transportation facilities in the vicinity are not made worse by the proposal.
4. If adopted, the proposed Amended & Restated Development Agreement will establish the timing of development that Marquis must achieve on the Property and withhold the effective dates of the PMA-09-01, PMA-10-01 and PTA-10-02 Ordinances subject to the terms of the agreement.

Denial of the PTA request will result in the following:

1. The applicant will not be allowed a public street access on the SW Boones Ferry Road frontage of the development site.
2. Access for the proposed Marquis retirement/senior care community will come from public streets and driveways on SW Sagert Street.
3. Subject to Building Code and Fire/Life Safety standards, (restricted) emergency access for the development from SW Boones Ferry Road may be required in Architectural Review, Subdivision or with building permits.

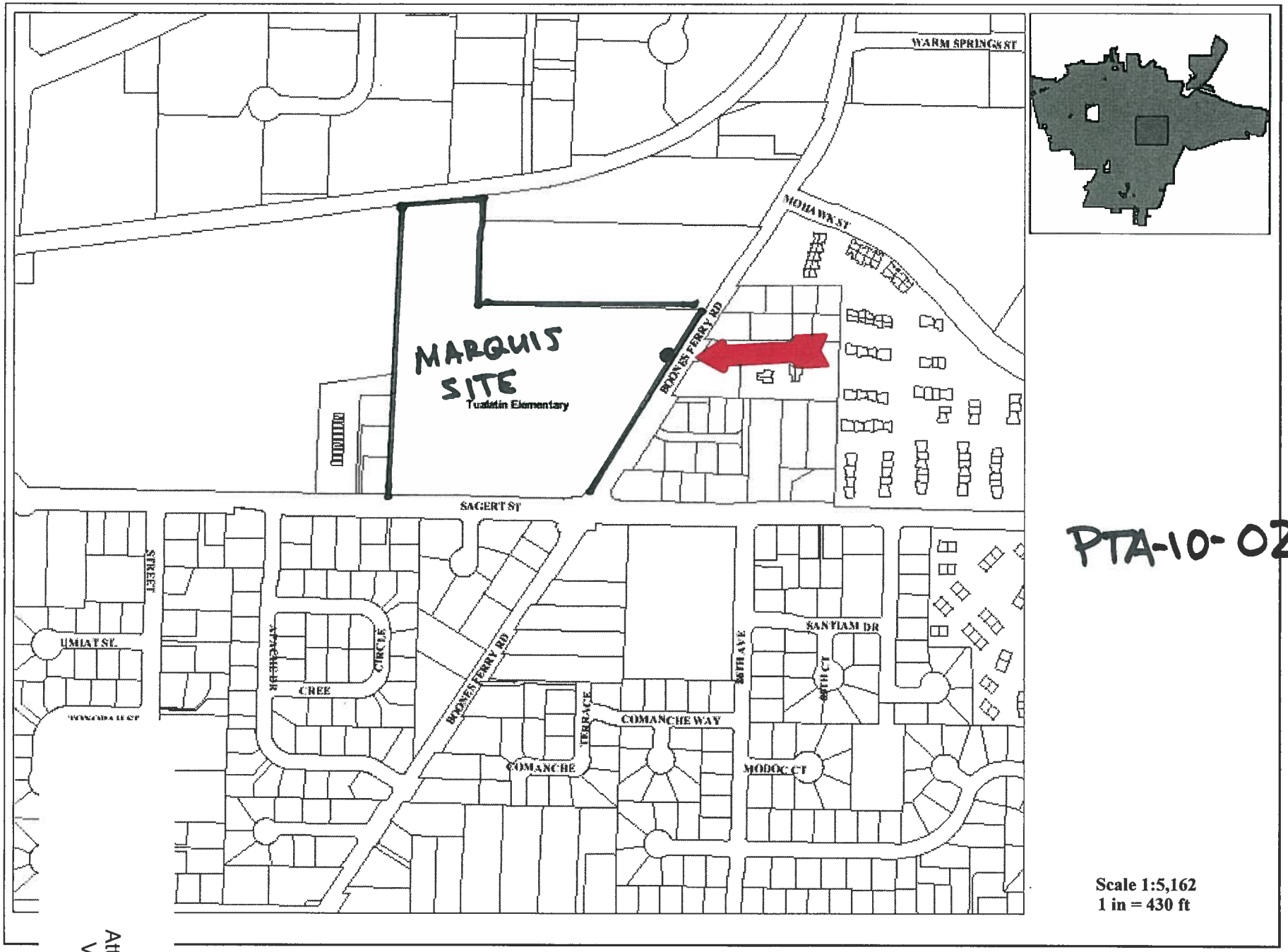
ALTERNATIVES TO RECOMMENDATION:
The alternatives to the applicant's proposal are:

- Approve the proposed PTA with alterations.
- Deny the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:
The Applicant paid the required application fee, which is contained in the FY 10/11 budget for revenue.

PUBLIC INVOLVEMENT:
The Applicant conducted a Neighbor/Developer meeting on February 25, 2010, at 6:00 p.m. at the Tualatin/Durham Senior Center, to explain their development and the PMA, PTA and AR proposal to neighboring property owners and to receive comments. This meeting was attended by six (6) members of the public including nearby property owners. Discussion at the meeting included questions about Marquis' timing of development, building design, access locations and street improvements, and what will become of the change in Planning District if Marquis does not go forward with the project.

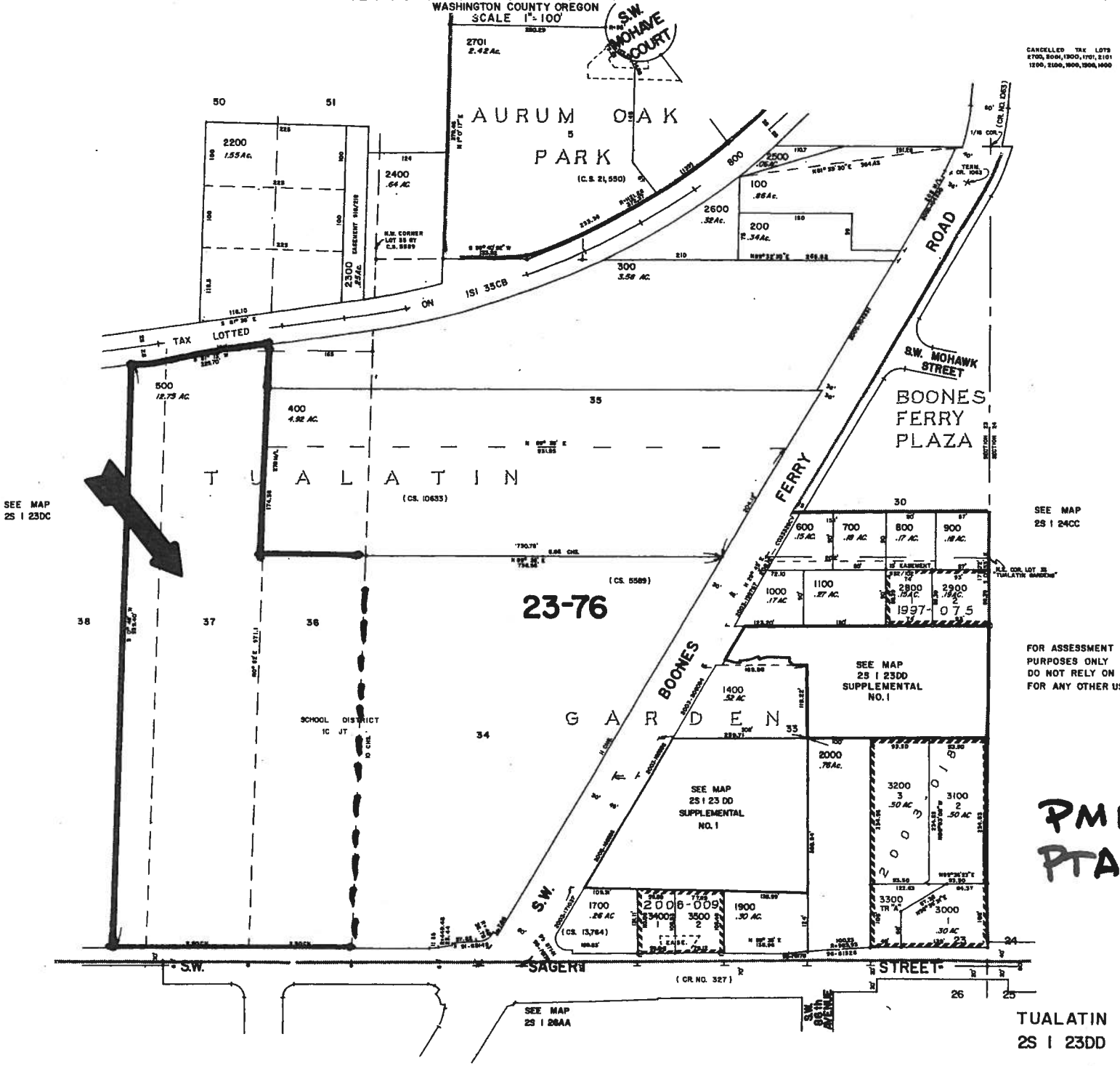
Attachments:
A. Vicinity Map
B. Tax Map
C. Marquis Site Map with Proposed Public Street Access
D. Applicant's Materials and Supporting Information
E. Background Information
F. TDC Access Management Map 75-1
G. Engineering Division Memorandum
H. Analysis & Findings
I. Copy of Marquis/TTSD Development Agreement June 8, 2009
J. Copy of Ordinance 1284-09 (PMA-09-01)
K. Draft Resolution with Amended & Restated Development Agreement
L. Draft Ordinance PTA-10-02



Attachment A
Vicinity Map

SE 1/4 SE 1/4 SECTION 23 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1" = 100'

2S 1 23DD



PMA 10-01
PTA-10-02

TUALATIN
2S 1 23DD

Attachment B
Tax Map

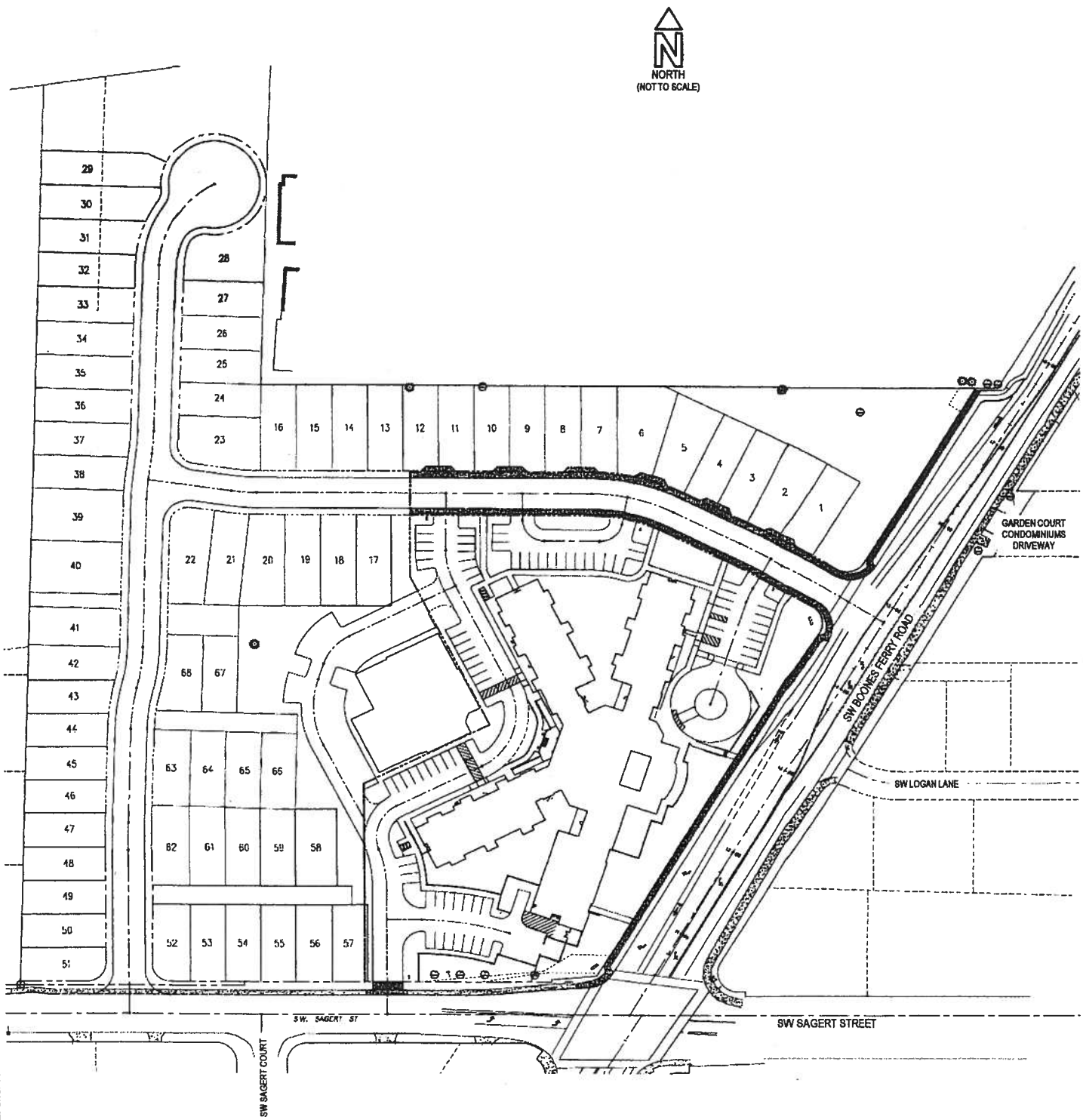
Tualatin Marquis Assisted Living Center

LEGEND

Current Development Plan

June 2010

FIGURE 1



Attachment C
Marquis Site Map with Proposed Public Street Access

GREEN LIGHT TRANSPORTATION
Transportation Service and Solutions to Fit Your Environment

City of Tualatin

Plan Map and Text Amendment

For a New Local Street intersecting

Boones Ferry Road, North of Sagert

MARQUIS
COMPANIES

1st Submittal

Attachment D
Applicant's Materials and
Supporting Information

I. PROPOSAL SUMMARY

GENERAL INFORMATION

Property Owner	Tigard Tualatin School District 6960 SW Sandburg St. Tigard, Oregon 97223
Applicant	Marquis Companies, Inc. Scott Miller 4560 SE International Way, Ste. 100 Milwaukie, OR 97222 (T) 971.206.2330
Applicant's Representative	Emerio Design, LLC Kirsten Van Loo 6107 SW Murray Blvd., Ste. 147 Beaverton, OR 97008 (T) 503.956.4180
Traffic Engineer	Green Light Transportation, Chris Stanley 5723 NE 10th Avenue Portland, OR 97211 Ph: 503-539-6323
Site Location	19945 SW Boones Ferry Rd.
Size	NA
Map and Tax Lot No	TL 500 – 2S1 23 DD
Comprehensive Plan Designation	City of Tualatin - Residential
Current Zoning	RML/RL
Pre-Application Meeting Date	December 2009
Neighborhood Meeting Date	November 3, 2009 February 25, 2010

I. Executive Summary

In the Spring of 2009, a Plan Map Amendment was approved changing the zoning from RL to RML on a portion of TL 500. The site was the original Tualatin Elementary School, which had been closed in the spring of 2004. After considerable evaluation and feasibility study, Marquis Companies, a senior housing provider, contracted with the Tigard-Tualatin School District to begin the development-related land use procedures facilitating eventual completion of a project on the portion of the site. This development plan involved 5.4 acres of the school property, Lot 34 of the Tualatin Gardens subdivision at the intersection of Boones Ferry Road and Sagert Street.

The original plan involved demolition of the Tualatin Elementary School and building a senior housing complex in its place to include assisted living, community services, and 80+ residential units, as the zone allowed. After more research and consideration, Marquis has decided to pursue development on the entire 13-acre school property. The new plan does not reject the previous approval, but rather seeks to include the remaining property to create a better living environment for its residents and one that is more in line with the surrounding community. The new plan moves 60+ residential units out of the primary complex and into the community as small dwelling units.

The buildings on the entire campus, including Lot 34, will be removed prior to initiation of the project.

A Plan Map Amendment from RL to RML on the remaining school property is requested in a separate document. **This request is for a Plan Map and Text Amendment to allow location and construction of a new local public street extending west into the subject property from Boones Ferry Road, the intersection of which is approximately 500 feet north of the intersection with Sagert Street.**

II. Request

This application requests a Plan Map and Text Amendment to allow construction of a new local public street intersecting with Boones Ferry Road, 500 feet north of the intersection with Sagert Street. A Plan Map Amendment was approved earlier for a portion of the school property, Lot 34 of the Tualatin Gardens subdivision. The remaining school property, which is currently zoned RL, is the focus of a separate Plan Map Amendment application. The goal of the applicant is to develop a multi-faceted senior housing community offering small shared dwelling units over the entire property.

III. Surrounding Area

The area surrounding the site contains a mix of residential uses. The property is on the corner of Boones Ferry Road and Sagert Street. There are single family

residences along the south side of Sagert Street. Several detached homes and a small cluster of attached dwellings abut the school district property at the SW corner, on the north side of Sagert. Boones Ferry Road is a major arterial winding through Multnomah County, Washington County and into Clackamas County. There is a new subdivision across Boones Ferry Road containing a historic house - the Logan House. Single family homes abut Boones Ferry Road, and a condo project is located east of the Logan House Estates project, on the north side of Sagert, east of Boones Ferry Road. Multi-family development abuts both sides of Boones Ferry Road as it travels north towards central Tualatin.

IV. Existing Conditions and Public services

PRIOR LAND USE ACTIONS: Through a recent land use approval, the Tualatin City Council has approved the removal of the Gerald Avery Building from the Tualatin Historic Registry, and facilitated the removal of the existing buildings from the property. In addition, a plan map amendment was approved for Lot 3400 of Tax Lot 500 for a zone change from RL to RML contingent on the development agreement between the owner and applicant and the City of Tualatin.

ON-SITE CONDITIONS: This request involves Tax Lot 500. The site has some slope, as indicated on the topographic map included with the drawing set. The adjacent land uses are indicated on the aerial photograph.

PLANNING DISTRICTS AND ADJACENT LAND USES

Adjacent planning districts and land uses are:

North/North-East: RH – Apartments

North: ML – Light Manufacturing

East (other side of Boones Ferry): RL – single family detached residences

South: RL – single family detached residences

West: RML - Apartments

PUBLIC FACILITIES AND SERVICES:

Public water supply is provided by the City of Tualatin – There is a 12 inch line providing water in the ROW of Boones Ferry Road and a 12 inch line in Sagert Street.

Wastewater treatment in this area is provided by CleanWater Services – There is an 8 inch line in Boones Ferry Road and an 8 inch line in Sagert Street.

Emergency services are provided to this area by The City of Tualatin, TVF & R and Washington County

Tri-Met transit service is available on weekdays via line No. 96 and the WES stop is in downtown Tualatin approximately ½ mile from the site. The No. 76 line runs within 3 blocks of the subject site (to the east or north) and provides weekday and weekend service.

V. Compliance with the Approval Standards for a Community Plan Map Amendment

Section 1.032 of the Tualatin Development Code establishes seven basic approval criteria for a Community Plan Map amendment. These criteria are:
(1) Granting the amendment is in the public interest.
(2) The public interest is best protected by granting the amendment at this time.

RESPONSE: The site of the original Tualatin Elementary School is currently a location of suburban blight. The site is two blocks south of the center of Tualatin, on a well-traveled arterial road. The Tualatin City Council has recently affirmed a land use decision to facilitate removal of the buildings on the site. That land use action removes the first hurdle formerly discouraging redevelopment of the property. The plan amendment to RML on the eastern portion of the property further advanced Marquis' plans for their development scheme.

The site, two blocks from the city core with industrial and higher density residential zoning on two boundaries, will upon approval of the related plan amendment for the balance of the property, be properly zoned for the proposed senior housing community envisioned by Marquis companies.

Granting this request for a Plan Map Amendment is in the public interest because a local public street is necessary to provide access to the subject property for both the first phase, and the final build-out plan, for the site. The Development Code was written with specific access provisions on arterial streets. Those provisions are out of date and ill-suited for the re-development of the old elementary school site and must be amended to facilitate logical and safe access to the property for redevelopment.

It is in a potential developer's best interest to time product delivery on this site to a future upturn in the market. As the market for housing catches up to and hopefully challenges the existing supply over the next three years, a developer of this site can be gaining land use approvals, building permits and constructing a new project. This timeline is in the best interests of the public because it will put Tualatin in a position of prominence with new residential development.

The addition of a local public street connection from Boones Ferry Road will provide access to the site from a second street (in addition to Sagert Street). The location of the public street has been analyzed by a licensed traffic engineer and found to be functional and safe.

The development of the property with 50 to 70 new dwelling units – that can only happen if this public street location is approved and constructed - will increase both Washington County and City of Tualatin tax revenue by a significant percentage over similar development of single family homes allowed in the RL district. Job creation is a by-product of the new public street approval since approval of this request will facilitate a specific development. With job losses for 2009/10 a reality, approval of this request will further the plans for the developer, resulting in development of the site and construction of a project that will provide family wage jobs in construction and property management at a time when the local economy is in sore need of such opportunity.

(3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

A. General Growth Objectives

Objective: *Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.* (Section 4.050(6), Tualatin Community Plan).

RESPONSE:

The proposed Amendment to allow construction of a public street accessing Boones Ferry Road facilitates the development of the subject property. The public street intersection has been designed to serve the proposed development to the west, and to function safely for all vehicles traveling Boones Ferry Road. The public facilities – including public streets – are already in place to serve the perimeter of this property, and a public street system accessing the interior of the site is necessary to augment the existing infrastructure, as well as the proposed new development.

Objective: *Prepare a plan providing a variety of living and working environments.* (Section 4.050(9), Tualatin Community Plan).

RESPONSE:

The cited objective relates to the community plan as a whole, and does not relate to the specific request to locate a new public local street intersection on Boones Ferry Road. The approval of this request however, will facilitate the development of the subject property as discussed in other related land use applications. Approval of the entire package of land use requests WILL satisfy the identified objective.

Objective: *Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.* (Section 4.050(12), Tualatin Community Plan).

RESPONSE:
The site of does not contain 100 year flood plain areas, high groundwater, weak foundation soils or steep slopes. This objective is not applicable to the specific request for a new public street intersection with Boones Ferry Road.

Objective: *Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.* (Section 4.050(16), Tualatin Community Plan).
Objective: *Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing.* (Section 5.030(4), Tualatin Community Plan).
RESPONSE:
The proposed new public street is proposed to serve higher density land and is located near a potential location for an enhanced Tri-Met service stop. It is also in close proximity to the downtown core and will facilitate (with public sidewalks and safe, lighted streets) pedestrian access for employment and shopping. The site is adjacent to multi-family development with apartments to the north and to the west of the property.

B. General Housing Objectives
Objective: *Provide for the housing needs of existing and future residents.* (Section 5.030(1), Tualatin Community Plan).
Objective: *Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.* (Section 5.030(2), Tualatin Community Plan).
RESPONSE:
Providing a new public local street to/through the subject property permits construction of 60+ dwellings. 60+ senior housing units can be developed as duette townhomes adjacent to a new public street. The new street facilitates construction of small cottages, townhouses and/or condominiums. A large variety of housing options is available for development on this site with the requested new public street. These housing options can address varied income levels and tastes that can be functionally and aesthetically compatible. Staff and Architectural Review Board evaluation of any proposed development will further ensure neighborhood compatibility.

D. Traffic Objectives

Goal 1: Mobility

Provide a transportation system that serves the travel needs of Tualatin residents, businesses, and visitors.

Objectives

(a) Provide an interconnected system of streets, pedestrian and bicycle facilities, and other forms of transportation which will link the community; minimize travel distances and vehicle-miles traveled; and safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit vehicles, trucks, and trains to and through the area when it is fully urbanized.

RESPONSE:

Providing a new public local street to/through the subject property facilitates development of a street system that will link this development with the community and reduce out of direction travel for residents and visitors. Development of the site - urbanization - can only be facilitated if there are two public street connections to adequately serve the site and facilitate fire and life-safety vehicle access.

(b) Act within the police power of the City as the City Road Authority and in conjunction with the State and Washington and Clackamas County road authorities to protect the safety of the general public by regulating the flow, access and movement of traffic within the City.

RESPONSE:

The traffic report submitted in conjunction with this application demonstrates that the proposed new street intersection helps to manage flow and safety of traffic on Boones Ferry Road.

(c) Encourage and support programs that help the City meet Metro's 2040 mode share targets, including, but not limited to, ridesharing, flexible work hours and the Transportation Management Association.

RESPONSE:

Providing a new public local street to/through the subject property has no impact or relationship to this objective.

(d) Discourage residential development patterns, such as single-entrance subdivisions and gated communities, which reduce connectivity and mobility options for all members of the community.

RESPONSE:

Providing a new public local street to/through the subject specifically meets this objective by adding a second public access to the property, and preventing development of a single-entrance development. The addition of a second public access to the site will improve connectivity and reduce limitations to access on the site.

(e) For Plan Map and Text Amendments adopt a Level of Service standard 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. For

development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

RESPONSE:

The traffic report submitted in conjunction with this application demonstrates that the proposed new street intersection meets the LOS requirements.

Goal 2: Livability

Provide a transportation system that balances user needs with the community's desire to remain a pleasant, economically vital city.

Objectives

(a) Provide a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage industrial development, the preservation of existing residential neighborhoods, the minimization of industrial traffic and congestion in the Town Center area, and the successful implementation of the City's economic development goals.

RESPONSE:

Providing a new public local street to/through the subject property has no impact or relationship to this objective.

(b) Minimize the adverse social, economic and environmental impacts created by the transportation system, including balancing the need for street connectivity with the need to minimize neighborhood cut-through traffic.

RESPONSE:

Providing a new public local street to/through the subject can add street connectivity. The proposed concept master plan for the site is specifically designed to minimize the attraction of this local street for any "cut-through" traffic traveling east towards or onto Sagert Street.

Goal 5: Pedestrian and Bicycle Facilities

Provide for an interconnected system of pedestrian and bicycle facilities throughout Tualatin to serve short-distance and recreational trips.

Objectives

(a) Provide sidewalks on both sides of all fully developed streets within the City, except where it would be unsafe to do so.

RESPONSE:

Providing a new public local street to the subject property will add sidewalks to and through the site.

(b) Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly-owned land intended for general public use.

RESPONSE:

Providing a new public local street to the subject property will add sidewalks to and through the site.

Goal 8: System Preservation

Ensure that development does not preclude the construction of identified future transportation

improvements, and ensure that development mitigates the transportation impacts it generates.

Objectives

(c) Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way, and by constructing half or full street improvements needed to serve new development and to mitigate the impacts of new development.

RESPONSE:

Providing a new public local street to the subject property will facilitate dedication of the necessary ROW and eventual construction of the full street section improvement.

(d) Require developers to mitigate the impacts of development on the transportation system by constructing off-street pedestrian, bicycle and transit facilities.

RESPONSE:

Providing a new public local street to the subject property will add sidewalks to and through the site. Additional pedestrian facilities will be constructed if the project I approved.

(e) Establish local street plans for contiguous vacant and redevelopable areas of five acres or more planned or zoned for development that identify local street access points to the collector and arterial street system, and local street connections to adjacent development.

RESPONSE:

Providing a new public local street to the subject property, over 12 acres, will satisfy this objective by providing an additional local street connected to an arterial and eventually connecting to a collector street..

Enclosed with the application package is a comprehensive traffic analysis providing data and conclusions for a proposed new public street. The detailed analysis and executive summary provides Traffic objectives conclusions demonstrating that the requested new street will have little impact on regional traffic movement.

(4) The following factors were consciously considered:

A. The various characteristics of the areas in the City.

RESPONSE:

The site is in an area that transitions quickly along Boones Ferry Road from the busy commercial center of downtown to multi-family development and then to primarily single family detached housing. The approval of location for a new public street will provide safe, convenient access to a new medium density project. High quality development of this property can establish the entrance to the heart of Tualatin and act as an entry landmark to the more dense development associated with the Central City.

B. The suitability of the areas for particular land uses and improvements in the areas.
RESPONSE:
The specific proposed location of a new public street facilitates appropriate development of the property. All of the necessary infrastructure is available or can be made available to serve the project at the intended maximum density.

C. Trends in land improvement and development.
RESPONSE:
A continued housing construction slump is predicted for the next few years as inventory of new homes and home resales are absorbed at average or below-average rates. If this site were be denied this request for a new public street intersection, the proposed master plan development of the entire property would be in jeopardy. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site.

D. Property values.
RESPONSE:
The request has no impact or direct correlation to property values.

E. The needs of economic enterprises and the future development of the area.
RESPONSE:
Granting this request for is in the public interest because a new public street access to the site will increase the underlying value to the property that can encourage development.

F. Needed right-of-way and access for and to particular sites in the area.
RESPONSE:
New construction on the site is in line and correlated with a condition of previous decisions to dedicate additional ROW on Boones Ferry Road. Development of the site, which can be facilitated with the requested new public street, will facilitate the dedication of that ROW.

G. Natural resources of the City and the protection and conservation of said resources.
H. Prospective requirements for the development of natural resources in the City.
RESPONSE:
The site contains no natural resources identified by any jurisdictional mapping of same. The new street has no impact on any mapped Goal 5 resources, as the resources are protected regardless of dedication of any ROW.

I. The public need for healthful, safe, aesthetic surroundings and conditions.
J. Proof of change in a neighborhood or area.
RESPONSE:
The Plan Map Amendments to RML will facilitate redevelopment of a site that is currently abandoned, and a community detraction. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate

redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity.

K. A mistake in the Plan Text or Plan Map for the property under consideration.

RESPONSE:

Providing a new public local street to the subject property will facilitate development of a new use on the site, that was not contemplated at the time of the community plan map development.

(5) The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment. The Tigard-Tualatin School District's School Facility Plan criteria (formula) for new school capacity are:

RESPONSE:

The request has no impact or direct correlation to school capacity.

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

Goal 1- Citizen Involvement:

RESPONSE:

The development team has held a neighborhood meeting discussing the potential for development on this additional property, as well as several previous neighborhood meetings and a public hearing regarding the Old Elementary School property. All of the required steps were followed to ensure opportunity for citizen participation in the land use planning process.

Goal 2- Land Use Planning:

RESPONSE:

The City has an acknowledged Comprehensive Plan and a process for amending the plan map/text with new or different requirements. Notice of this requested plan map/text amendment will be given to Oregon DLCD and opportunity for comment will be afforded to that agency, as required. Any other agency either state or regional will be given opportunity to comment on the requested plan map amendment.

Goal 3- Agricultural Land:

RESPONSE:

This site is urban and does not contain any agricultural land, thus the Goal does not apply.

Goal 4- Forest Land:
RESPONSE:
This site is urban and does not contain any forest land, thus the Goal does not apply.

Goal 5- Open Spaces, Scenic and Historic Areas and Natural Resources:
RESPONSE:
This site is urban and does not contain any designated open space, scenic, historic or natural resource land, thus the Goal does not apply.

Goal 6- Air, Water, and Land Resources Quality:
RESPONSE:
The proposed plan map/text amendment is not in conflict with this goal.

Goal 7- Areas Subject to Natural Disasters or Flood:
RESPONSE:
This site is urban and does not contain any flood plain or periodically inundated land, thus the Goal does not apply.

Goal 8- Recreational Needs:
RESPONSE:
The site is within one mile of two public elementary schools and Tualatin High School. Five public parks and the Tualatin Country Club are within one mile of the site. The recreation needs of future residents can be met with these existing facilities in close proximity. The site is not needed to meet any identified goals for future recreational sites within the City. The proposed plan map/text amendment is not in conflict with this goal.

Goal 9- Economy of the State:
RESPONSE:
Job creation is a by-product since approval of this request will facilitate a specific development. With job losses for 2009 a reality, approval of this request will further the plans for the developer, resulting in development of the site and construction of a project that will provide family wage jobs in construction and property management at a time when the local economy is in sore need of such opportunity.

Goal 10- Housing:
RESPONSE:
The proposed plan map/text amendment is not in conflict with this goal.

Goal 11- Public Facilities and Services:

RESPONSE:

The site is fully served with critical, essential and desired public services. The requested plan maptext amendment is supported by all necessary services and complies with this goal.

Goal 12- Transportation:

RESPONSE:

Enclosed with the application package is a comprehensive traffic analysis providing data and conclusions for all potential development scenarios under both the existing and proposed zoning districts. The detailed analysis and executive summary provides Traffic objectives conclusions demonstrating that the requested new zoning district will have little impact on regional traffic movement. The request complies with this goal.

Goal 13- Energy Conservation:

RESPONSE:

The site is located close to the downtown core and within walking distance to local necessary and desired urban services. Individual resident vehicle miles travelled can be reduced by encouraging the development of this site with higher residential densities. The requested plan map/text amendment supports a goal of energy conservation by city residents.

Goal 14- Urbanization:

RESPONSE:

The site of is within the Urban Growth Boundary for the City and County. The proposed plan map/text amendment is supportive of this goal.

(7) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Metro Urban Growth Functional Plan was approved November 21, 1996 by the Metro Council, and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. The Functional Plan must be addressed when Community Plan Map Amendments are proposed through the quasi-judicial or legislative processes.

The following responses address compliance of the Plan amendment request with the Metro Functional Plan.

Title 1- Requirements for Housing and Employment Accommodation: This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

RESPONSE:

On a city-wide long-range planning basis, when viewed in context with the City's goal to facilitate construction of an additional 1500+ housing units in the next 8-10 years, the change permits construction of 50+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested amendments. This is an increase of between 20 and 50 additional dwelling units that can be provided to future residents of Tualatin in a central location with public transit and adequate public infrastructure adjacent to the property.

Title 2– Regional Parking Policy: The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes region wide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently.

RESPONSE:

Development review of the ensuing project will be reviewed to guarantee adequate parking for the residents and staff as necessary.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation: The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. .....

RESPONSE:

This site is urban and does not contain any flood plain or periodically inundated land, thus the standard does not apply to this application.

Title 4– Industrial and Other Employment Areas: Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map.
In Regionally Significant Industrial Areas, non-industrial uses are limited to:
Retail uses less than 20,000 square feet and amounting to only 5 percent of the contiguous Regionally Significant Industrial Area
Commercial office uses that are not accessory to the industrial uses with the exception of large corporate headquarters, and;
Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area.
In Industrial Areas, non-industrial uses are limited to less than 20,000 square feet and amount to 10 percent of the Industrial Area. In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

RESPONSE:

The application is for a change in access to the site, thus, the standards embodied in Title 4 do not apply to this request.

Title 5- Neighbor Cities and Rural Reserves: This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city.....

RESPONSE:

The site is not impacted by the standards in Title 5.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities: The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers. .....

RESPONSE:

The site of is not considered a part of the Tualatin City Center, thus, the standards do not apply to this application.

Title 7 - Affordable Housing: This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels...

RESPONSE:

The site is not impacted by the standards in Title 7 as they relate to this request.

Title 8, 9, and 10 require compliance, performance measures and definitions for implementation of the Functional Plan, and are not applicable.

CONCLUSION

Based on the findings provided supporting all of the applicable goals, policies and objectives of the guiding documents, this request for a plan map/text amendment can be granted. The accompanying detailed traffic analysis supports the conclusion that the change in the access to the site has a nominal impact on the peak hour traffic flows. Dedication of ROW on Boones Ferry Road and frontage improvements along the Boones Ferry portion of the site at the time of project development will improve traffic flows in that area and provide an enhanced streetscape experience. The changes request are supported by all of the applicable evidence on the record and can be approved by the City of Tualatin.

Section 75.060 Existing Driveways and Street Intersections

(1) Existing driveways with access onto arterials on the date this chapter was originally adopted shall be allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this chapter applies and the entire site shall be made to conform with the requirements of this chapter. (2) The City Engineer may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

Section 75.070 New Intersections.

Except as shown on Map 75-1, all new intersections with arterials shall have a minimum spacing of ½ mile between intersections.

Section 75.080 Alternate Access.

Except as provided in 75.090 all properties which abut an arterial and another road or street shall not have access on the arterial.

Section 75.100 Exceptions.

If the City Engineer finds that it is physically impossible for a property to receive access from any other street or road than an arterial as defined in 75.030 and that the property cannot physically be served by any new street as shown.

Section 75.110 New Streets.

(1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown on Map 75-1. These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City.

(2) Specific alignment of a new street may be altered by the City Engineer upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.

(3) The City Council may include additional streets on Map 75-1 through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter.

BOONES FERRY ROAD

Tualatin-Sherwood Road to Sagert Street: On the west side, all existing driveways will be allowed to remain. ***A new local street intersection is permitted, located approximately 500 feet north of the intersection of Sagert Street.*** *The Tualatin Center property (the old Galloway site)(2S1 23DA/100)(19401-19417 Boones Ferry Road) will have one access aligned with Warm Springs. On the east side, the old McDonald's driveway was closed and shall remain closed (2S1 24CB/1201). Any additional development on the Brock property (2S1 24CB/2100) shall result in closure of this driveway to Boones Ferry Road. .....*

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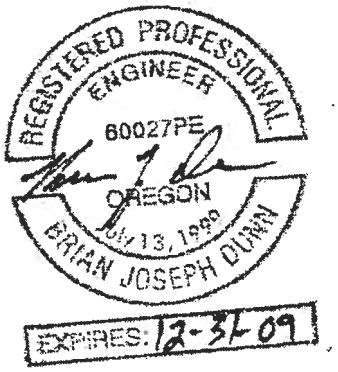

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EXECUTIVE SUMMARY

This study addresses the long-range transportation impacts of a proposed plan map amendment by Marquis Companies to rezone a tract of land in the City of Tualatin from Residential Low Density (RL) to Residential Medium-Low Density (RML). The subject site is located on the northwest corner of the SW Boones Ferry Road/SW Sagert Street intersection and is part of the former Tualatin Elementary School site. Although the former school property is located on a single tax lot totaling 13.37 acres in size today, Marquis Companies is proposing to perform a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

Ultimately, the Marquis Companies intends to develop a senior care facility on the subject site. But before this can happen, the subject site must be rezoned to an appropriate RML designation. 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. This study was prepared specifically to address the issue of compliance with the policies of the Transportation Planning Rule.

The following sections summarize the scope of this study and the detailed findings of a long-range transportation impact analysis for the proposed plan map amendment, followed by the conclusions and recommendations. As demonstrated by the analyses and findings presented in this study, the proposed land use action is not expected to "significantly affect" any existing or planned transportation facility and is, therefore, expected to be in compliance with the State's Transportation Planning Rule.

STUDY INTERSECTIONS

The scope of this study was determined through an assessment of the site's anticipated traffic impact area, by a pre-application conference meeting with the City, and through a coordinated scoping arrangement with city staff. Based on this process, city staff has required the operational analysis of current year and future year 2029 impacts at the following five intersections during the critical weekday a.m. and p.m. peak hour analysis periods:

- SW Boones Ferry Road/SW Warm Springs Street;
- SW Boones Ferry Road/SW Sagert Street;
- SW Boones Ferry Road/SW Avery Street;
- SW 95th Avenue/SW Sagert Street; and,
- SW Martinazzi Avenue/SW Sagert Street.

INTERSECTION OPERATING STANDARDS

Per Sections 1.032, 11.610, and 11.620 of the Tualatin Development Code, the City enforces a Level of Service (LOS) "F" policy for the p.m. peak hour and a LOS "E" policy for the one-half hour before and after the p.m. peak hour for intersections located within the Town Center of the city. Outside of this Town Center area, the City enforces a LOS "E" standard for both the weekday p.m. peak hour and the one-half hour periods before and after the peak hour. These LOS "F/E" and LOS "E/E" standards apply to plan map amendments. Based on the Design Type Boundaries identified in Map 9-4 of the City's Development Code, the "LOS F/E" standard applies to the SW Boones Ferry Road/SW Warm Springs Street intersection while the LOS "E/E" standard applies to all remaining study intersections.

EXISTING TRAFFIC CONDITIONS

All five study intersections currently operate at levels which meet the level-of-service standards enforced by the City of Tualatin during the weekday a.m. and p.m. peak hours. However, the signalized intersection at SW Boones Ferry Road and SW Avery Street is currently operating with a volume-to-capacity (v/c) ratio of 0.97 during the weekday a.m. peak hour, indicating the intersection has almost reached full capacity. Also, the all-way stop-controlled intersection at SW Martinazzi Avenue and SW Sagert Street is currently operating right at a v/c ratio of 1.00 during the weekday p.m. peak hour, indicating the intersection already reached full capacity.

PLANNED TRANSPORTATION IMPROVEMENTS

Future transportation improvements assumed to be in place by the year 2029 were identified through a review the City's Transportation System Plan, the City's Development Code, and through detailed discussions with city staff on which transportation projects are reasonably likely to occur within the forecast period. This process led to the identification of the following seven transportation projects:

- I-5 to 99W Connector – This transportation improvement project is considered to be a critical step in relieving existing and anticipated future congestion on Tualatin's transportation system. Once completed, this project will result in three new and/or improved east-west arterial routes connecting I-5 in Tualatin with OR 99W to the west in Sherwood, plus the extension/connection of a new north-south arterial route along the SW 124th Avenue alignment, connecting OR 99W to the north with each of the three new east-west arterial routes. (Go to http://www.i5to99w.org for a full detailed description of the Alternative #7 recommendation)
- Martinazzi Avenue Widening – This project has already been completed and resulted in the addition of a new southbound travel lane from Warm Springs Street to Sagert Street.
- Sagert Street/Martinazzi Avenue Signal - This project will include the construction of a traffic signal.
- Boones Ferry Road Signal Interconnect - This project will establish a signal interconnect between the traffic signals along SW Boones Ferry Road, south of Tualatin-Sherwood Road.
- Sagert Street Connection to 95th Avenue - This project has already been completed and resulted in the extension of Sagert Street west to connect with 95th Avenue.
- 95th Avenue Connection to Avery Street - This project has already been completed and resulted in the extension of 95th Avenue down to connect with Avery Street.
- Boones Ferry Road Sidewalk Completion – This project will establish continuous sidewalks along both sides of Boones Ferry Road from Tualatin-Sherwood Road down to Avery Street.

FUTURE TRAFFIC VOLUME FORECAST

The future traffic forecast prepared for this study was based primarily on traffic data provided by the Washington County DLUT, using a regional travel demand forecast model that was developed specifically for the I-5 to OR 99W Connector project (recommended Alternative #7 solution). The traffic forecast was prepared to reflect future traffic conditions for the year 2029 during the critical weekday a.m. and p.m. peak hours. This forecast also included trips that may be realized by future development activities on the western portion of the former Tualatin Elementary School site that will remain under its current RL zoning.

SITE TRIP GENERATION

Estimates were prepared of average weekday and weekday a.m. and p.m. peak hour vehicle trip ends for the subject site under two reasonable "worst-case" developments scenarios: one for the current RL zoning and the other for the proposed RML zoning. The following summarizes the results of these estimates:

Current RL Zoning Scenario
- 396 average weekday trips
- 34 weekday a.m. peak hour trips
- 42 weekday p.m. peak hour trips

Proposed RML Zoning Scenario
- 481 average weekday trips
- 31 weekday a.m. peak hour trips
- 48 weekday p.m. peak hour trips

As shown above, trips generated during the weekday a.m. peak hour by development activity under the proposed RML zoning (31 trips) are expected to be lower than if the site were developed under the current RL zoning (34 trips) for a difference of -3 trips. For the weekday p.m. peak hour, however, there is a slightly higher number of trips estimated to occur under the proposed RML zoning scenario (48 trips) versus the current RL zoning scenario (42 trips). But as described later in this report, such a nominal increase (difference of +6 trips) is insignificant, especially when considering how these trips become diluted once they distribute onto the surrounding street network.

Further analysis was conducted to estimate the site trip generation potential for a senior living center complex, which is the land use that is ultimately anticipated by the Marquis Companies. The following summarizes the results of these estimates:

Marquis Companies Senior Living Center
- 590 average weekday trips
- 21 weekday a.m. peak hour trips
- 33 weekday p.m. peak hour trips

As shown above, trips generated during the critical weekday a.m. and p.m. peak hours as a senior living center will be less than what could potentially be generated under either the current RL or proposed RML zoning development scenarios.

YEAR 2029 INTERSECTION OPERATIONS

Operational analyses were performed for year 2029 total traffic conditions during the weekday a.m. and p.m. peak hours for two separate development scenarios: one which accounted for development under the current RL zoning and another which accounted for development under the proposed RML zoning. The results of these analyses were identical and indicated that several study intersections will not operate at levels which meet the City's long-term planning operations standards. Nevertheless, what is of critical importance is that the analysis results show no relative difference in the levels-of-service, volume-to-capacity ratios, or the average driver delays for the individual study intersections between the current RL and proposed RML zoning development scenarios. This is because the trip generation differential between the two land use scenarios is very small. This finding is a clear indication that the proposed RML zoning will not "significantly affect" any existing or planned transportation facility. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings documented in this study, the Applicant's proposal to rezone the 5.44 acre site from Residential Low Density (RL) to Residential Medium-Low Density (RML) will have no "significant effect" upon any existing or planned transportation facilities. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule and should be approved by the City of Tualatin.

INTRODUCTION

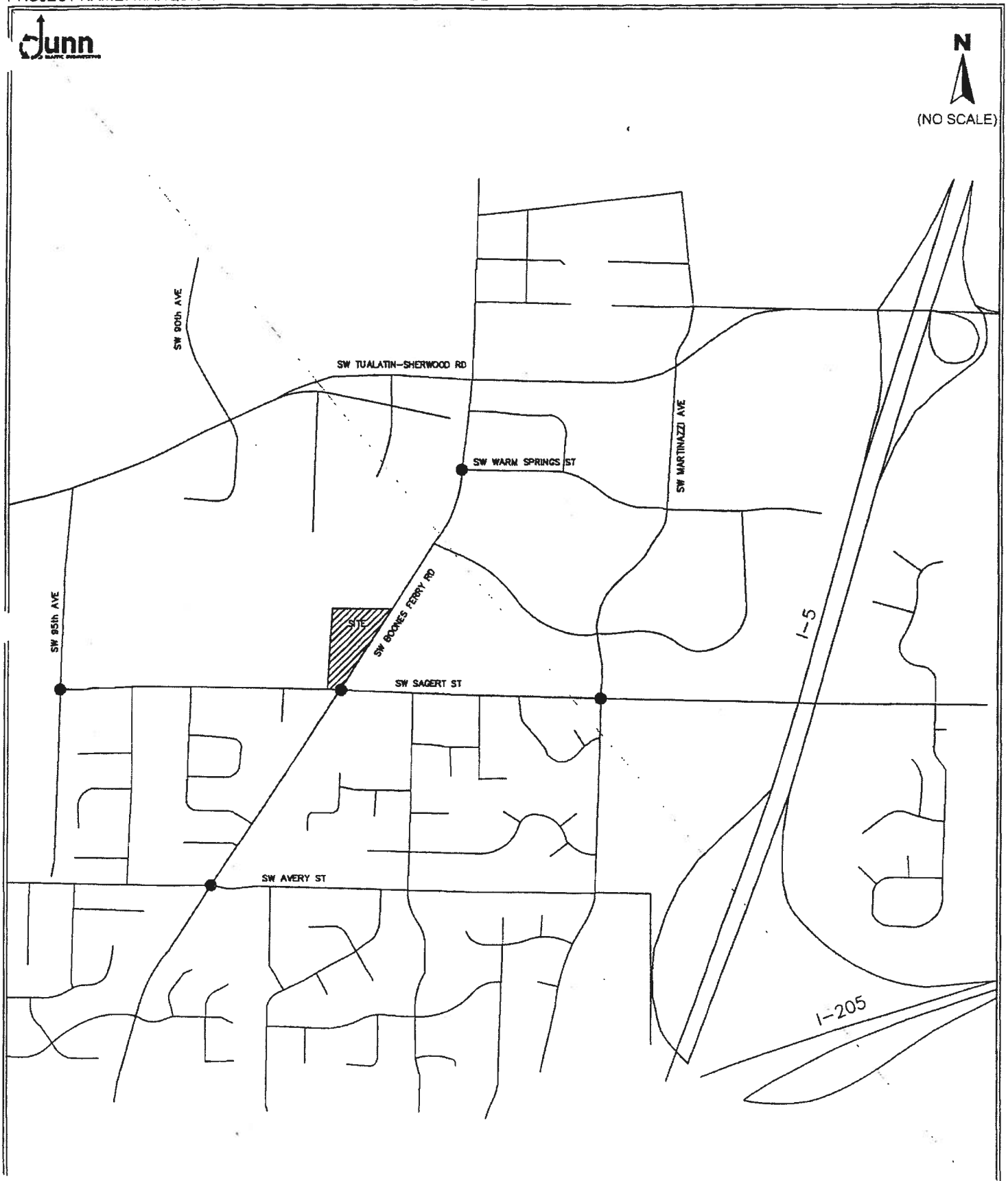
This study addresses the long-range transportation impacts of a proposed plan map amendment by Marquis Companies (referred to herein as the "Applicant") to rezone a tract of land from Residential Low Density (RL) to Residential Medium-Low Density (RML) in the City of Tualatin. The subject property is located on the northwest corner of the SW Boones Ferry Road/SW Sagert Street intersection and is part of the former site of the Tualatin Elementary School. Although the former school site is located on a single tax lot totaling 13.37 acres in size, the Applicant is proposing to do a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

A site vicinity map is provided in Figure 1 and for information purposes only a conceptual site-specific development plan map is provided in *Appendix "A"* of this report. As shown in the conceptual plan map provided in the appendix, the Applicant intends to develop an elderly care facility on the subject site. But before this can happen, the subject site must be rezoned to an appropriate RML designation. The focus of this study is, therefore, on analyzing the potential impacts of rezoning the subject site, and to assess compliance with the State's Transportation Planning Rule (TPR).

TRANSPORTATION PLANNING RULE

Division 12 of the States' 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 regulations. This section of the TPR states the following:

> *(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.*



LEGEND		
● = STUDY INTERSECTION ▨ = SITE BOUNDARY	Site Vicinity Map MARCH, 2009	FIGURE No.: 1

Given that the proposed land use action will result in an amendment to the City's zoning map, it can be construed as an amendment to an acknowledged land use regulation, and therefore, subject to the State's Transportation Planning Rule Section 660-012-0060. This study was prepared to address this section of the OAR. Specifically, this report presents the results of long-range traffic impact analyses comparing reasonable "worst-case" development scenarios for the subject site under the current zoning and under the proposed zoning. As detailed in the following sections of this report, the proposed land use action is not expected to "significantly affect" an existing or planned transportation facility and is, therefore, in compliance with the TPR.

STUDY SCOPE

The scope of this study was established through an assessment of the site's anticipated traffic impact area, by a pre-application conference meeting with the City, and through a coordinated scoping arrangement with city staff. This study was also prepared in a manner that complies with the transportation policies defined by the City's Development Code.

Study Content

This study identifies the transportation-related impacts associated with the proposed land use action. Specifically, this report addresses the following transportation issues to test whether or not the proposed land use action complies with the Transportation Planning Rule:

- A review of existing transportation system conditions, including an inventory of transportation facilities and surrounding land uses, and an analysis of weekday a.m. and p.m. peak hour operations at key intersections.
- A review of transportation improvement projects planned for the study area and preparation of a future 20-year traffic forecast for the year 2029.
- An assessment of various trip generation scenarios for the subject site, including the following:
    - Reasonable "worst case" development scenario under the current RL zoning;
    - Reasonable "worst case" development scenario under the proposed RML zoning:
    - Site-specific development scenario that reflects the Applicant's intention to ultimately develop an elderly care facility on the subject site; and,
    - Scenario that reflects the subject site under its former use as an elementary school.
- An assessment of future 20-year operating conditions during the weekday a.m. and p.m. peak hours at key study intersections under the following two separate development scenarios:
    1) Reasonable "worst case" development under the current RL zoning, and
    2) Reasonable "worst case" development under the proposed RML zoning.
- An assessment of whether or not the proposed plan map amendment and zone change will "significantly affect" an existing or planned transportation facility per OAR 660-012 of the State's Transportation Planning Rule.
- Identification of any off-site transportation system deficiencies and potential mitigation measures that may be necessary to ensure compliance with the operational standards enforced by the City of Tualatin and the policies of the States' Transportation Planning Rule.
- Conclusions and recommendations.

Determination of Impact Area

Based on discussions with city staff, the limits of this study shall extend to those transportation facilities that are contained within the "impact area" of the project. A suitable resource used in establishing what exactly is the "impact area" for this project was the Washington County Resolution &Order 86-95. This document defines the "impact area" of development site to be those roadway sections and intersections that will experience a ten percent or higher increase in vehicular traffic as a result of traffic generated by the development. Based on this criteria, Tables 1 and 2 were prepared to define the "impact area" of the subject site based on a worst-case estimate of respective weekday a.m. and p.m. peak hour trips that would be generated under a development scenario that reflects the proposed RML zone.

TABLE 1
Determination Of Impact Area Roadways
(Weekday AM Peak Hour Period)

Roadway	Street Segment Location	Existing Two-Way Traffic [1]	Site-Added Traffic [2]	Percent Impact	Impact Area Road?
SW 95th Avenue	North of SW Sagert Street	309	3	1.0%	No
SW Boones Ferry Road	North of SW Warm Springs Street	1082	13	1.2%	No
	SW Warm Springs Street to SW Sagert Street	1102	13	1.2%	No
	SW Sagert Street to SW Avery Street	1281	11	0.9%	No
	South of SW Avery Street	1361	4	0.3%	No
SW Martinazzi Avenue	North of SW Sagert Street	1017	4	0.4%	No
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	363	3	0.8%	No
	SW Boones Ferry Road to SW Martinazzi Avenue	684	7	1.0%	No
	East of SW Martinazzi Avenue	713	3	0.4%	No
SW Avery Street	West of SW Boones Ferry Road	865	7	0.8%	No

1. Based on current intersection turn movement counts collected for this study..
2. Based on a worst-case trip generation and traffic assignment estimate for development under the proposed RML zone.

TABLE 2
Determination Of Impact Area Roadways
(Weekday PM Peak Hour Period)

Roadway	Section Location	Existing Traffic [1]	Site-Added Traffic [2]	Percent Impact	Impact Area Road?
SW 95th Avenue	North of SW Sagert Street	268	3	1.1%	No
SW Boones Ferry Road	North of SW Warm Springs Street	1380	16	1.2%	No
	SW Warm Springs Street to SW Sagert Street	1292	16	1.2%	No
	SW Sagert Street to SW Avery Street	1377	13	0.9%	No
	South of SW Avery Street	1491	5	0.3%	No
SW Martinazzi Avenue	North of SW Sagert Street	1208	5	0.4%	No
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	237	3	1.3%	No
	SW Boones Ferry Road to SW Martinazzi Avenue	654	10	1.5%	No
	East of SW Martinazzi Avenue	861	5	0.6%	No
SW Avery Street	West of SW Boones Ferry Road	1013	8	0.8%	No

1. Based on current intersection turn movement counts collected for this study..
2. Based on a worst-case trip generation and traffic assignment estimate for development under the proposed RML zone.

Identified Study Intersections

As shown in Tables 1 and 2 above, no roadway segments or intersections are anticipated to experience a ten percent or more increase in traffic as a result of new traffic that may be generated by the proposed plan map amendment/zone change. Nevertheless, city staff has required that the operational impacts at the following five intersections be analyzed during the specified weekday a.m. and p.m. peak hour analysis periods:

- SW Boones Ferry Road/SW Warm Springs Street;
- SW Boones Ferry Road/SW Sagert Street;
- SW Boones Ferry Road/SW Avery Street;
- SW 95th Avenue/SW Sagert Street; and,
- SW Martinazzi Avenue/SW Sagert Street.

EXISTING TRANSPORTATION CONDITIONS

The existing conditions analysis identifies conditions of the subject site and surrounding land uses, provides an inventory of the geometric characteristics of roadways in the study area, and summarizes existing traffic operations at the identified study intersections. The purpose of this discussion is to provide a basis for comparison to future long-range conditions analyses.

SUBJECT SITE CONDITIONS

The subject property is part of the former Tualatin Elementary School site which include a series of school buildings, a parking lot on the east side of the school fronting SW Boones Ferry Road, a parking lot on the southwest side of the school fronting SW Sagert Street, a playground on the west side of the school and open recreational fields to the north.

As mentioned previously, the former school site is located on a single tax lot totaling 13.37 acres in size. However, the Applicant is proposing to do a tax line adjustment to split the property into two separate parcels. It will be the easternmost parcel totaling 5.44 acres in size and with frontage primarily along SW Boones Ferry Road that is the subject of the proposed plan map amendment and effort to achieve the new RML zoning. The separate parcel that remains to the west will retain its current RL zoning.

The Applicant intends to have the old Tualatin Elementary School building demolished before constructing an elderly care facility.

SURROUNDING LAND USES

The land uses surrounding the subject site are urban in nature and well established with little to no developable property remaining. Proceeding north, there is an established apartment complex located on land zoned for Residential High Density (RH) uses. Further to the north and across the P&W Railroad there are established industrial businesses located in an area zoned for Light Manufacturing (ML). Immediately west of the site is another apartment complex located on property zoned for RML uses. To the south and east of the subject property lie established single family residential neighborhoods, all of which are located in the current RL zoning district. The only exception to this is a church located kitty-corner to the subject site on the southeast corner of the SW Boones Ferry Road/SW Sagert Street intersection.

ROADWAY FACILITIES

An inventory was performed in November 2008 of all roadway facilities within the site's study area. These facilities are described in Table 1 and the following sections. Figure 2 identifies the location of all study intersections and their respective lane configurations and traffic control devices. It should be emphasized here that all identified study intersections are under the jurisdiction of the City of Tualatin.

SW 95th Avenue

SW 95th Avenue is a *Minor Collector* street that proceeds in a north-south direction from Tualatin-SW Sherwood Road down to SW Avery Street. This roadway provides access to adjacent industrial businesses, residential neighborhoods, and a church. At its intersection with SW Sagert Street, stop-control is established in the west approach of SW Sagert Street and the east approach of a private driveway, with free-flowing conditions on the north-south approaches.

SW Boones Ferry Road

SW Boones Ferry Road is a *Major Arterial* roadway that proceeds in a northeast-southwest direction serving as a regional connector between Lake Grove and the town center of Tualatin to the north and the

City of Wilsonville to the south. The roadway also serves and connects with established residential neighborhoods, churches, and schools in the site vicinity.

Traffic signal installations are present at each of the three study intersections that intersect SW Boones Ferry Road. The traffic signal at SW Warm Springs Street has permitted left-turn signal phasing on the east-west approaches of SW Warm Springs Street/Private Commercial Driveway and protected/permissive left-turn signal phasing on SW Boones Ferry Road. At the traffic signals with SW Sagert Street and SW Avery Street, all left-turn movements operate under protected left-turn signal phasing.

TABLE 3
Roadway Facility Inventory

Roadway	Classification	Cross-Section	Speed Limit (mph)	Sidewalks?	Bicycle Lanes?	On-Street Parking?
SW 95th Avenue (North of SW Sagert Street)	Minor Collector (Cb&p)	3 lanes	35	Yes	No	No
SW 95th Avenue (South of SW Sagert Street)	Minor Collector (Cb&p)	2 lanes	20	Yes	Yes-East	Yes-West
SW Boones Ferry Road (SW Warm Springs Street to SW Avery Street)	Major Arterial (Eb&t)	2-4 lanes	30/35	Yes*	Yes**	No
SW Martinazzi Avenue (North of SW Sagert Street)	Major Arterial (Eb&t)	5 lanes	35	Yes	Yes	No
SW Martinazzi Avenue (South of SW Sagert Street)	Minor Collector (Cb)	2 lanes	35	Yes	Yes	No
SW Warm Springs Street (East of SW Boones Ferry Road)	Minor Collector (Cb)	3 lanes	Not Posted	Yes	No	No
SW Sagert Street (SW 95th Avenue to SW Boones Ferry Road)	Minor Collector (Cb&p)	2 lanes	25	Yes-North Partial-South	Yes	Partial-South
SW Sagert Street (SW Boones Ferry Road to SW Martinazzi Avenue)	Major Arterial (Eb&t)	2 lanes	30	Yes	Yes	No
SW Avery Street (West of SW Boones Ferry Road)	Minor Collector (Cb&t)	2 lanes	25	Yes	Yes	No
SW Avery Street (East of SW Boones Ferry Road)	Residential Collector (Cr)	2 lanes	25	Yes	No	Yes

*- Sidewalk lacking along west side of Boones Ferry Road from along the site frontage and extending south to SW Avery Street.

**- Bicycle lanes are lacking on the east side from south of SW Warm Springs Street to SW Tualatin-Sherwood Road.

SW Martinazzi Avenue

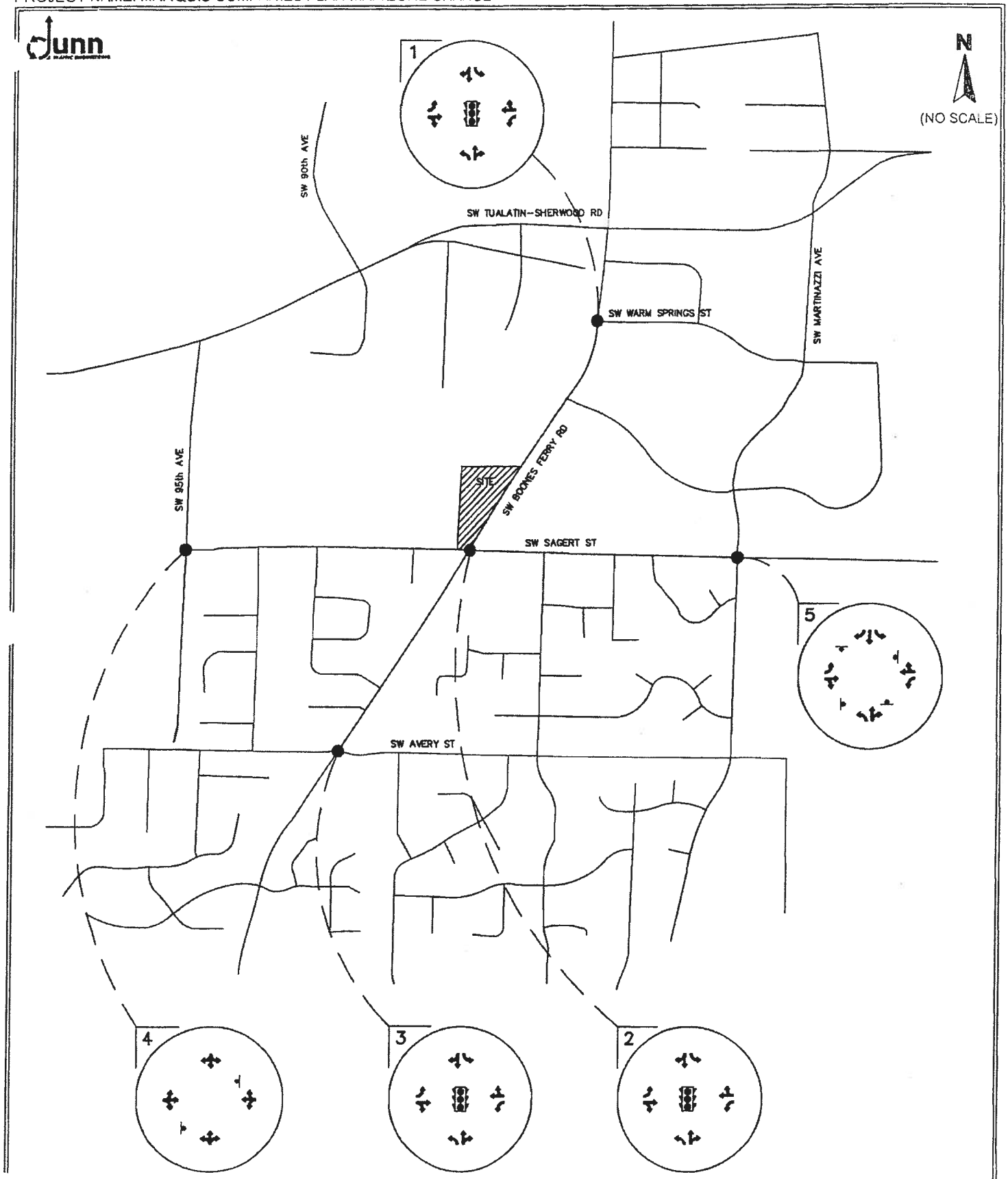
SW Martinazzi Avenue is a *Major Arterial* roadway between SW Tualatin-Sherwood Road and SW Sagert Street, and becomes a *Minor Collector* street south of SW Sagert Street. This north-south roadway provides access between SW Tualatin-Sherwood Road and a major commercial shopping center (Fred Meyer) to the north and residential neighborhoods to the south. The intersection between SW Sagert Road and SW Martinazzi Avenue operates under all-way stop control.

SW Warm Springs Street

SW Warm Springs Street is a *Minor Collector* roadway that extends east off of SW Boones Ferry Road. This roadway primarily serves local area offices and commercial and retail businesses

SW Sagert Street

SW Sagert Street is a *Minor Collector* roadway from SW 95th Avenue to SW Boones Ferry Road and a *Major Arterial* roadway between SW Boones Ferry Road and SW Martinazzi Avenue. This east-west roadway distributes local area traffic from the higher-functioning north-south arterial roadways to local residential neighborhood streets.



LEGEND		FIGURE No.:
= STOP SIGN = TRAFFIC SIGNAL	Existing Lane Configurations and Traffic Control Devices MARCH, 2009	2

SW Avery Street

SW Sagert Street is a *Minor Collector* roadway west of SW Boones Ferry Road and a *Residential Collector* street east of SW Boones Ferry Road. This east-west roadway distributes local area traffic from SW Tualatin-Sherwood Road to the west with local residential neighborhoods to the east.

PEDESTRIAN AND BICYCLE FACILITIES

For the most part there are adequate and continuous bicycle lane facilities present along most of the study area roadways including SW Boones Ferry Road, SW Martinazzi Avenue, SW Sagert Road, and along SW Avery Street west of SW Boones Ferry Road. There are, however several locations where bicycle lanes are lacking. One location is along the east side of SW Boones Ferry Road from south of SW Warm Springs Street up to SW Tualatin-Sherwood Road. A second location is along the west side of SW 95th Avenue from SW Sagert Street up to SW Tualatin-Sherwood Road and along both sides of SW 95th Avenue down to SW Avery Street. A third location is along SW Warm Springs Street, as it proceeds east of SW Boones Ferry Road.

Continuous sidewalk facilities are common along the study area roadways. There are, however, a few locations where adequate sidewalk facilities do not exist. One location is along the site frontage of the west side of SW Boones Ferry Road. Sidewalks are also lacking along the west side of SW Boones Ferry Road from SW Sagert Street down to SW Avery Street. There are also discontinuous, or intermittent sidewalks present along the south side of SW Sagert Street from SW 95th Avenue to SW Boones Ferry Road.

EXISTING TRAFFIC VOLUMES

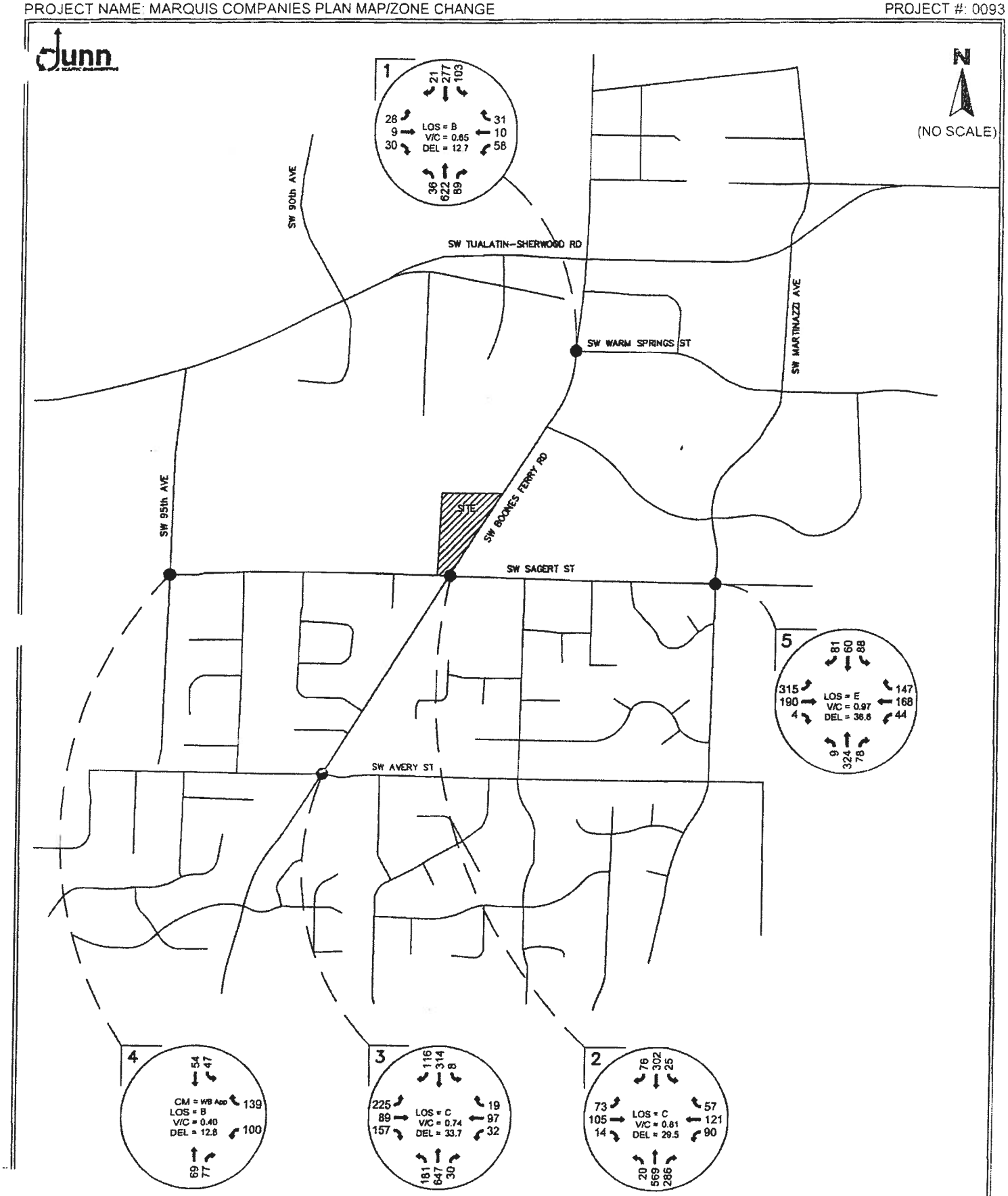
Based on discussions with city staff and an understanding of general traffic conditions along the study area roadways, it was determined that the weekday a.m. and p.m. peak hour periods represents the most critical time periods for evaluating traffic conditions at the identified study intersections. Therefore, turn movement traffic counts were collected at each of the five study intersections on a mid-week day in November 2008 during the morning (7-9 a.m.) and the afternoon (4-6 p.m.) commute periods. Based on the results of the traffic count data, the weekday a.m. peak hour was found to occur between 7:25 a.m. and 8:25 a.m. while the weekday p.m. peak hour was found to occur between 4:40 p.m. and 5:40 p.m. *All traffic count data sheets collected for this study are provided in Appendix "B".*

Figures 3 and 4 illustrate the existing year turn movement traffic volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively.

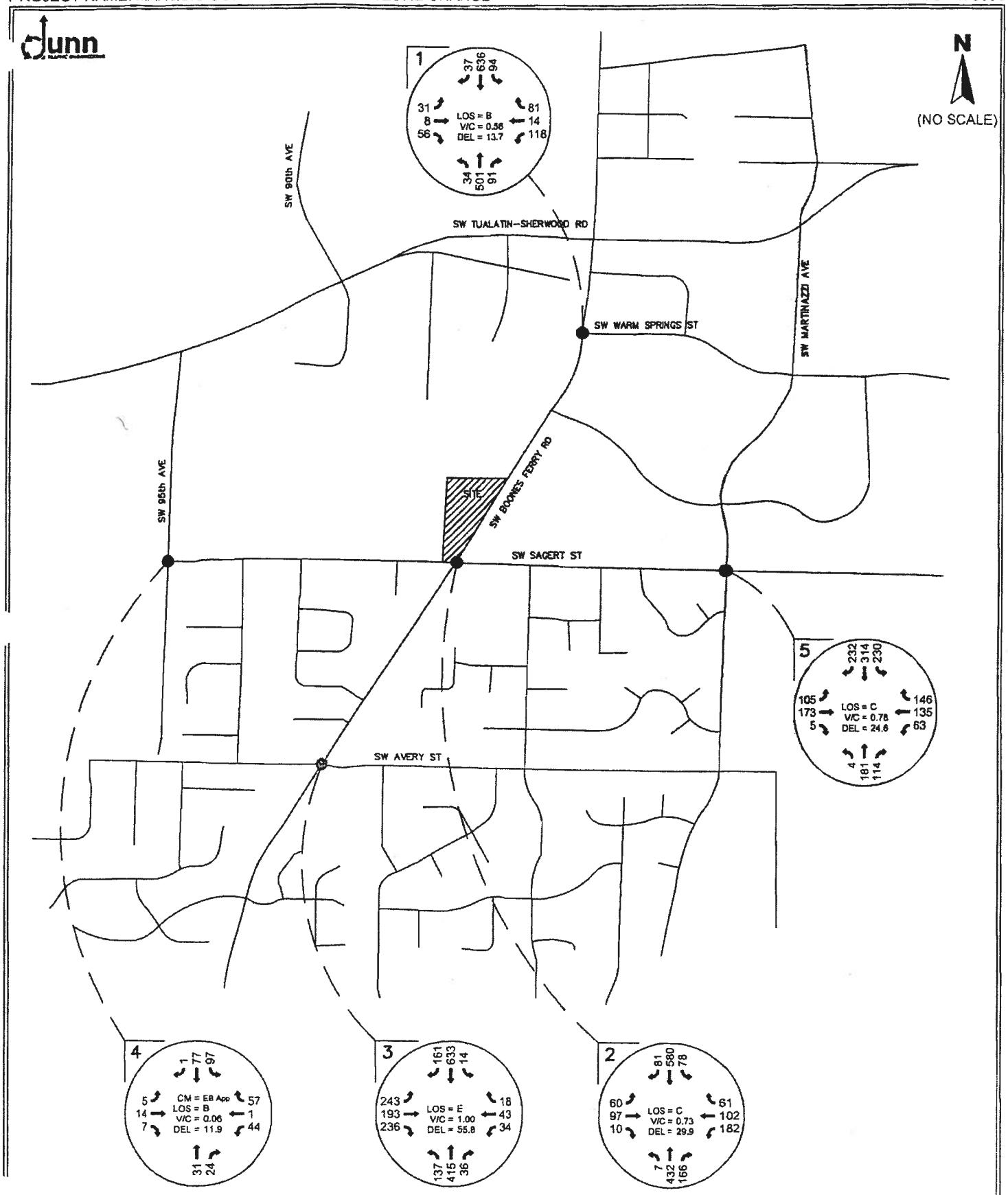
INTERSECTION OPERATING STANDARDS

All intersection operations analyses described in this report for signalized and unsignalized stop-controlled intersections were performed using the *Traffix* program in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 1). *A description of level of service and the criteria by which they are determined is presented in Appendix "C."* This appendix indicates how level of service is measured and what is generally considered the acceptable range of level of service.

Intersection operational performance is generally measured by two variables: Level of Service (LOS) and the volume-to-capacity (v/c) ratio. Level-of-service ranges from LOS "A", which indicates good operating conditions, to LOS "F" which indicates a high level of congestion and delay. The v/c ratio is a description of an intersection's capacity to handle demand. At signalized intersections, level of service is based on the average control delay per vehicle for the entire intersection, while the v/c ratio is a measurement of intersection's capacity to accommodate only the critical movements. For unsignalized intersections, operational performance is also measured by level of service and the volume-to-capacity ratio. However, the LOS and v/c ratio are based on the average control delay per vehicle for the critical movement (typically the left-turn or entire approach of the intersecting minor street).



LEGEND		
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO	Existing Traffic Conditions, Weekday AM Peak Hour MARCH, 2009	FIGURE No.: 3



LEGEND		FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO	Existing Traffic Conditions, Weekday PM Peak Hour MARCH, 2009	4

Per Section 1.032 (Amendments- Burden of Proof), Section 11.610 (Transportation Goals and Objectives), and Section 11.620 (Street System Plan) of the Tualatin Development Code, the City enforces a Level of Service "F" policy for the p.m. peak hour and LOS "E" policy for the one-half hour before and after the p.m. peak hour in the Town Center of the city. Outside of this Town Center area, the City enforces a LOS "E" standard for both the weekday p.m. peak hour and the one-half hour periods before and after the peak hour. These LOS F/E and LOS E/E standards apply only for transportation system planning and plan text and plan map amendments, but not for development applications.

Based on the City operating standards and the Design Type Boundaries identified in Map 9-4 of the City's Development Code, the LOS F/E standard applies to the SW Boones Ferry Road/SW Warm Springs Street intersection while the LOS E/E standard applies to all remaining study intersections which lie outside the Town Center area.

PEAK HOUR OPERATIONS

Figures 3 and 4 also summarize the existing operations analysis results for all study intersections during the weekday a.m. and p.m. peak hours. *Appendix "D" includes the existing level of service worksheets.*

As the results in the figures show, all five study intersections are currently operating at levels which meet the level-of-service standards enforced by the City of Tualatin during the weekday a.m. and p.m. peak hours. However, it should be emphasized that the signalized intersection at SW Boones Ferry Road and SW Avery Street is shown to be operating with a v/c ratio of 0.97 during the weekday a.m. peak hour, indicating the intersection has almost reached full capacity. Also, the all-way stop-controlled intersection at SW Martinazzi Avenue and SW Sagert Street is shown to be operating right at a v/c ratio of 1.00 during the weekday p.m. peak hour, indicating the intersection already reached full capacity.

FUTURE YEAR 2029 TRAFFIC CONDITIONS

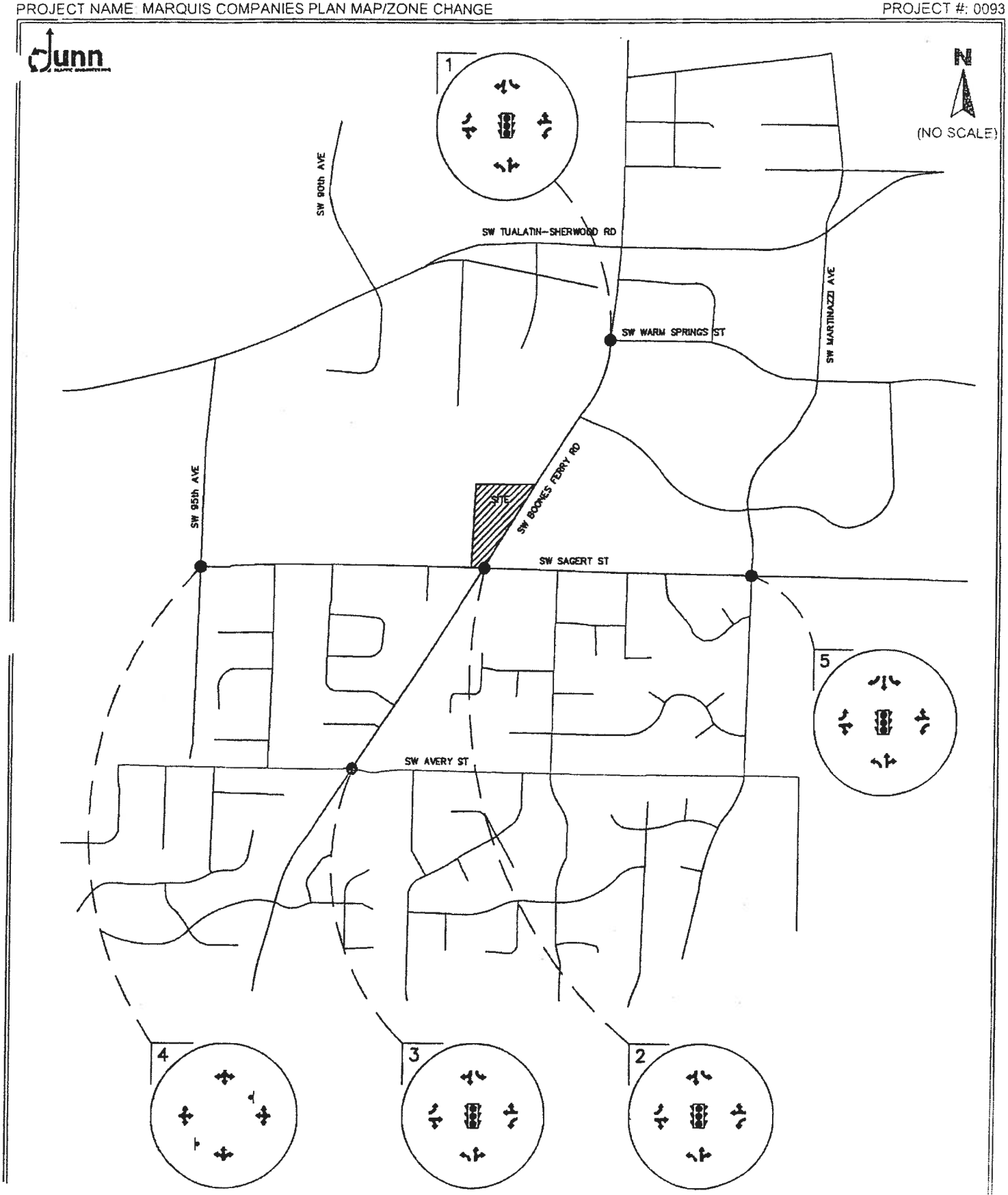
The future traffic conditions analysis examines how the study area's transportation system will operate in the year 2029 under two separate reasonable "worst case" development scenarios. The first scenario assumes development will occur on the subject site in accordance with its current RL zoning, while the second scenario assumes the subject site will be developed under the proposed RML zoning. Both long-range analyses take into consideration traffic growth projections and planned transportation system improvements expected to occur in the area over the next 20 years, as envisioned by the City's Transportation System Plan and the City's Development Code.

PLANNED TRANSPORTATION IMPROVEMENTS

Future transportation improvements assumed to be in place by the year 2029 were identified through a review the City's Transportation System Plan, the City's Development Code (Chapter 11 -Transportation), and through detailed discussions with city staff on which transportation projects are reasonably likely to occur within the forecast period. This process led to the identification of seven transportation projects. They are identified and described below in Table 4 along with a description of each project's possible impact on the study area intersections. Based on these planned improvements, Figure 5 illustrates the resulting lane configurations and traffic control devices assumed to be in place by 2029. It should be emphasized here that the only changes relative to existing traffic control conditions are a new traffic signal installation at the SW Martinazzi Avenue/SW Sagert Road intersection and enhanced vehicle progression along SW Boones Ferry Road from the signal interconnect.

TABLE 4
Planned Transportation Improvement Projects

Project	Description	Impact on Study Area Intersections
I-5 to 99W Connector Project	This major transportation improvement project will consist primarily of three new and/or improved east-west arterial routes connecting I-5 in Tualatin with OR 99W in Sherwood, plus the extension/connection of a new north-south arterial route along the SW 124th Avenue alignment connecting OR 99W to the north with each of the three new east-west arterial routes. (Go to http://www.i5to99w.org for a full detailed description of Alternative #7 recommendation)	It is likely this project will draw future traffic demand away from the northern sections of SW Boones Ferry Road and SW Martinazzi Avenue in the study area as it will provide residents in the southern portions of the City with enhanced arterial and interstate freeway access to the south towards Wilsonville.
Martinazzi Avenue Widening	Add a new southbound travel lane from Warm Springs Street to Sagert Street.	No impact. (This TSP project has already been completed.)
Sagert Street/Martinazzi Avenue Signal	Construction of a traffic signal	This project will increase intersection capacity.
Boones Ferry Road Signal Interconnect	Establish a signal interconnect between the traffic signals along SW Boones Ferry Road, south of Tualatin-Sherwood Road.	This project will help reduce vehicle delays in the corridor by progressing traffic more efficiently via vehicle platooning.
Sagert Street Connection to 95th Avenue	Extend and connect Sagert Street west to 95th Avenue.	No Impact (This TSP project has already been completed.)
95th Avenue Connection to Avery Street	Extend and connect 95th Avenue down to Avery Street.	No Impact (This TSP project has already been completed.)
Boones Ferry Road Sidewalk Completion	Establish continuous sidewalks on both sides of Boones Ferry Road from Tualatin-Sherwood Road down to Avery Street.	No impact on vehicle-carrying capacity of Boones Ferry Road.



LEGEND		FIGURE No.:
= STOP SIGN = TRAFFIC SIGNAL	Assumed Lane Configurations and Traffic Control Devices MARCH, 2009	5

FUTURE TRAFFIC FORECAST METHODOLOGY

The future traffic forecast prepared for this study was based primarily on traffic data provided by the Washington County DLUT, using a regional travel demand forecast model that was developed specifically for the I-5 to OR 99W Connector project. The traffic model data provided by the Washington County DLUT reflects conditions for the weekday p.m. peak hour and covers a base year 2005 and a planning horizon year of 2030, which also reflects the improvements planned for the I-5 to OR 99W Connector project (recommended Alternative #7 solution). This information was used to calculate the traffic volume growth trends at each of the study area intersections over the next 20 years. The calculated increases in intersection traffic volumes over this forecast period were then added to the base year weekday p.m. peak hour traffic volumes that were observed from the traffic counts taken last November in 2008.

Once the future traffic forecast volumes were estimated at the five study intersections for the weekday p.m. peak hour, a future traffic forecast was then prepared to reflect conditions for the weekday a.m. peak hour. Since there is no traffic model data available for this morning period, the growth patterns determined from the weekday p.m. peak hour model output were utilized. This was done by calculating the average intersection growth rates between the base year 2005 model data and the future year 2030 model data for the weekday p.m. peak hour and applying these growth rates to the base year weekday a.m. peak hour traffic volumes observed from the November 2008 traffic counts.

One of the last steps taken to prepare the future traffic forecast for this study was to account for traffic that may be generated by future development activities on the western portion of the former Tualatin Elementary School site. Once the subject site is partitioned by the Applicant as described in this report, there will be approximately 7.93 acres of unused, or vacant property immediately to the west. For the purpose of preparing a conservative, or worst-case traffic forecast scenario for this study, it was assumed that this adjacent parcel of 7.93 acres would fully develop under the current RL zoning at the maximum density of 6.4 units per acre. This resulted in an estimate of 51 new single family detached homes. The estimated trips associated with this type of activity were then assigned to the surrounding street system as part of the future traffic forecast.

Detailed worksheets documenting the methodologies used to determine the separate weekday a.m. and p.m. peak hour traffic forecasts for this study are provided in Appendix "E" of this report. It should be emphasized here that the future traffic volume estimates at this stage of the traffic forecast still do not reflect vehicle trips associated with development on the subject site. They only account for background traffic growth. The next section of this report describes various potential trip generation scenarios that may be possible for the subject site.

SITE TRIP GENERATION POTENTIAL

To understand the maximum trip-generating potential of the subject site, two reasonable "worst-case" development scenarios were analyzed: one representing development under the current RL zoning and another for the proposed RML zoning. The trip generation estimates for these two scenarios were prepared for the average weekday and for the weekday a.m. and p.m. peak hour periods using the standard reference *ITE Trip Generation Manual, 7th Edition* (Reference 2). The results are shown in Table 5 along with their comparative differences.

TABLE 5
Potential Site Trip Generation Scenarios
(Current VS. Proposed Zoning)

Zoning/Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Current Zoning -RL (Single Family Home)	210	35 units	396	34	9	25	42	26	16
Proposed Zoning -RML (Apartments)	220	55 units	481	31	6	25	48	31	17
Difference			**+85**	**-3**	**-3**	**0**	**+6**	**+5**	**+1**

As shown in the previous table, there are very small differences in the trip generation potential of the two development scenarios during weekday a.m. and p.m. peak hours. In fact, during the weekday a.m. peak hour, trips generated by development activity under the proposed RML zoning are expected to be fewer than if the site were developed under the current RL zoning (difference of -3 trips). For the weekday p.m. peak hour, however, there is a slightly higher number of trips estimated to occur under the proposed RML zoning scenario. But such an increase (difference of +6 trips) is insignificant, especially when considering how these trips are diluted once they distribute onto the surrounding street network. As described later in the *Year 2029 Intersection Operations* section of this report, such a small increase in weekday p.m. peak hour trips will have a negligible effect on the operating conditions of the study area intersections.

Supplemental Analysis of Site Trip Generation

Although the focus of this study is on the transportation impacts associated with the proposed plan map amendment and zone change, it is important re-emphasize again that the Applicant's end goal is to construct a senior living center on the subject site. The importance of noting this end-goal is because the trip generation potential for a senior living center complex is low, as evidenced by the information presented below in Table 6.

TABLE 6
Estimated Site Trip Generation
(Senior Living Center)

Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Independent Living*	252	80 beds**	297	6	3	3	9	5	4
Assisted Living/ Skilled Nursing	254	110 beds***	293	15	10	5	24	11	13
Total			**590**	**21**	**13**	**8**	**33**	**16**	**17**

*- Sufficient data is not available for weekday trip rate for ITE #252 (Senior Adult Housing- Attached). Therefore, the weekday trip rate for ITE #251 (Senior Adult Housing- Detached) was used.

**- Size shown is for occupied beds.

***- Size shown is for total number of beds. A total of 50 beds were assumed for skilled nursing care, with a total of 40 assisted living units that contain an even 50/50 split of one- and two-bedroom units (60 total beds).

Comparing the results shown in Table 6 above with the results shown in Table 5, it becomes clear that a senior living center would generate less traffic during the critical weekday a.m. and p.m. peak hours than if the site were developed to its maximum potential under either the current RL or proposed RML zoning.

For additional comparison, further analysis was done to estimate the trips that were previously generated by the subject site when it operated as an elementary school. When the school closed down roughly five years ago, there were 458 students in attendance at the school. Because the subject site comprises only 5.44 acres out of the total 13.37 acres of school property, this student figure was pro-rated and adjusted down to 186 students in order to estimate the school-related trips associated with this portion of property. Using this figure, Table 7 was prepared to summarize the average weekday and weekday a.m. and p.m. peak hour traffic volume estimates for the school when it was operational.

TABLE 7
Estimated Site Trip Generation
(Former Elementary School)

Land Use	ITE Code	Size	Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Elementary School*	520	186 students**	240	59	32	27	42	19	23

*- Results shown reflect a pro-rata share of total school site property (5.44 acres out of 13.37 acres in total size).

**- Size shown represents school occupancy figure of 458 students recorded back in October 2003, pro-rated or adjusted downwards to reflect the size of the subject site.

As demonstrated by the previous table and comparing the results to Table 6, the elementary school was likely generating more traffic during the critical weekday a.m. and p.m. peak hours than what will eventually occur on the subject site with a senior living center built on it.

SITE TRIP DISTRIBUTION AND ASSIGNMENT

Figure 6 illustrates the estimated site trip distribution patterns applicable to both zoning development scenarios. The assignment patterns were based on observations of travel patterns made in the field, the turn movement patterns observed from actual traffic counts, and professional judgment. It should also be mentioned here that even though plan map amendments are not site-specific or access-specific, it was assumed for this study that all site traffic would access the street system via SW Boones Ferry Road. This is consistent with the access conditions that currently exist today.

Based on the trip distribution patterns selected for this study, Figures 7 through 10 illustrate the resulting site traffic assignments for the two zoning development scenarios during the weekday a.m. and p.m. peak hours.

YEAR 2029 INTERSECTION OPERATIONS

Once the site traffic assignments were determined for their respective land development scenarios and analysis periods, the resulting volumes were added to the year 2029 background traffic forecast volumes that are summarized for each study intersection in *Appendix "E"*.

Figures 11 through 14 illustrate the resulting year 2029 total traffic volumes and operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, under the current and proposed zoning development scenarios, respectively. *Appendices "F" and "G" contain all the traffic conditions level of service worksheets for these two development scenarios, respectively.*

As the results in both figures show, several study intersections are shown to operate at levels which do not meet the City's long-term planning operations standards. Nevertheless, what is critical is that there is no relative difference in the levels-of-service, the volume-to-capacity ratios, or the average driver delays shown for the study intersections when comparing the current RL and proposed RML zoning development scenario results. This is because the trip generation differential between the two land use scenarios is small. This is a clear indication that the proposed RML zoning will not "significantly affect" any existing or planned transportation facility. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule.

Potential Mitigation Measures

For future planning purposes, it is worthwhile to identify possible mitigation measures for those study intersections that are expected to operate at a sub-standard level in the year 2029, based on the City's long-range level-of-service policy (LOS F/E for the Town Center Area and LOS E/E for areas outside). Applying the City's planning-level LOS policy along with the assumption that any intersection operating with a v/c ratio greater than 1.0 is sub-standard, a total of three out of the five study intersections have been identified as operating at a sub-standard level in the year 2029. These intersections, and their sub-standard operating conditions are summarized in Table 8 along with a summary of potential mitigation measures that will bring these intersections back into compliance with City operating standards and allow them to function adequately. Again, this effort is not being undertaken to identify possible mitigation measures that can be conditioned upon the Applicant for the proposed zone change, but to relay possible solutions to City planning staff so that they can be better prepared to address the long-term travel demand needs of drivers in the study area. *Appendix "H" contains the level of service analysis worksheets for the identified mitigation measures.*

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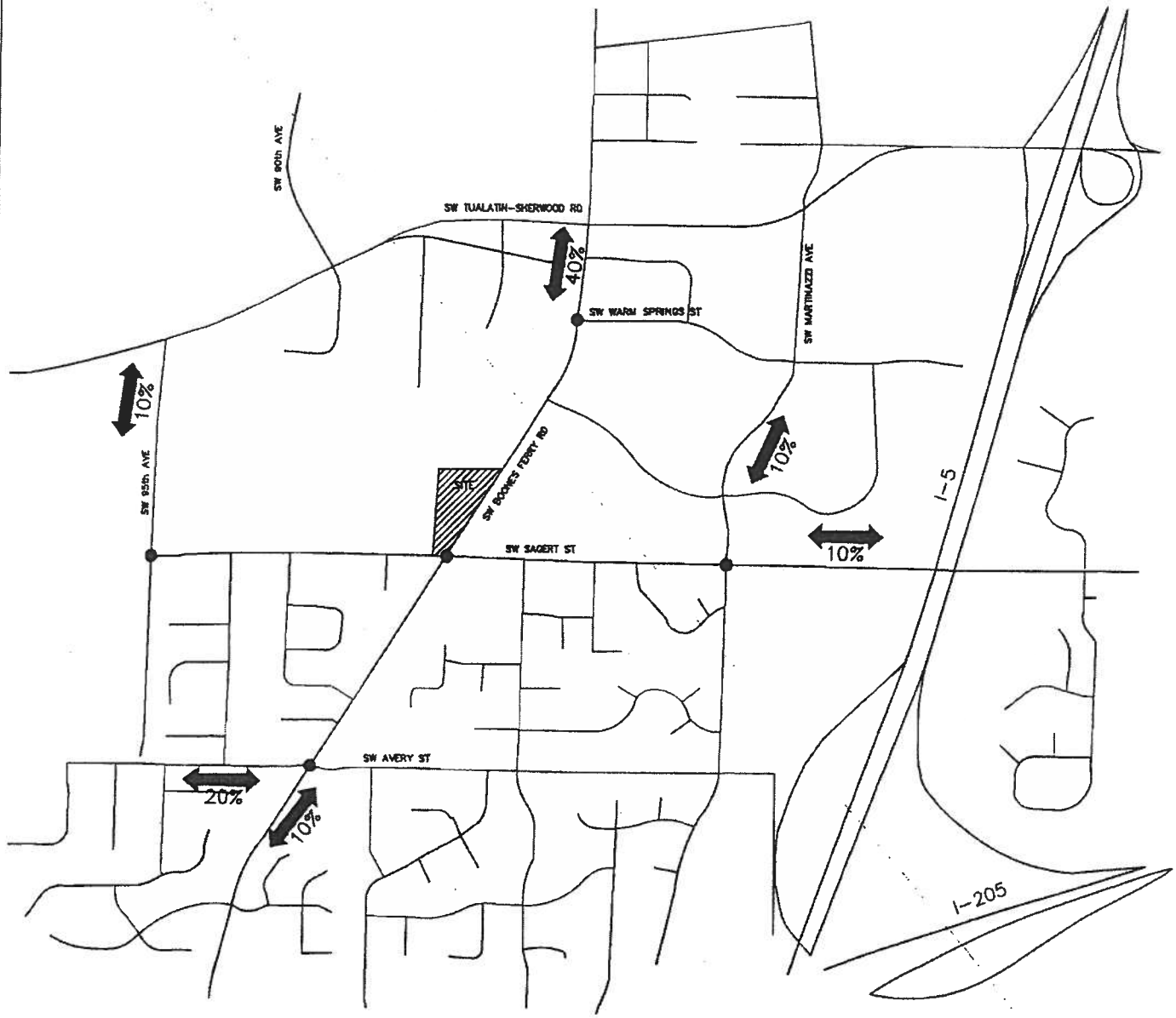

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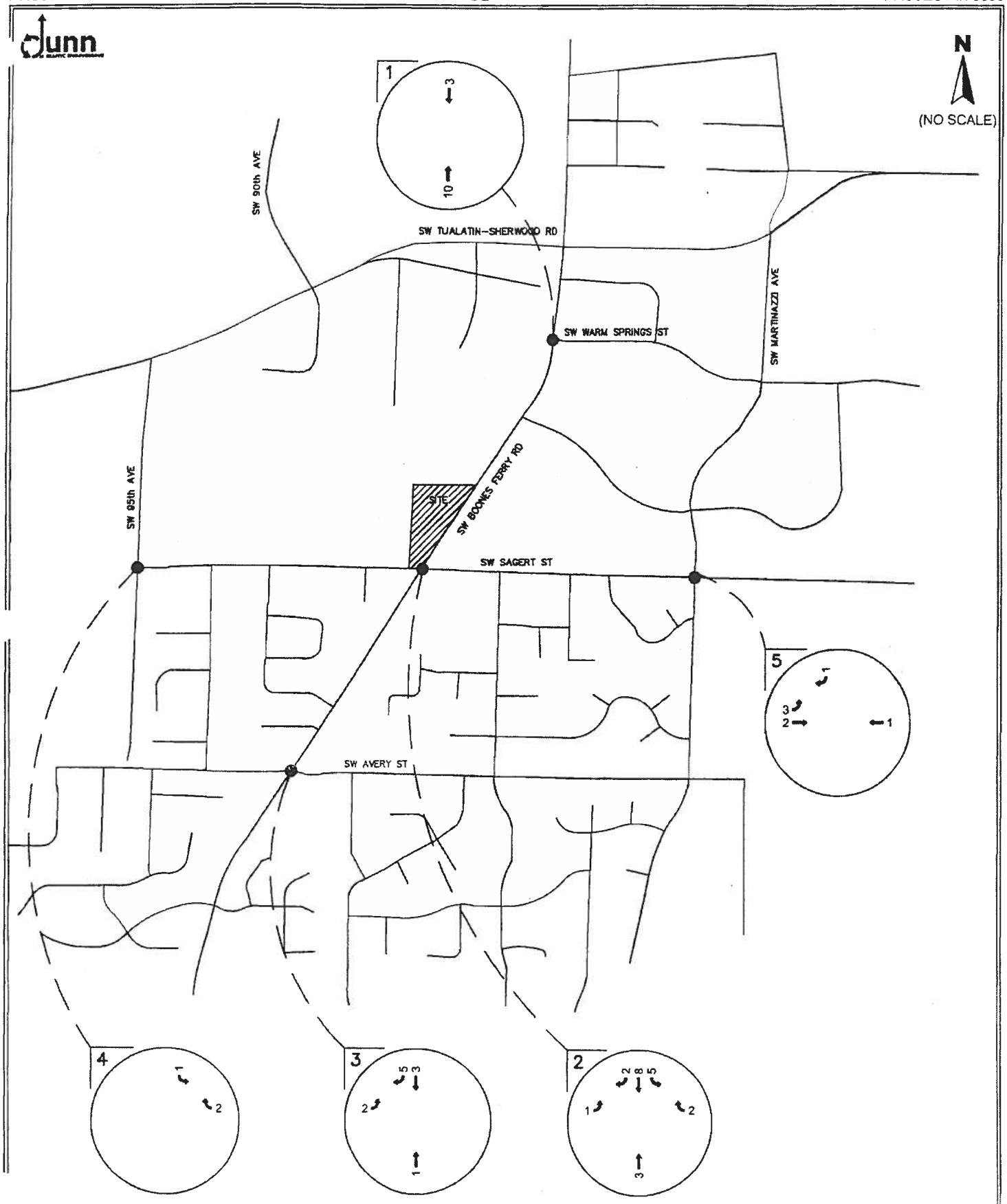
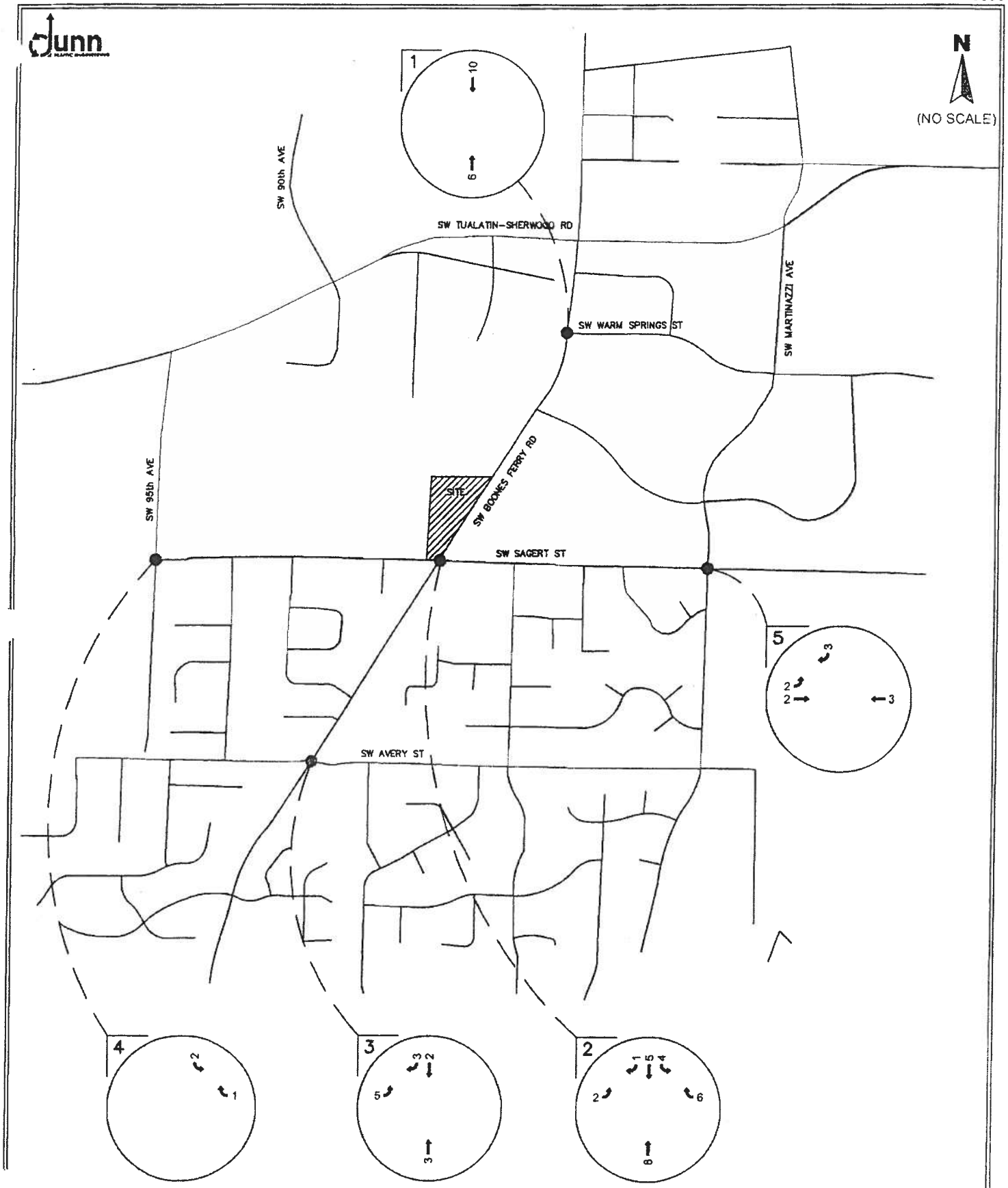
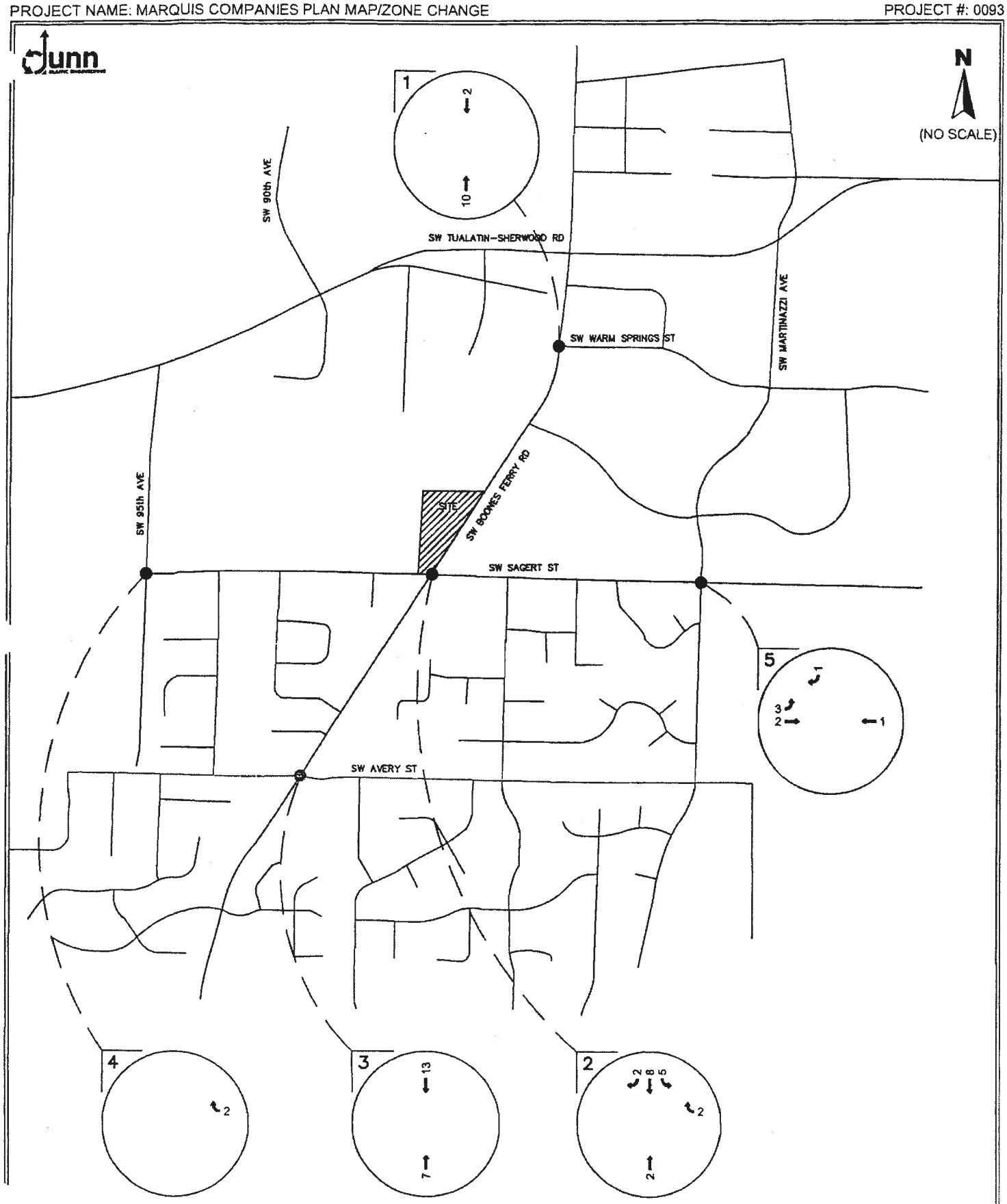
⟷ = PERCENT SITE TRIP DISTRIBUTION	Estimated Site Trip Distribution Patterns Weekday AM and PM Peak Hours MARCH, 2009	FIGURE No.: 6



LEGEND		FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME	Site Traffic Assignment Weekday AM Peak Hour (Current Zoning) MARCH, 2009	7



LEGEND	Site Traffic Assignment Weekday PM Peak Hour (Current Zoning) MARCH, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		8



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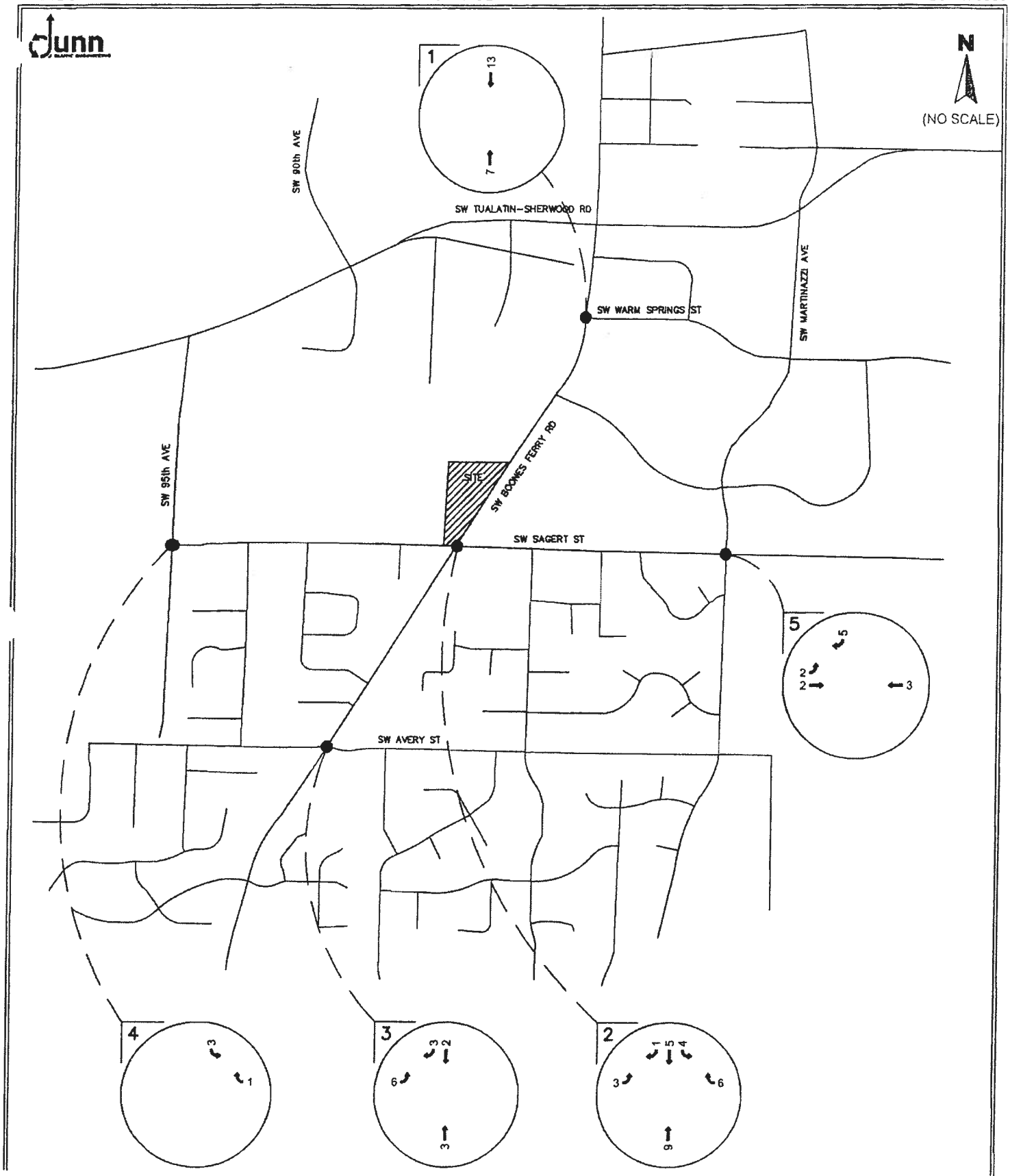
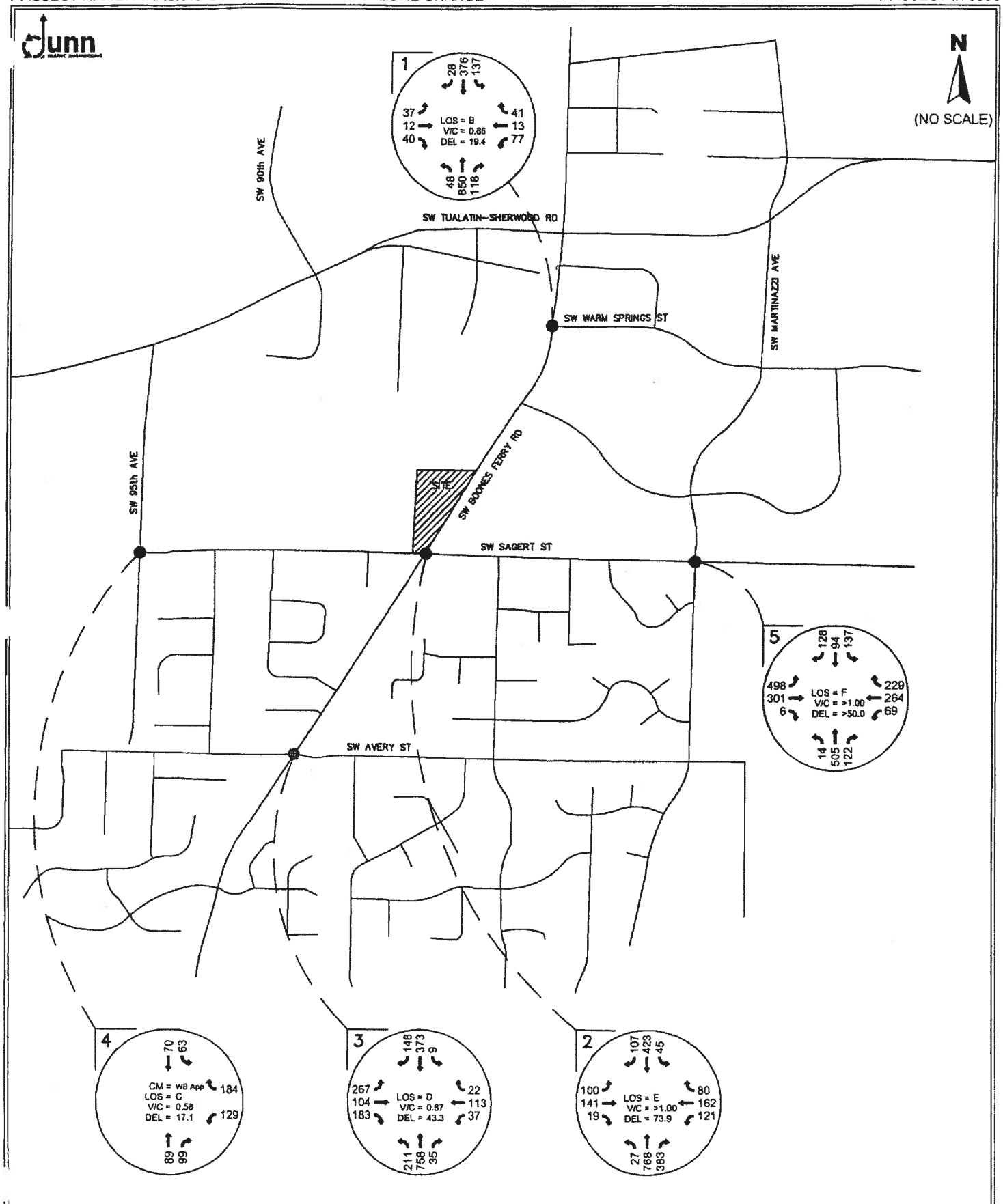
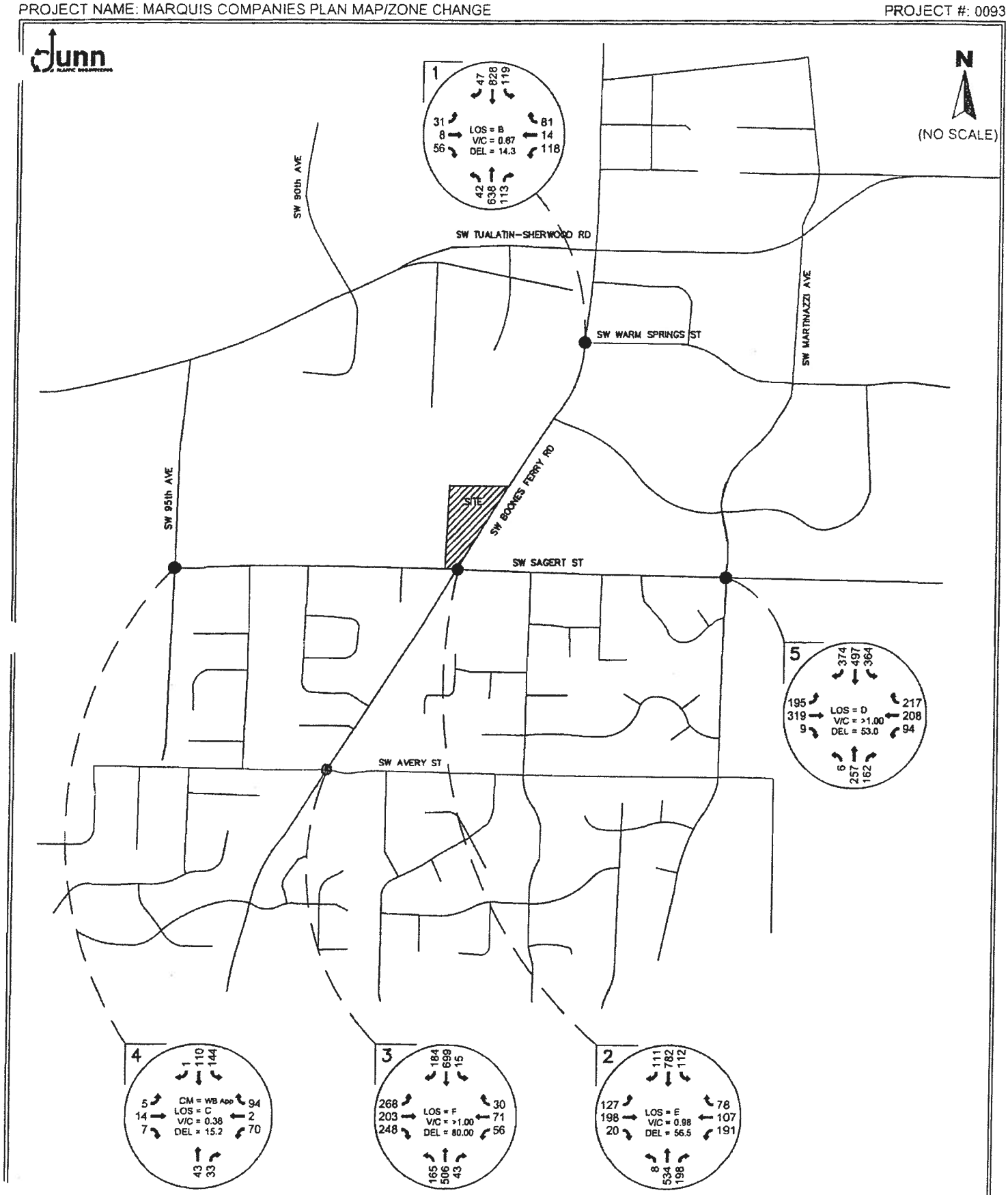
## = PEAK HOUR TRAFFIC VOLUME	Site Traffic Assignment Weekday AM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.: 9



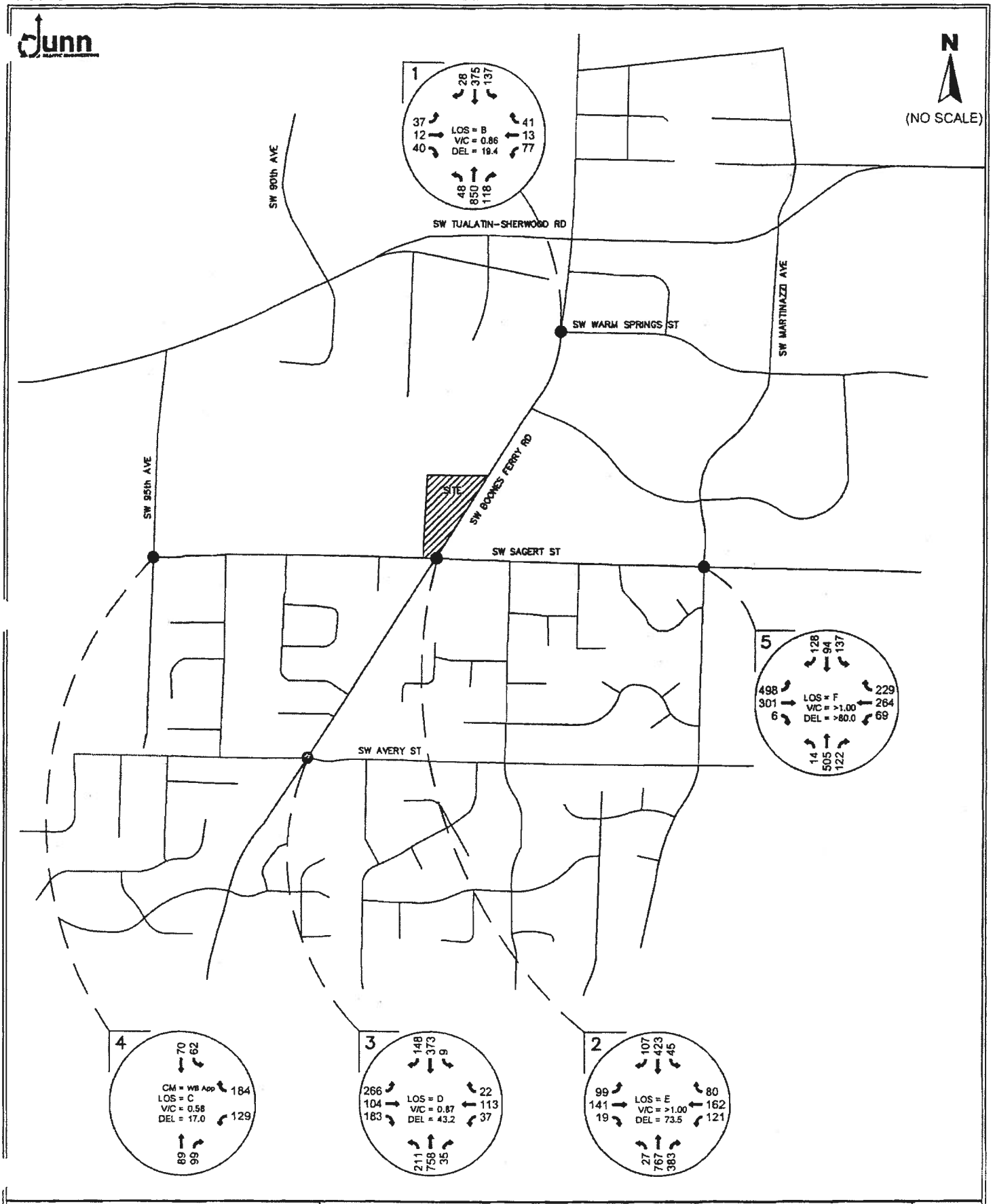
LEGEND	Site Traffic Assignment Weekday PM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		10



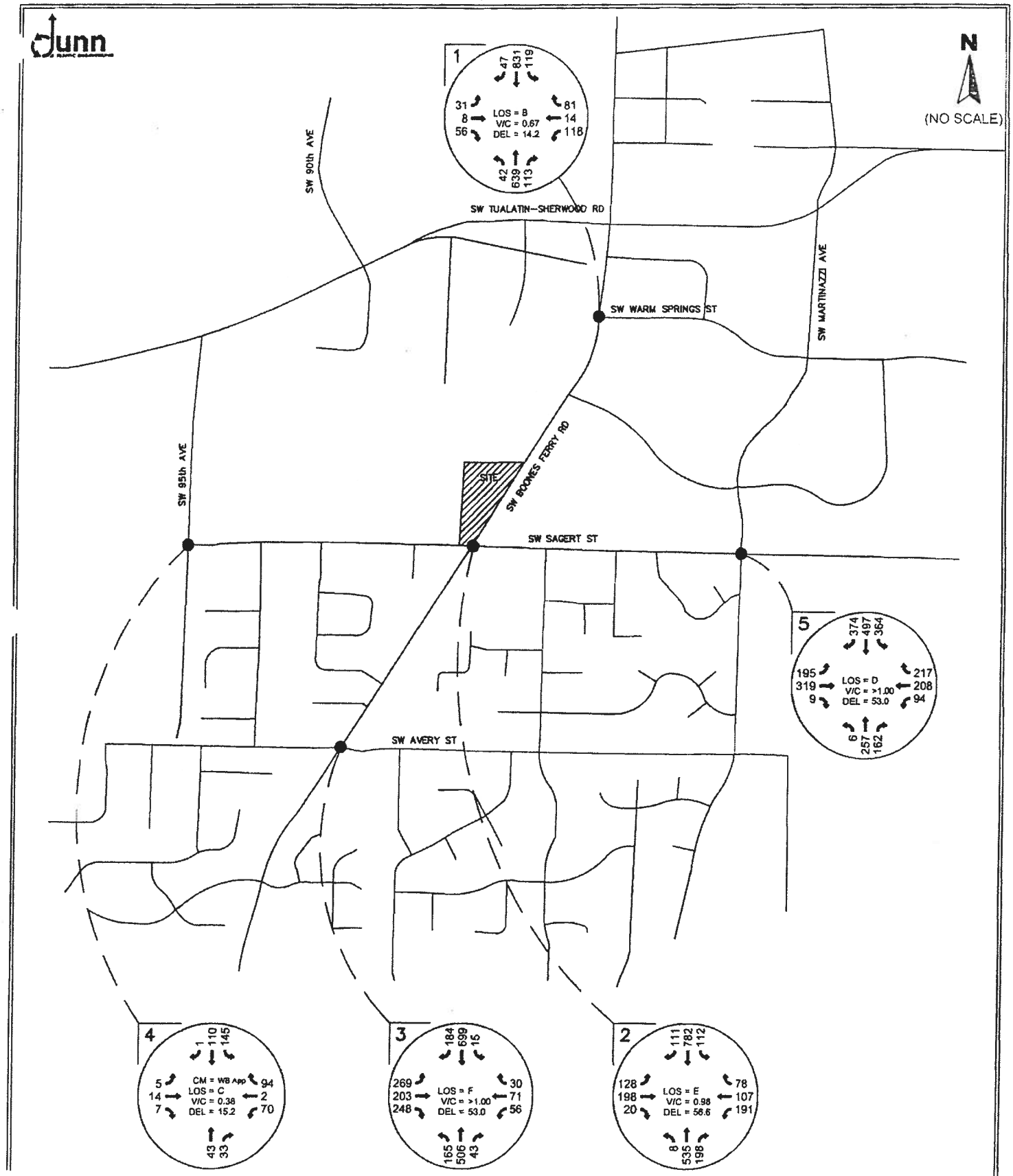
LEGEND	Year 2029 Total Traffic Conditions Weekday AM Peak Hour (Current Zoning) MARCH, 2009	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO		11



LEGEND	Year 2029 Total Traffic Conditions Weekday PM Peak Hour (Current Zoning) MARCH, 2009	FIGURE No.:
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO		12



LEGEND		
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH DEL = AVERAGE CONTROL DELAY (SECONDS) V/C = VOLUME-TO-CAPACITY RATIO	Year 2029 Total Traffic Conditions Weekday AM Peak Hour (Proposed Zoning) MARCH, 2009	FIGURE No.: 13



LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

Year 2029 Total Traffic Conditions
Weekday PM Peak Hour (Proposed Zoning)

MARCH, 2009

FIGURE No.: 14

TABLE 8
SUMMARY OF SUB-STANDARD YEAR 2029 INTERSECTION OPERATIONS AND IDENTIFICATION OF POTENTIAL MITIGATION MEASURES

Intersection	Critical Peak Hour Period	Unmitigated Level-of-Service	Potential Mitigation Measure	Mitigated Level-of-Service
SW Boones Ferry Rd./SW Sagert St.	AM	LOS E (v/c 1.09)	Add northbound right-turn lane.	LOS C (v/c 0.79)
SW Boones Ferry Rd./SW Avery St.	PM	LOS F (v/c 1.11)	Add eastbound right-turn lane and southbound right-turn lane.	LOS D (v/c 0.86)
SW Martinazzi Ave./SW Sagert St.	AM PM	LOS F (v/c 1.27) LOS D (v/c 1.01)	Add second northbound through lane and second eastbound left-turn lane.	LOS D (v/c 0.90) LOS C (v/c 0.81)

Note: The results shown in this table reflect conditions under the proposed RML zoning development scenario.

As shown in the above table, certain turn lane treatments can be added to ensure that the three study intersections operate adequately over the next 20 years. At the SW Boones Ferry Road/SW Sagert Street intersection, the addition of a northbound right-turn lane will improve year 2029 weekday a.m. peak hour traffic operations from LOS E to LOS C, as well as a reduction in the intersection v/c ratio to below 1.0. At the SW Boones Ferry Road/SW Avery Street intersection, the addition of an eastbound right-turn lane and southbound right-turn lane will improve year 2029 weekday p.m. peak hour operations from LOS F to LOS D, again with a lowering of the v/c ratio to below 1.0. And finally, at the SW Martinazzi Avenue/SW Sagert Street intersection, the addition of a second eastbound left-turn lane and a second northbound through lane will improve year 2029 weekday a.m. and p.m. peak hour operations from LOS F and LOS D, respectively, to LOS D and LOS C, respectively. Again, under both analysis periods the v/c ratio can be reduced to a value below 1.0

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings documented in this study, the Applicant's proposal to rezone the 5.44 acre site from Residential Low Density (RL) to Residential Medium-Low Density (RML) will have no "significant effect" upon any existing or planned transportation facilities. Thus, the proposed land use action is in compliance with the State's Transportation Planning Rule and should be approved by the City of Tualatin.

REFERENCES

1. Transportation Research Board. *Highway Capacity Manual*. 2000.
2. Institute of Transportation Engineers (ITE). *Trip Generation, Seventh Edition*. 2003.

GREEN LIGHT TRANSPORTATION
Transportation Service and Solutions to Fit Your Environment

June 7, 2010

Tony Doran
City of Tualatin
Engineering & Building
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

SUBJECT: TUALATIN MARQUIS ASSISTED LIVING CENTER – ACCESS ANALYSIS

Dear Mr. Doran:

Marquis Companies proposes to develop an assisted living center in the northwest quadrant of the SW Boones Ferry Road/SW Sagert Street intersection. The traffic impact of the project and associated zone change has been analyzed in the *Marquis Companies Plan Map Amendment/Zone Change* study conducted by Dunn Traffic Engineering (March 2009). The purpose of this letter is an operational analysis of the site accesses and is a supplement to the Dunn Traffic Engineering study. **Based on this analysis, the site accesses are forecast to operate safely and efficiently.**

This letter provides the information described below.

- Current Development Plan
- Site-Access Operations Analysis
  - Transportation System Improvements
  - Assignment of Site Trips
  - 2013 Near-Term Access Operations
  - 2030 Long-Term Access Operations
  - Vehicle Queues
  - Access Conflicts
  - Sight Distance
- Conclusions and Recommendations

CURRENT DEVELOPMENT PLAN

The proposed project will redevelop the former Tualatin Elementary School. The previous Marquis development plan provided attached senior adult, assisted living, and skilled nursing housing in one complex on 5.44 acres of the 13.37-acre school property.

The senior housing market indicates an increased desire among the elderly for detached housing. In order to accommodate the desire for independent living and provide a community that provides care as lifestyle needs change, the attached senior adult housing in the previous plan has been spread across the remaining 7.93 acres as detached housing. As a result, **the current**

development plan incorporates the entire 13.37-acre property, but with approximately the same number of housing units/beds as the previous plan had on 5.44 acres. The housing in the previous and current development plans is summarized in Table 1 below.

Table 1: Development Plan Comparison

Land Use	Size
Previous Plan (5.44 acres)	
Senior Adult Housing – Attached	80 units
Assisted Living	60 beds
Skilled Nursing	50 beds
Total	**190 units/beds**
Current Plan (13.37 acres)	
Senior Adult Housing – Detached	68 units
Assisted Living	80 beds
Skilled Nursing	54 beds
Total	**202 units/beds**

Access will be provided by new local street connections to SW Boones Ferry Road and SW Sagert Street. Secondary access will be provided to the assisted living and skilled nursing facility by a driveway on SW Sagert Street that will be located east of the new Sagert Local Street Access. This is similar to the Tualatin Elementary School's access, except the project will shift the SW Boones Ferry Road access north to provide additional distance to the traffic signal at SW Sagert Street. While there is no internal connection between the school's SW Boones Ferry Road parking lot and driveway and SW Sagert Street parking lot and driveways, the proposed plan will provide a more flexible development where internal connections will enable site traffic to adjust to surrounding traffic volumes, improving access and reducing the site's impact on the surrounding transportation system. Figure 1 illustrates the current development plan.

The property is currently zoned Residential Low Density (RL). Although the project will require the property be rezoned to Residential Medium-Low Density (RML), **the rezone is tied to this specific plan and if development does not occur, the property zoning will revert back to Residential Low Density.** The Dunn Traffic Engineering study analyzed the impacts of rezoning 5.44 acres of the 13.37-acre property. A trip generation comparison was conducted to ensure the Dunn Traffic Engineering study also addresses any impacts associated with the current plan. The trip generation for the alternatives analyzed in the Dunn Traffic Engineering study is shown in Table 2 and the trip generation for the current plan is shown in Table 3.

The trip generation is based on the Institute of Transportation Engineers (ITE) publication *Trip Generation, 7th Edition* (2003). As described in the ITE *Trip Generation* manual, assisted living and skilled nursing residents, "do little or no driving; traffic is primarily generated by employees, visitors and deliveries." Marquis Companies staggers their shifts so shift changes occur outside the peak hours. Although this will likely result in peak hour trip generation that is even lower, the ITE data was used to develop a conservative estimate.

LEGEND

Current Development Plan

June 2010

FIGURE 1

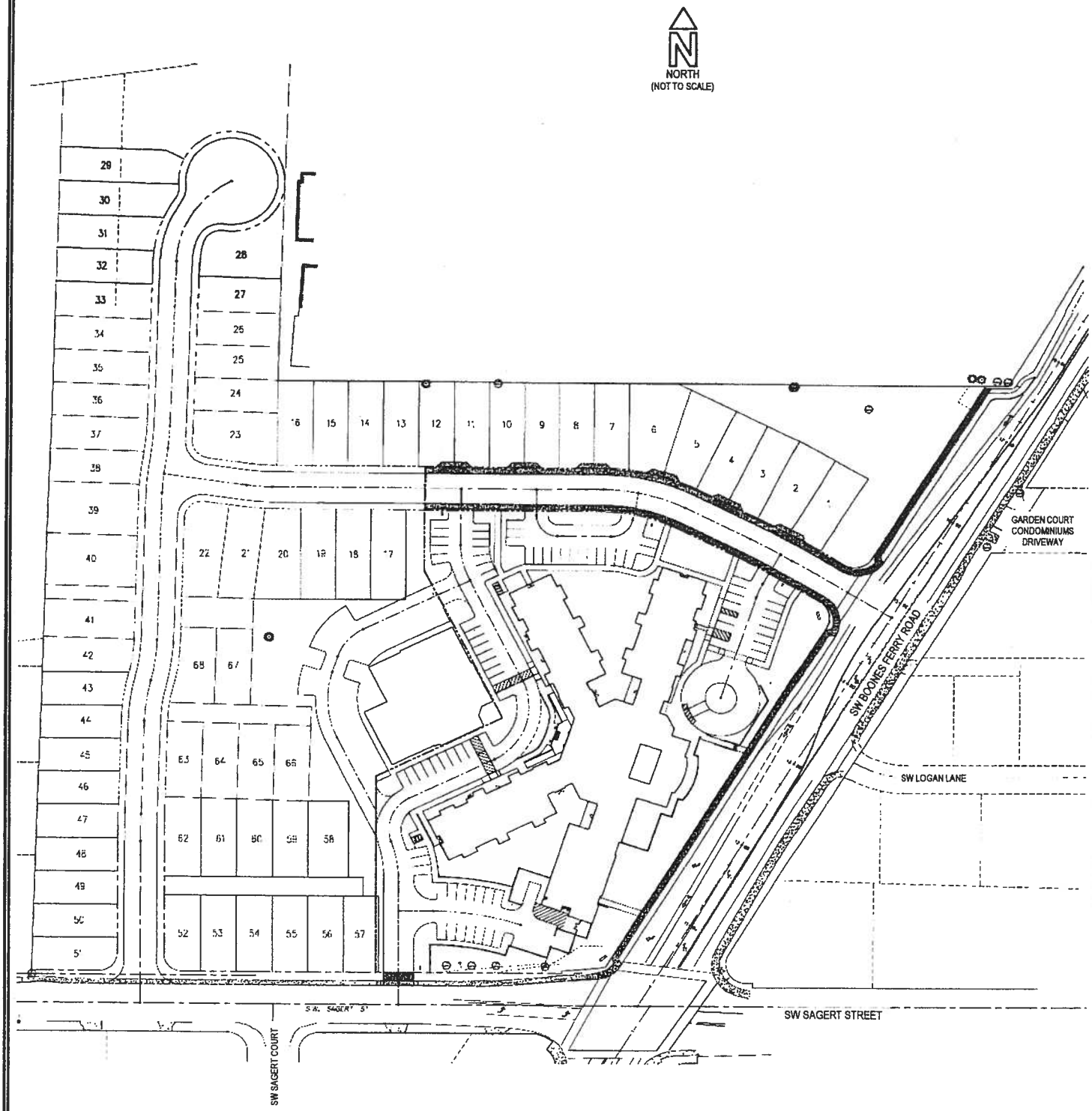


Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

The Dunn Traffic Engineering study concluded that rezoning the 5.44 acres from RL to RML in the previous plan would have no "significant impact" on the surrounding transportation system. As shown in Tables 2 and 3, the current plan will generate fewer trips than the previous plan, current zoning, and rezone alternative scenarios analyzed in the Dunn Traffic Engineering study. **As a result, the transportation impacts of the current plan will be less than the existing zoning and rezoning all 13.37 acres to RML, for development as specified in the current plan, will have no "significant impact" on the transportation system.**

SITE-ACCESS OPERATIONS ANALYSIS

Although the Dunn Traffic Engineering study analyzed the overall impacts of the proposed development on the surrounding transportation system, it did not analyze site access. Therefore, this letter provides a detailed analysis of the three site accesses. Analysis of both near-term and long-term traffic conditions was conducted to confirm the site accesses will operate in the distant future with higher traffic volumes on the surrounding roadways.

Transportation System Improvements

Unless noted, the traffic volumes and transportation system assumptions used in this analysis are based on the information included in the Dunn Traffic Engineering study. Transportation improvements that have recently occurred or will be included with the project and aren't specifically described in the Dunn Traffic Engineering study are listed below.

- Although this analysis is focused on the operations of the site accesses, vehicle queues were calculated at the SW Boones Ferry Road/SW Sagert Street intersection to determine their impact on the site driveways. Washington County upgraded the northbound and southbound left-turn movements at this intersection from protected only to protected-permitted phasing in May of 2010. This upgrade is included in this analysis.

- The project will include the half-street widening of SW Boones Ferry Road along the site frontage to accommodate the western half of the roadway's planned 5-lane cross section. The widening along the site frontage will be striped to provide a separate southbound right-turn lane at the SW Boones Ferry Road/SW Sagert Street intersection and is included in this analysis.

- The SW Boones Ferry Road half-street widening will enable the project to stripe a median refuge at the proposed Boones Ferry Local Street Access to allow motorists making an eastbound left when exiting the site to do so via separate gaps in the southbound and northbound traffic flows.

Assignment of Site Trips

The trip generation for the current plan, as shown in Table 3, was assigned to the site accesses consistent with the Trip Distribution shown in Figure 6 of the Dunn Traffic Engineering study. The resulting assignment of site-generated trips for the current plan during the weekday AM and PM peak hours are shown in Figures 2 and 3.

2013 Near-Term Access Operations

Although build-out of the project is dependent upon market conditions, full build-out may occur as soon as 2013. In order to determine 2013 traffic conditions at the site driveways, the existing traffic volumes shown in the Dunn Traffic Engineering study were increased to reflect year 2013 background traffic volumes at the site accesses. The site-generated trips were added to the 2013 background volumes to develop the 2013 Total Traffic volumes shown in Figures 4 and 5.

Levels of Service

The corresponding 2013 Total Traffic levels of service at the site accesses are also shown in Figures 4 and 5. The associated level-of-service worksheets are attached.

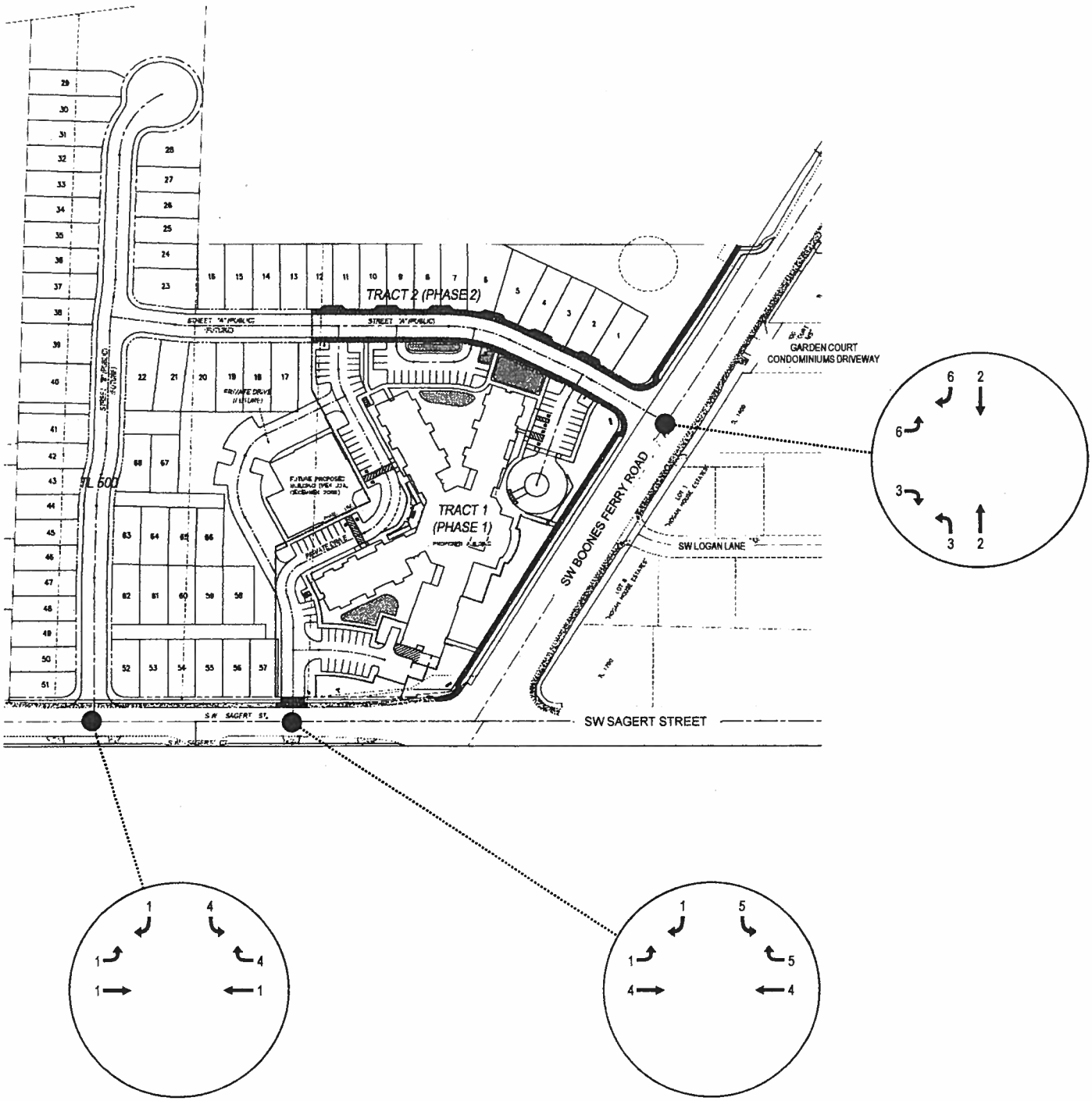
LEGEND

Total Site-Generated Trips
Weekday AM Peak Hour

June 2010

FIGURE 2

NORTH
(NOT TO SCALE)



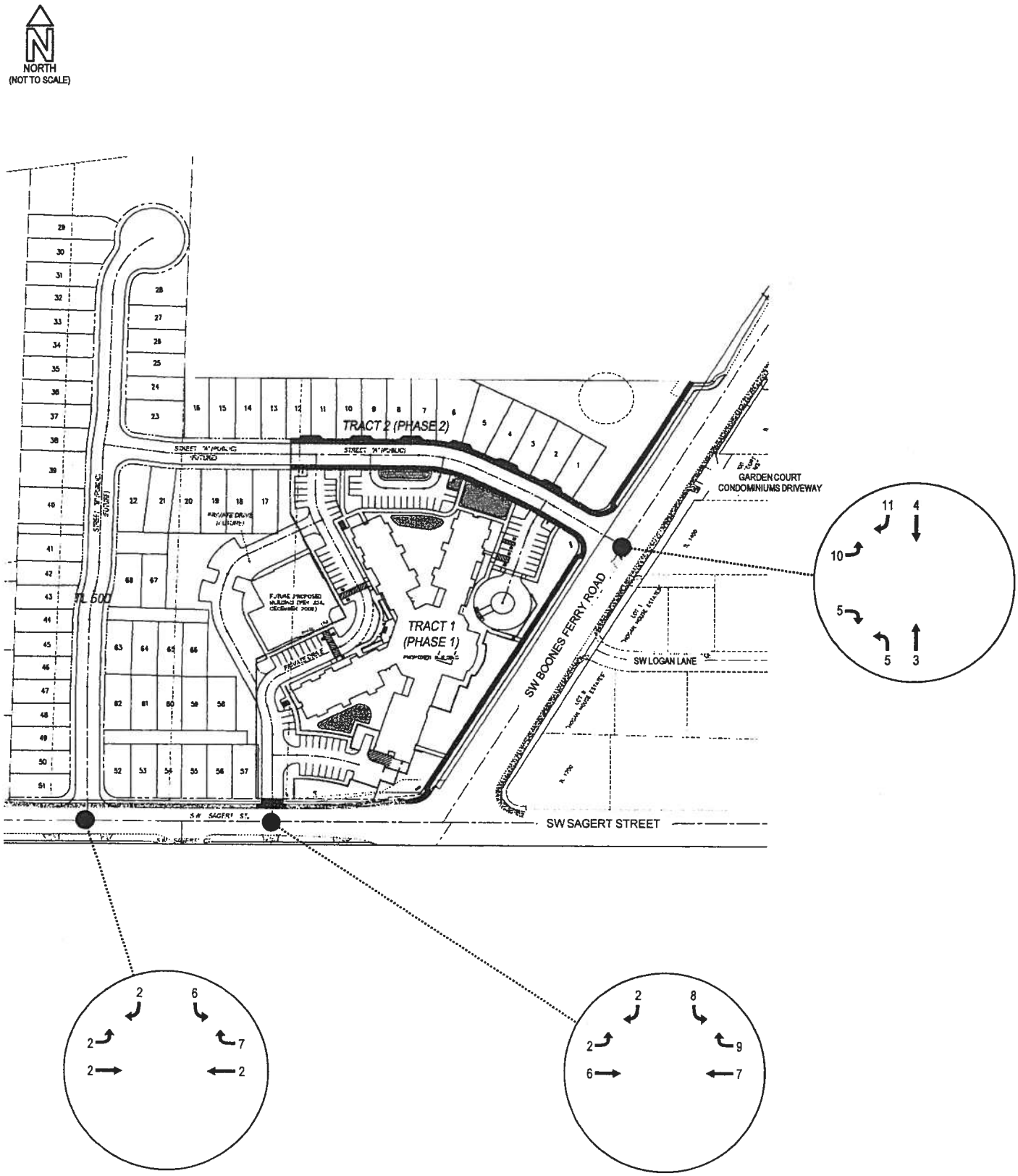
LEGEND

Total Site-Generated Trips

Weekday PM Peak Hour

June 2010

FIGURE 3



LEGEND

LOS- Level of Service

DEL- Delay (seconds)

V/C- Volume-to-Capacity Ratio

Data for Two-Way Stop is for critical approach (underlined)

Data for Signals is average of all approaches

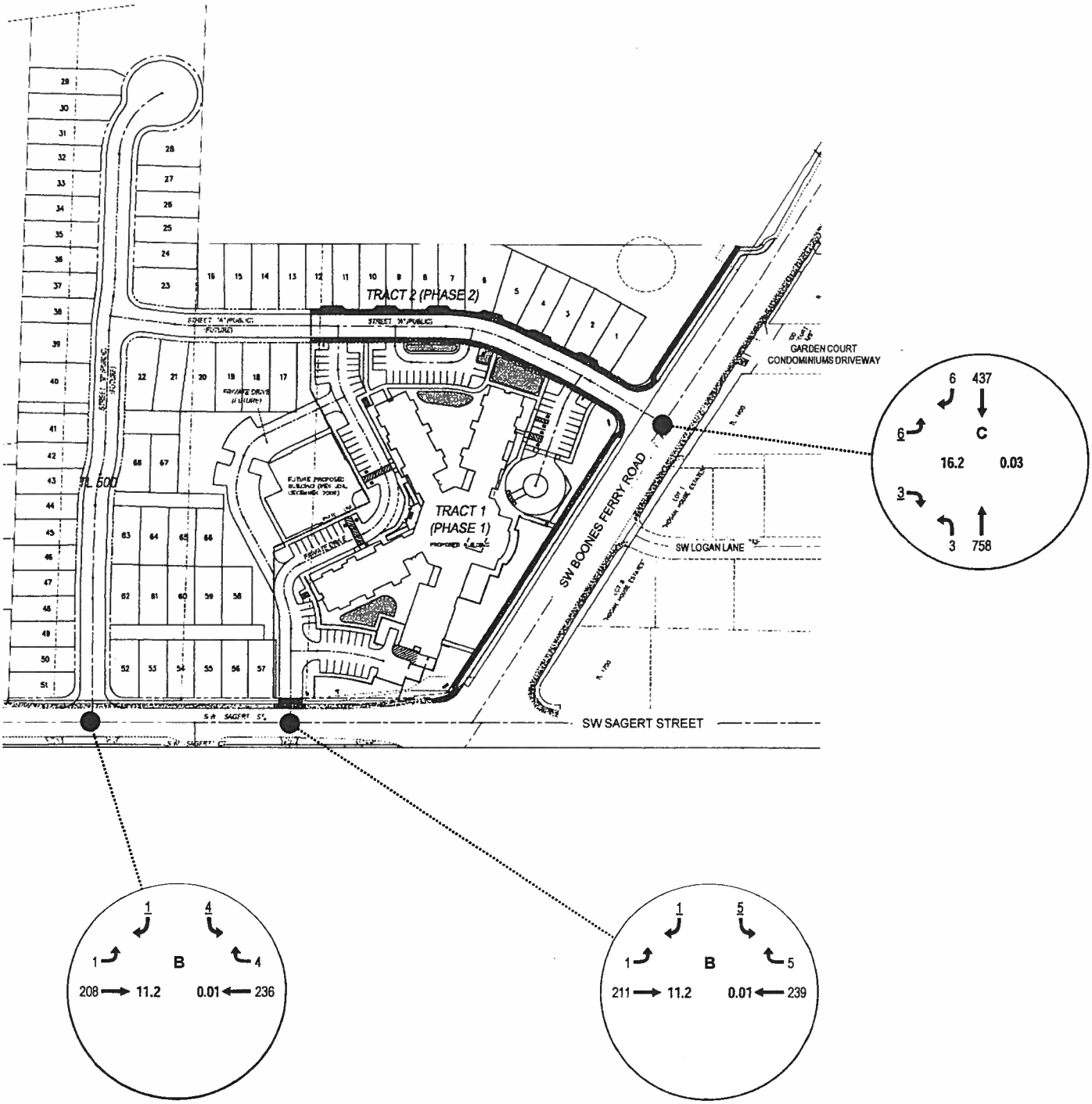
2013 Total Traffic Conditions

Weekday AM Peak Hour

June 2010

FIGURE 4

NORTH
(NOT TO SCALE)



LEGEND

LOS- Level of Service

DEL- Delay (seconds)

V/C- Volume-to-Capacity Ratio

Data for Two-Way Stop is for critical approach (underlined)

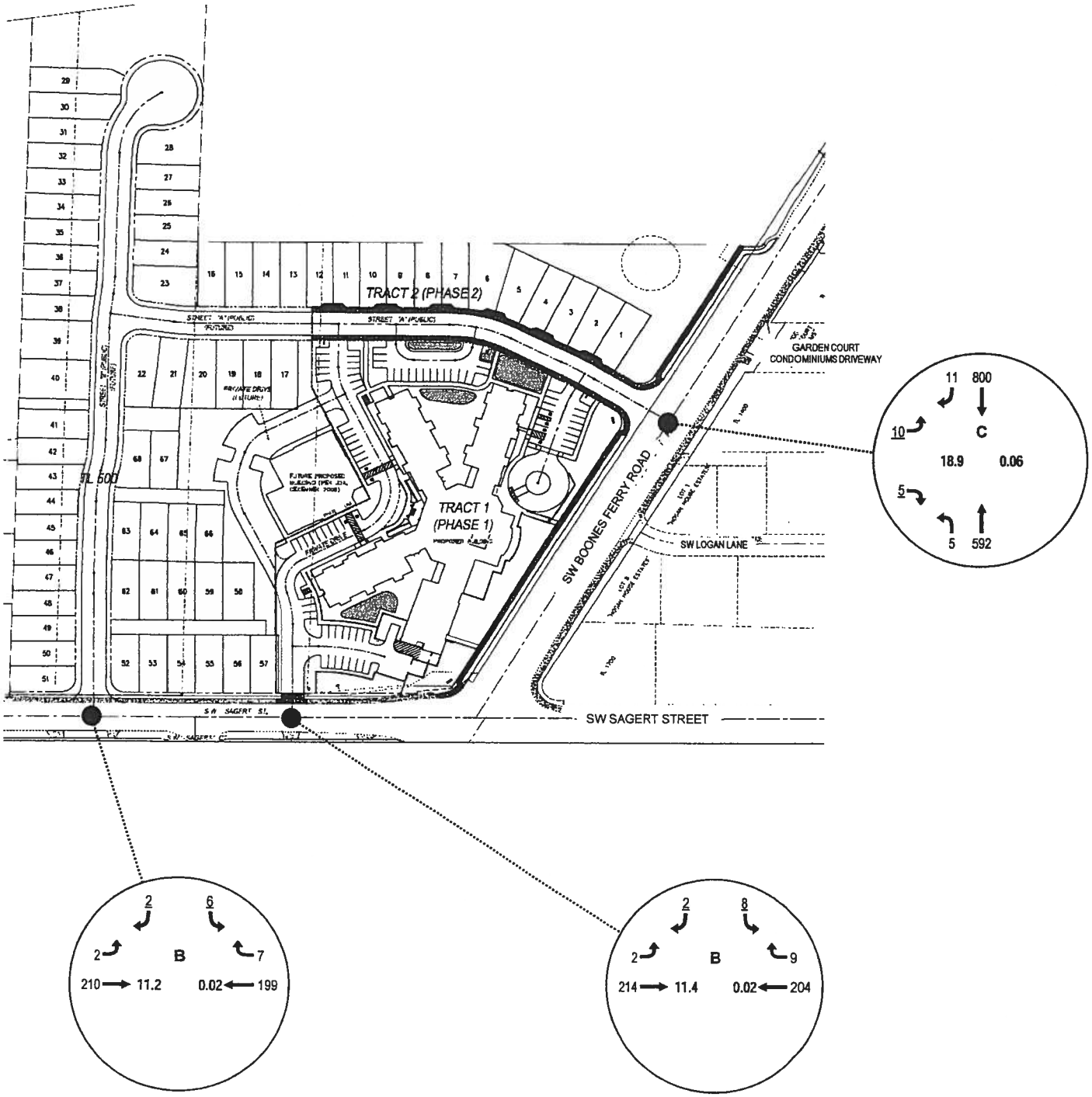
Data for Signals is average of all approaches

2013 Total Traffic Conditions

Weekday PM Peak Hour

June 2010

FIGURE 5



As shown in the figures, the site accesses will operate with acceptable levels of service during the weekday AM and PM peak hours. Due to the high traffic flows on SW Boones Ferry Road, provision of a center median on SW Boones Ferry Road to enable motorists making an eastbound left-turn exit to do so via separate gaps in the northbound and southbound traffic flows provides a significant improvement in this critical movement. Without a median refuge, adequate capacity would still be available because the site traffic is so low, but delays would be much greater with this movement operating at LOS F.

2030 Long-Term Access Operations

The operation of the site accesses were analyzed with forecast 2030 traffic volumes to confirm the site accesses will operate acceptably in the long-term future. The 2029 traffic volumes in the Dunn Traffic Engineering study were increased to reflect year 2030 background traffic volumes at the site accesses. The site-generated trips were added to the 2030 background volumes to develop the 2030 Total Traffic volumes shown in Figures 6 and 7.

Levels of Service

The corresponding 2030 Total Traffic levels of service at the site accesses are also shown in Figures 6 and 7. The associated level-of-service worksheets are attached.

As shown in the figures, the site accesses will continue to operate with acceptable levels of service during the weekday AM and PM peak hours.

Vehicle Queues

Analysis of vehicle queues at the site accesses and between the accesses and the SW Boones Ferry Road/SW Sagert Street intersection were conducted to determine vehicle storage requirements and identify any conflicts or access blockages.

The 95th-percentile vehicle queues during the weekday AM and PM peak hours for near-term 2013 and long-term 2030 traffic conditions are shown in Figures 8 and 9. The vehicle queue worksheets are attached.

As illustrated in the figures, the 95th-percentile vehicle queues at the site accesses are forecast to be short, one vehicle or 25 feet, due to the low volumes at the site driveways. All of the site accesses provide storage for at least two vehicles and this is preferred to accommodate the rare occasions when two vehicles arrive or depart at the same time. As a result, the site accesses provide storage in excess of the peak hour queue requirements.

Also illustrated in Figures 8 and 9 are the 95th-percentile vehicle queues on the southbound and eastbound approaches to the SW Boones Ferry Road/SW Sagert Street intersection to determine if queues at the signalized intersection will spillback and block any of the site accesses. The long-term vehicle queues may be longer than those shown in Figure 9 if SW Boones Ferry Road is not widened to its planned 5-lane cross section and traffic volumes increase to the level forecast in the Dunn Traffic Engineering study where the SW Boones Ferry Road/SW Sagert Street intersection approaches or exceeds capacity.

LEGEND

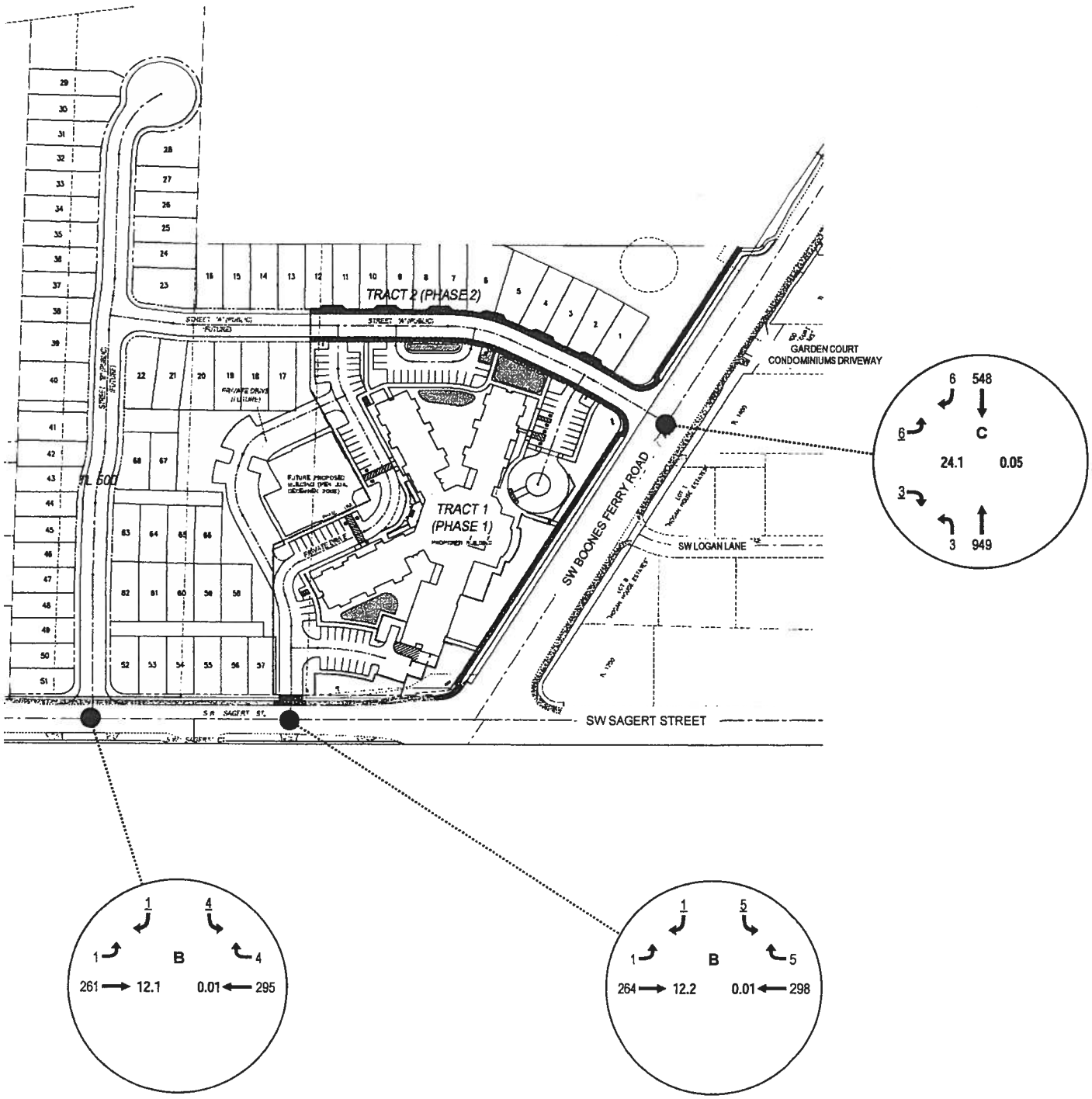
LOS- Level of Service
DEL- Delay (seconds)
V/C- Volume-to-Capacity Ratio
Data for Two-Way Stop is for critical approach (underlined)
Data for Signals is average of all approaches

2030 Total Traffic Conditions
Weekday AM Peak Hour

June 2010

FIGURE 6

NORTH
(NOT TO SCALE)



LEGEND

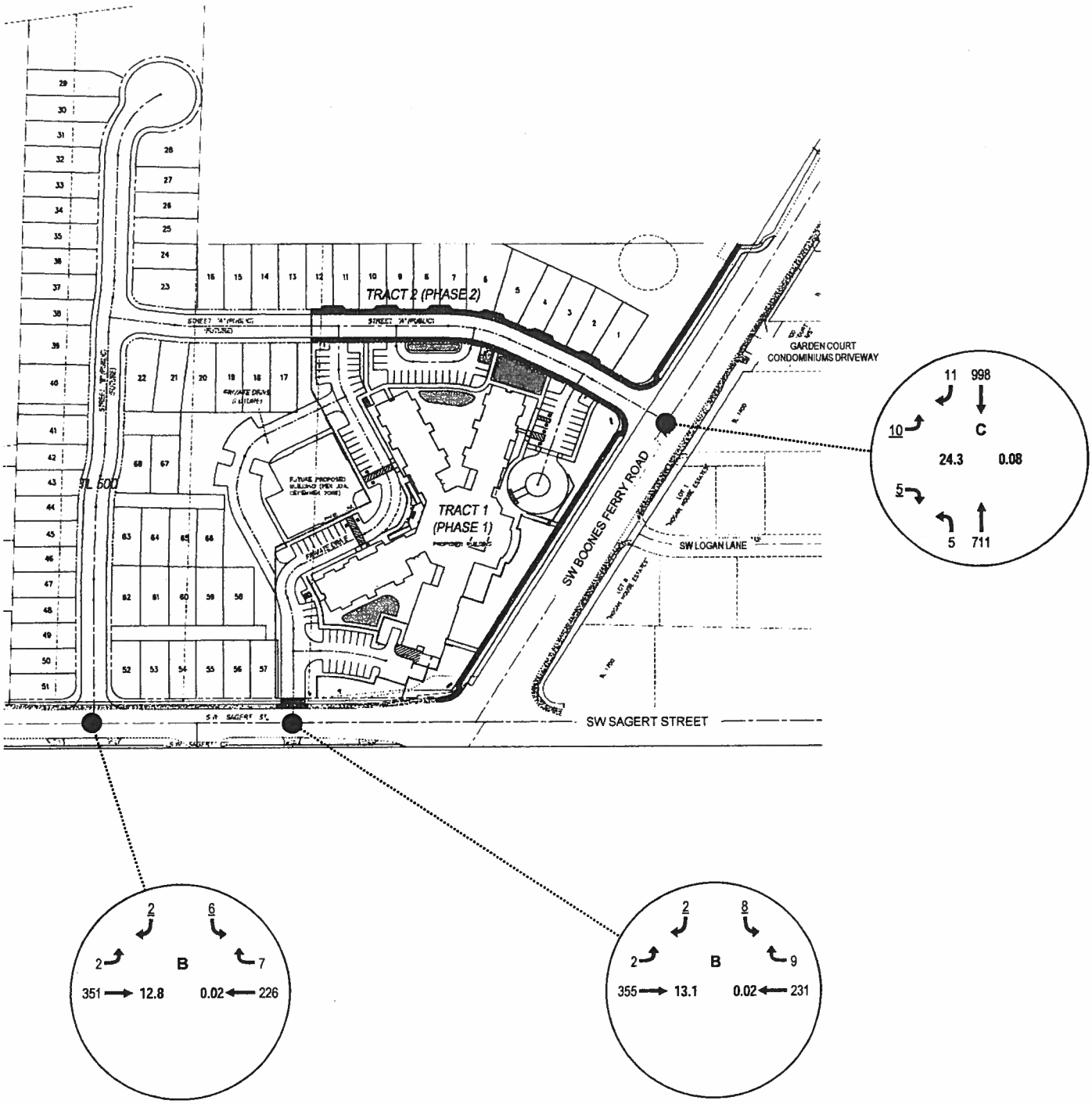
LOS- Level of Service
DEL- Delay (seconds)
V/C- Volume-to-Capacity Ratio
Data for Two-Way Stop is for critical approach (underlined)
Data for Signals is average of all approaches

2030 Total Traffic Conditions
Weekday PM Peak Hour

June 2010

FIGURE 7

NORTH
(NOT TO SCALE)



LEGEND

X' 95th-Percentile Vehicle Queues (feet)

2013 Vehicle Queues

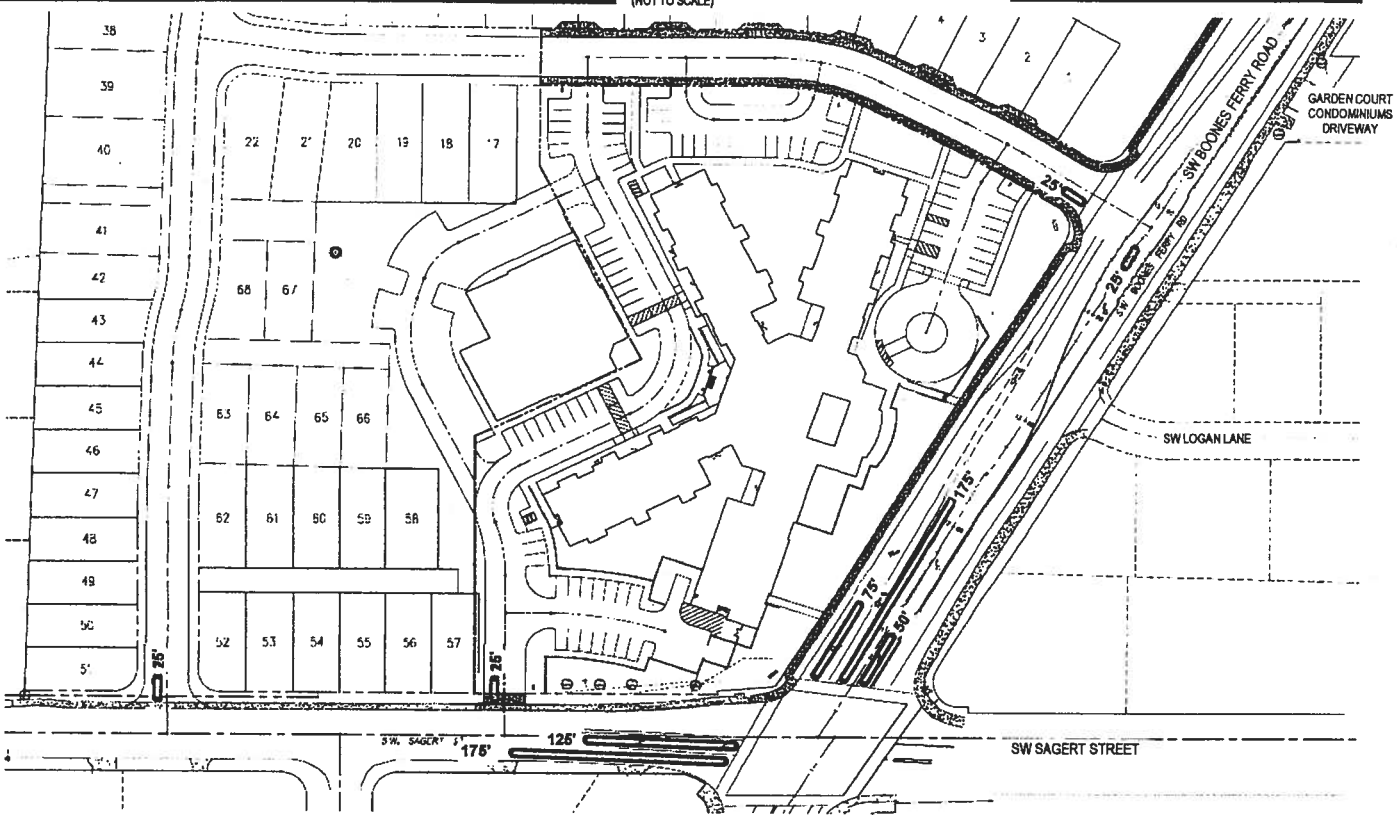
Weekday AM & PM Peak Hours

June 2010

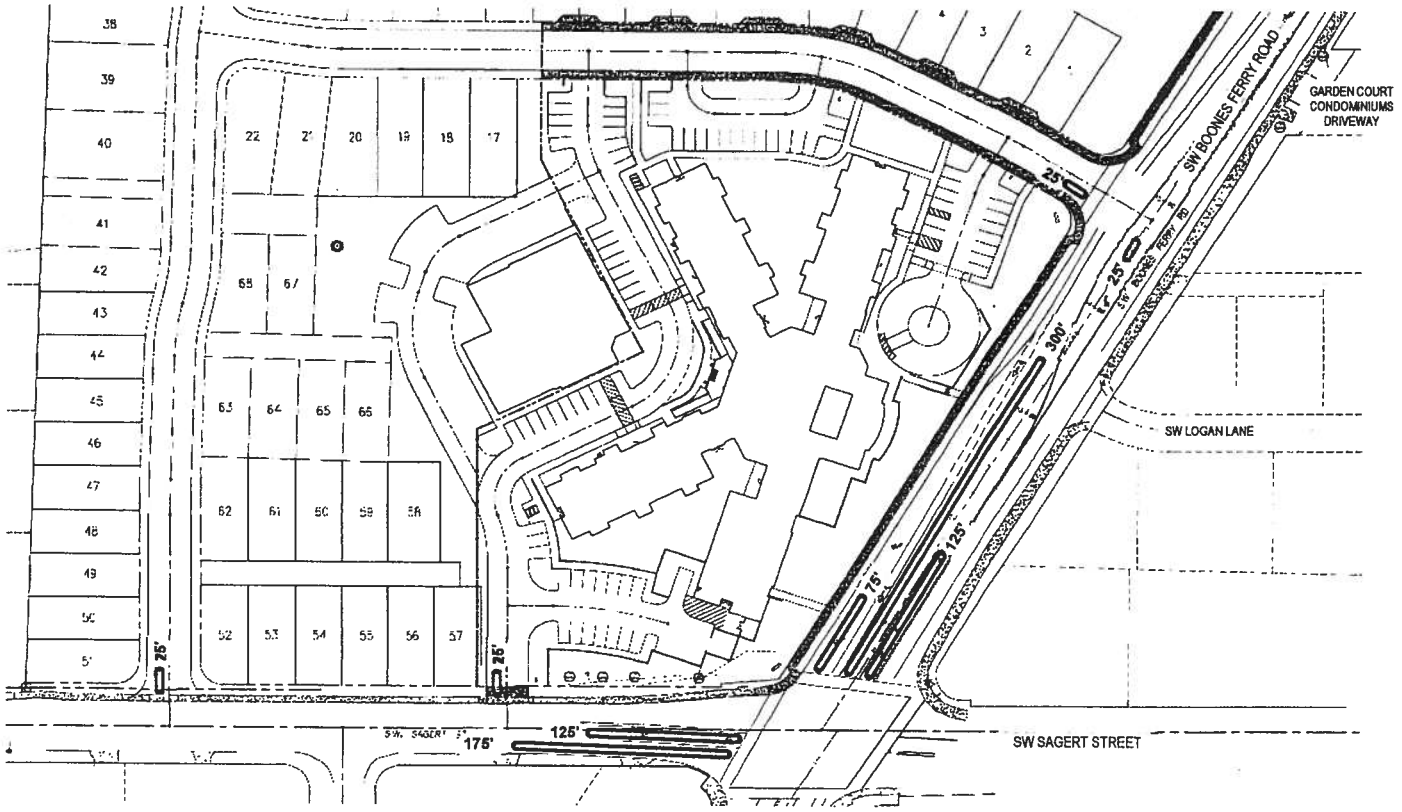
FIGURE 8

NORTH (NOT TO SCALE)

Weekday AM Peak Hour



Weekday PM Peak Hour



LEGEND

x' 95th-Percentile Vehicle Queues (feet)

2030 Vehicle Queues

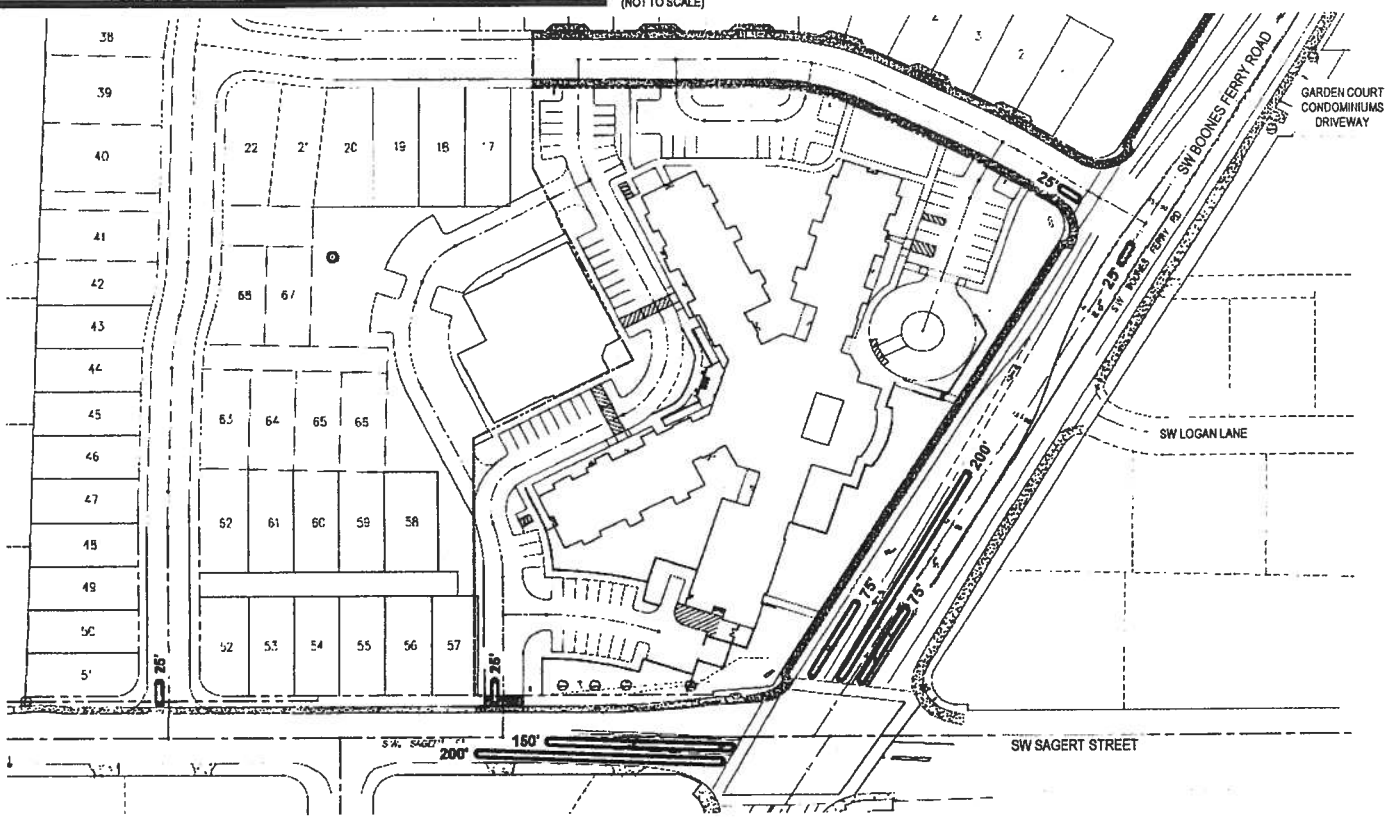
Weekday AM & PM Peak Hours

June 2010

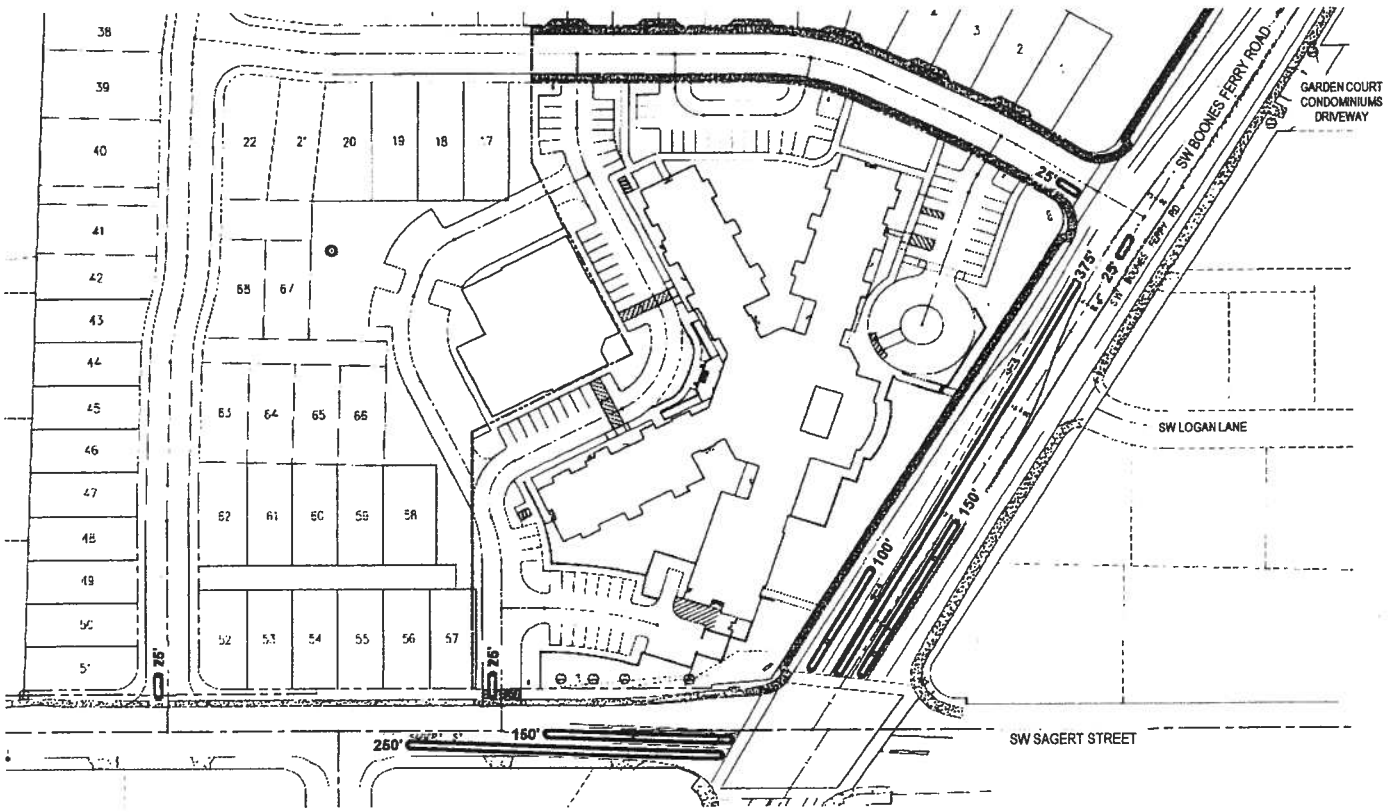
FIGURE 9

NORTH (NOT TO SCALE)

Weekday AM Peak Hour



Weekday PM Peak Hour



6/7/10 4:25 PM

Approximately 175 feet of storage is available between the Eastern Sagert Driveway and the SW Boones Ferry Road/SW Sagert Street intersection. The near-term weekday AM and PM peak hour 95th-percentile queues are also 175 feet, indicating that the majority of queues on SW Sagert Street will not block the projects Eastern Sagert Driveway. Peak queues that do reach or block the Eastern Sagert Driveway would occur towards the end of the eastbound red phase at the SW Boones Ferry Road/SW Sagert Street intersection and would clear with the following green signal phase. Although this may occasionally delay motorists making a southbound left-turn at the Eastern Sagert Driveway, traffic volumes for this movement are low (5-10 peak hour vehicles) and alternative access is available.

As traffic volumes increase in the future, the frequency of vehicle queues extending past the Eastern Sagert Driveway increases. A low posted speed of 25 miles per hour and relatively low through volumes on SW Sagert Street in the long-term will provide a lot of gaps in traffic for motorists at the Eastern Sagert Driveway, though they may have to wait longer when peak queues extend past the driveway.

Field observations also revealed that during the weekday PM peak hour, large vehicle platoons occasionally arrive towards the end of the red phase for southbound traffic on SW Boones Ferry Road, resulting in a brief queue that would extend the length of the site. This does not occur every cycle and the queue clears with the following green phase. Although this may occasionally increase delays for motorists making an eastbound left-turn movement out of the Boones Ferry Local Street Access, the volume of motorists making this movement is low (less than 10 vehicles during the weekday PM peak hour), it should only occur a few times during the Weekday PM peak hour with all other time periods operating considerably better, and alternative access is provided via the SW Sagert Street Accesses. In addition, Washington County staff has indicated the intersections along SW Boones Ferry Road are wired for progression, but the interconnection cables are not connected. If these cables are connected in the future to progress traffic on SW Boones Ferry Road, platoons should progress more efficiently with shorter southbound queues. The widening of SW Boones Ferry Road to the planned 5-lane cross section will also reduce future queues and improve operations.

Access Conflicts

A review of existing accesses that may conflict with the proposed site accesses was conducted to determine any operational or safety issues.

SW Logan Lane

Access is provided to 6 single family homes (with a potential of 8 single family homes) on the east side of SW Boones Ferry Road via SW Logan Lane, which intersects SW Boones Ferry Road approximately 150 feet south of the project's proposed Boones Ferry Local Street connection. The SW Logan Lane intersection with SW Boones Ferry Road is interim and will be removed when development of land to the southeast of these homes enables access via SW Sagert Street. Traffic volumes are very low with peak hour turn movement volumes between 0-3 vehicles. Although the existing pavement striping prohibits left-turn movements to/from SW Logan Lane, there is no raised median on SW Boones Ferry Road to prevent these movements from occurring.

The current development plan widens SW Boones Ferry Road, enabling a center turn lane to be added for the project's Boones Ferry Local Street Access without impacting the roadway striping at the SW Logan Lane and SW Sagert Street intersections with SW Boones Ferry Road. If a motorist were to make a southbound left-turn at SW Logan Lane, there is the potential their maneuver would utilize a portion of the center turn lane to the project's proposed Boones Ferry Local Street Access. Although this is not an ideal situation, it is relatively common on roadways with multiple access points and a shared center turn lane. In this situation the site traffic making this movement is low (approximately 5 peak hour vehicles or less) and the number of vehicles making this movement to SW Logan Lane is even lower (approximately 2 peak hour vehicles). Therefore, this will not frequently occur and if motorists choose to make a southbound left turn to the interim SW Logan Lane access, the project's improvements will provide a longer and wider center turn lane. **Therefore, conflicts between the proposed Boones Ferry Local Street Access and the interim SW Logan Lane are expected to be minimal. If feasible, striping a center turn lane that is wider than the standard 14 feet will be an efficient use of the project's half-street widening and will improve the operations and reduce conflicts at the driveways in the area.**

Garden Court Condominiums Access

Access to the 7-unit Garden Court Condominiums and a single family home, which also houses Lukas Photography, is provided by a driveway on the east side of SW Boones Ferry Road and approximately 150 feet north of the project's proposed Boones Ferry Local Street Access. Traffic volumes are very low with peak hour turn movement volumes estimated between 0-3 vehicles.

Although there isn't currently a center median at this location, the project's widening of SW Boones Ferry Road and center lane striping for the Boones Ferry Local Street Access will extend past the Garden Court Condominium Driveway. This will significantly improve operations for motorists exiting to the south from the Garden Court Condominium Driveway by providing a center turn lane refuge and enabling them to make the movement via separate gaps in the northbound and southbound traffic flows. **Although motorists making a westbound left-turn out of the Garden Court Condominium Driveway may utilize the same portion of the SW Boones Ferry Road center turn lane as motorists making a left-turn exit out of the site, the volumes are low (10 peak hour vehicles or less) and the addition of the center turn lane improves operations for both accesses.**

SW Sagert Court

SW Sagert Court, an unpaved City street, provides access to 3 single family homes on the south side of SW Sagert Street. The project's Sagert Local Street Access will intersect SW Sagert Street approximately 135 feet west and the project's Eastern Sagert Driveway will intersect SW Sagert Street approximately 120 feet east. Traffic volumes at all three driveways will be low (0-10 peak hour vehicles) and there is no center turn lane on SW Sagert Street for opposing flows to occupy. Additionally, SW Sagert Street is a low speed facility with a posted speed of 25 miles per hour. **As a result, conflicts between access connections on SW Sagert Street are not expected.**

Sight Distance

The sight distance was reviewed at all three proposed access locations and revealed adequate lines of sight should be available for safe and efficient operations. Low growing landscaping and non-sight obstructing trees are recommended for sight distance to remain in the future.

CONCLUSION & RECOMMENDATIONS

The Tualatin Marquis Assisted Living Center can be developed while maintaining acceptable levels of service and safety at the site accesses on the surrounding transportation system. The access analysis developed the conclusions and recommendations listed below.

Conclusions

- The proposed development is a relatively low trip generating land use with development of all 13.37 acres generating approximately 40 AM peak hour and 67 PM peak hour trips. This is a 25-50% reduction in site trips when compared to the existing and rezone scenarios analyzed in the Dunn Traffic Engineering study.
- Consistent with the Dunn Traffic Engineering study, the current plan will have no "significant impact" on the transportation system.
- If the site is not developed as outlined in the current plan, the site's Residential Medium-Low Density rezone will revert back to the current Residential Low Density zoning.
- The project will widen the western half of SW Boones Ferry Road in order to accommodate the roadway's planned 5-lane cross section. In the interim, this widening will provide a separate southbound right-turn lane at the SW Boones Ferry Road/SW Sagert Street intersection.
- Site traffic at the proposed site accesses will be low and the proposed accesses will operate with acceptable levels of service during both the weekday AM and PM peak hours in the near-term and long-term.
- Adequate storage will be provided to accommodate vehicle queues at the site accesses.
- Peak eastbound queues at the SW Boones Ferry Road/SW Sagert Street intersection may occasionally extend past the site's Eastern Sagert Driveway. Although this may delay the low volume of motorists exiting at this driveway, there will be a high volume of gaps for motorists to utilize when the queues clear.
- Peak traffic flows on SW Boones Ferry Road may delay motorists making an eastbound left turn out of the site's proposed Boones Ferry Local Street Access. These occurrences will be infrequent and with limited duration, and alternative access is available for this low volume movement. Future widening of SW Boones Ferry to its planned 5-lane cross section will significantly improve long-term operations and queues.
- Low volumes at the site accesses and nearby driveways will result in minimal conflicts between accesses. Although it will be shared, the project will improve the center median on SW Boones Ferry Road for the existing driveways that will be a short distance from the proposed Boones Ferry Local Street Access.
- All three access locations provide adequate sight distance for safe operation.

Recommendations

- If feasible, striping a center turn lane at the Boones Ferry Local Street Access that is wider than the standard 14-foot width will be an efficient use of the project's half-street widening and will improve the operations and reduce conflicts for the driveways in the area.
- Low growing landscaping and non-sight obstructing trees are recommended near the site accesses to maintain long-term sight distance.

Please let me know if you have any questions or if I can provide additional information.

Sincerely,

Christopher Stanley

Christopher Stanley, P.E.
Principal

REGISTERED PROFESSIONAL ENGINEER
53107
OREGON
July 13, 1999
CHRISTOPHER S. STANLEY
EXPIRES:

Attachments: 2013 Level of Service Worksheets
2030 Level of Service Worksheets
Vehicle Queue Worksheets

- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: C[16.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0	1 0	0	0 0	0 1	0	0 0	1! 0	0	0 0	0 0	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	3	758	0	0	437	6	6	0	3	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	3	758	0	0	437	6	6	0	3	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	3	758	0	0	437	6	6	0	3	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	3	790	0	0	455	6	6	0	3	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	3	790	0	0	455	6	6	0	3	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	429	xxxx	xxxxx	xxxx	xxxx	xxxxx	1083	1083	425	xxxx	xxxx	xxxxx
Potent Cap.:	1091	xxxx	xxxxx	xxxx	xxxx	xxxxx	140	126	603	xxxx	xxxx	xxxxx
Move Cap.:	1091	xxxx	xxxxx	xxxx	xxxx	xxxxx	140	126	603	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	269	240	xxxxx	238	239	xxxxx
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx	0.02	0.00	0.01	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	8.3	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	A	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	330	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	16.2	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			16.2			xxxxxx		
ApproachLOS:	*			*			C			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

****

Intersection #2 2

****

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[11.2]

****

Approach:	North Bound					South Bound					East Bound					West Bound				
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Stop Sign					Stop Sign					Uncontrolled					Uncontrolled				
Rights:	Include					Include					Include					Include				
Lanes:	0	0	0	0	0	0	0	1!	0	0	0	1	0	0	0	0	0	0	1	0
Volume Module: >> Count Date: 1 Sep 1997 <<																				
Base Vol:	0		0		0	5		0		1	1		211		0	0		239		5
Growth Adj:	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00
Initial Bse:	0		0		0	5		0		1	1		211		0	0		239		5
Added Vol:	0		0		0	0		0		0	0		0		0	0		0		0
PasserByVol:	0		0		0	0		0		0	0		0		0	0		0		0
Initial Fut:	0		0		0	5		0		1	1		211		0	0		239		5
User Adj:	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00	1.00		1.00		1.00
PHF Adj:	0.96		0.96		0.96	0.96		0.96		0.96	0.96		0.96		0.96	0.96		0.96		0.96
PHF Volume:	0		0		0	5		0		1	1		220		0	0		249		5
Reduct Vol:	0		0		0	0		0		0	0		0		0	0		0		0
FinalVolume:	0		0		0	5		0		1	1		220		0	0		249		5
Critical Gap Module:																				
Critical Gp:	xxxxx		xxxx		xxxxx	6.4		6.6		6.3	4.1		xxxx		xxxxx	xxxxx		xxxx		xxxxx
FollowUpTim:	xxxxx		xxxx		xxxxx	3.5		4.0		3.3	2.2		xxxx		xxxxx	xxxxx		xxxx		xxxxx
Capacity Module:																				
Cnflict Vol:	xxxx		xxxx		xxxxx	404		404		167	170		xxxx		xxxxx	xxxx		xxxx		xxxxx
Potent Cap.:	xxxx		xxxx		xxxxx	559		497		814	1313		xxxx		xxxxx	xxxx		xxxx		xxxxx
Move Cap.:	xxxx		xxxx		xxxxx	559		497		814	1313		xxxx		xxxxx	xxxx		xxxx		xxxxx
Volume/Cap:	xxxx		xxxx		xxxx	0.01		0.00		0.00	0.00		xxxx		xxxx	xxxx		xxxx		xxxx
Level Of Service Module:																				
2Way95thQ:	xxxx		xxxx		xxxxx	xxxx		xxxx		xxxxx	0.0		xxxx		xxxxx	xxxx		xxxx		xxxxx
Control Del:	xxxxx		xxxx		xxxxx	xxxxx		xxxx		xxxxx	7.7		xxxx		xxxxx	xxxxx		xxxx		xxxxx
LOS by Move:	*		*		*	*		*		*	A		*		*	*		*		*
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx		xxxx		xxxxx	xxxx		589		xxxxx	xxxx		xxxx		xxxxx	xxxx		xxxx		xxxxx
SharedQueue:	xxxxx		xxxx		xxxxx	xxxxx		0.0		xxxxx	0.0		xxxx		xxxxx	xxxxx		xxxx		xxxxx
Shrd ConDel:	xxxxx		xxxx		xxxxx	xxxxx		11.2		xxxxx	7.7		xxxx		xxxxx	xxxxx		xxxx		xxxxx
Shared LOS:	*		*		*	*		B		*	A		*		*	*		*		*
ApproachDel:	xxxxxx					11.2					xxxxxx					xxxxxx				
ApproachLOS:	*					B					*					*				

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Note: Queue reported is the number of cars per lane.

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- 2013 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[11.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L - T - R			L - T - R			L - T - R			L - T - R		
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0 0 0 0			0 0 1! 0 0			0 1 0 0 0			0 0 0 1 0		
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	4	0	1	1	208	0	0	236	4
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	4	0	1	1	208	0	0	236	4
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	4	0	1	1	208	0	0	236	4
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	4	0	1	1	217	0	0	246	4
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	4	0	1	1	217	0	0	246	4
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	449	449	226	228	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	553	492	792	1311	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	552	492	792	1311	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT - LTR - RT			LT - LTR - RT			LT - LTR - RT			LT - LTR - RT		
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	588	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.2	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			11.2			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[18.9]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0 1 0 0			0 0 0 1 0			0 0 1! 0 0			0 0 0 0 0		
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	5	592	0	0	800	11	10	0	5	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	5	592	0	0	800	11	10	0	5	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	5	592	0	0	800	11	10	0	5	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	6	680	0	0	920	13	11	0	6	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	6	680	0	0	920	13	11	0	6	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	802	xxxx	xxxxx	xxxx	xxxx	xxxxx	1682	1682	794	xxxx	xxxx	xxxxx
Potent Cap.:	672	xxxx	xxxxx	xxxx	xxxx	xxxxx	66	60	312	xxxx	xxxx	xxxxx
Move Cap.:	672	xxxx	xxxxx	xxxx	xxxx	xxxxx	66	60	312	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	262	234	xxxxx	232	232	xxxxx
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx	0.04	0.00	0.02	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	10.4	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	B	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	277	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.2	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	18.9	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			18.9			xxxxxx		
ApproachLOS:	*			*			C			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.3 Worst Case Level Of Service: B[11.4]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	8	0	2	2	214	0	0	204	9
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	8	0	2	2	214	0	0	204	9
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	8	0	2	2	214	0	0	204	9
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	9	0	2	2	246	0	0	234	10
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	9	0	2	2	246	0	0	234	10
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	467	467	211	216	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	536	478	803	1306	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	536	477	803	1306	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	574	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.4	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			11.4			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2013 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[11.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L - T - R			L - T - R			L - T - R			L - T - R		
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0 0 0 0			0 0 1! 0 0			0 1 0 0 0			0 0 0 1 0		
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	6	0	2	2	210	0	0	199	7
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	6	0	2	2	210	0	0	199	7
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	6	0	2	2	210	0	0	199	7
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	7	0	2	2	241	0	0	229	8
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	7	0	2	2	241	0	0	229	8
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	479	479	233	237	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	540	482	799	1313	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	539	481	799	1313	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT - LTR - RT			LT - LTR - RT			LT - LTR - RT			LT - LTR - RT		
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	587	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	11.2	xxxxx	7.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			11.2			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 1

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[24.1]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Lanes:	1 0 1 0 0			0 0 0 1 0			0 0 1! 0 0			0 0 0 0 0		
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	3	949	0	0	548	6	6	0	3	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	3	949	0	0	548	6	6	0	3	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	3	949	0	0	548	6	6	0	3	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	3	989	0	0	571	6	6	0	3	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	3	989	0	0	571	6	6	0	3	0	0	0
Critical Gap Module:												
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	516	xxxx	xxxxx	xxxx	xxxx	xxxxx	1694	1694	513	xxxx	xxxx	xxxxx
Potent Cap.:	980	xxxx	xxxxx	xxxx	xxxx	xxxxx	36	32	521	xxxx	xxxx	xxxxx
Move Cap.:	980	xxxx	xxxxx	xxxx	xxxx	xxxxx	35	32	521	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	151	135	xxxxx	132	135	xxxxx
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx	0.04	0.00	0.01	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	8.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	A	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	198	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	24.1	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	C	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			24.1			xxxxxx		
ApproachLOS:	*			*			C			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[12.2]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	5	0	1	1	264	0	0	298	5
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	5	0	1	1	264	0	0	298	5
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	5	0	1	1	264	0	0	298	5
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	5	0	1	1	275	0	0	310	5
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	5	0	1	1	275	0	0	310	5
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	505	505	202	204	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	477	426	760	1244	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	477	425	760	1244	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	508	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.2	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			12.2			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday AM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #3 3

Average Delay (sec/veh): 0.1 Worst Case Level Of Service: B[12.1]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	4	0	1	1	261	0	0	295	4
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	4	0	1	1	261	0	0	295	4
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	4	0	1	1	261	0	0	295	4
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	0	0	0	4	0	1	1	272	0	0	307	4
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	4	0	1	1	272	0	0	307	4
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	542	542	256	258	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	475	424	742	1245	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	474	424	742	1245	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.01	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	511	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.0	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.1	xxxxx	7.9	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			12.1			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

****

Intersection #1 1

****

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: C[24.3]

****

Approach:	North Bound					South Bound					East Bound					West Bound				
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled					Uncontrolled					Stop Sign					Stop Sign				
Rights:	Include					Include					Include					Include				
Lanes:	1	0	1	0	0	0	0	0	1	0	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 1 Sep 1997 <<																				
Base Vol:	5	711		0		0	998		11		10		0		5		0		0	
Growth Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00		1.00		1.00		1.00		1.00	
Initial Bse:	5	711		0		0	998		11		10		0		5		0		0	
Added Vol:	0	0		0		0	0		0		0		0		0		0		0	
PasserByVol:	0	0		0		0	0		0		0		0		0		0		0	
Initial Fut:	5	711		0		0	998		11		10		0		5		0		0	
User Adj:	1.00	1.00		1.00		1.00	1.00		1.00		1.00		1.00		1.00		1.00		1.00	
PHF Adj:	0.87	0.87		0.87		0.87	0.87		0.87		0.87		0.87		0.87		0.87		0.87	
PHF Volume:	6	817		0		0	1147		13		11		0		6		0		0	
Reduct Vol:	0	0		0		0	0		0		0		0		0		0		0	
FinalVolume:	6	817		0		0	1147		13		11		0		6		0		0	
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx					6.4		6.6		6.3	xxxxx	xxxx	xxxxx		
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx					3.5		4.0		3.3	xxxxx	xxxx	xxxxx		
Capacity Module:																				
Cnflict Vol:	1047	xxxx	xxxxx	xxxx	xxxx	xxxxx					2461		2461		1038	xxxx	xxxx	xxxxx		
Potent Cap.:	502	xxxx	xxxxx	xxxx	xxxx	xxxxx					16		15		208	xxxx	xxxx	xxxxx		
Move Cap.:	502	xxxx	xxxxx	xxxx	xxxx	xxxxx					16		15		208	xxxx	xxxx	xxxxx		
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					202		180		xxxxx	179	179	xxxxx		
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx					0.06		0.00		0.03	xxxx	xxxx	xxxx		
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx					xxxx		xxxx		xxxxx	xxxx	xxxx	xxxxx		
Control Del:	12.3	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		xxxx		xxxxx	xxxxx	xxxx	xxxxx		
LOS by Move:	B	*		*		*		*			*		*		*	*		*		
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					xxxx		204		xxxxx	xxxx	xxxx	xxxxx		
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		0.3		xxxxx	xxxxx	xxxx	xxxxx		
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx					xxxxx		24.3		xxxxx	xxxxx	xxxx	xxxxx		
Shared LOS:	*	*		*		*		*			*		C		*	*		*		
ApproachDel:	xxxxxx			xxxxxx							24.3					xxxxxx				
ApproachLOS:		*				*					C							*		

****

Note: Queue reported is the number of cars per lane.

****

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 2

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[13.1]

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	8	0	2	2	355	0	0	231	9
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	8	0	2	2	355	0	0	231	9
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	8	0	2	2	355	0	0	231	9
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	9	0	2	2	408	0	0	266	10
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	9	0	2	2	408	0	0	266	10
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	659	659	235	240	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	412	369	774	1272	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	411	368	774	1272	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	454	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	13.1	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			13.1			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

Note: Queue reported is the number of cars per lane.

- 2030 Total Traffic Conditions - Weekday PM Peak Hour
"Green Light Transportation, Inc."

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

****

Intersection #3 3

****

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[12.8]

****

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Include			Include		
Lanes:	0 0	0 0	0	0 0	1! 0	0	0 1	0 0	0	0 0	0 1	0
Volume Module: >> Count Date: 1 Sep 1997 <<												
Base Vol:	0	0	0	6	0	2	2	351	0	0	226	7
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	6	0	2	2	351	0	0	226	7
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	6	0	2	2	351	0	0	226	7
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
PHF Volume:	0	0	0	7	0	2	2	403	0	0	260	8
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	0	0	0	7	0	2	2	403	0	0	260	8
Critical Gap Module:												
Critical Gp:	xxxxx	xxxx	xxxxx	6.4	6.6	6.3	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx
FollowUpTim:	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Capacity Module:												
Cnflict Vol:	xxxx	xxxx	xxxxx	672	672	264	268	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	xxxx	xxxxx	417	373	768	1279	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	xxxx	xxxxx	416	373	768	1279	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.02	0.00	0.00	0.00	xxxx	xxxx	xxxx	xxxx	xxxx
Level Of Service Module:												
2Way95thQ:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	*	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT	LT -	LTR -	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	470	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	0.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	12.8	xxxxx	7.8	xxxx	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	B	*	A	*	*	*	*	*
ApproachDel:	xxxxxx			12.8			xxxxxx			xxxxxx		
ApproachLOS:	*			B			*			*		

****

Note: Queue reported is the number of cars per lane.

****

Signalized Queues

Project	*Tualatin Marquis Assisted Living Center*
Analysis Scenario	*Year 2013*
Cycle Length	*100 Seconds*
Vehicle Length	*25 Feet*
Analysis Date	*Wednesday, May 26, 2010*

Boones/Sagert	Weekday AM Peak Hour					Weekday PM Peak Hour				
	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Volume	28	328	84	81	135	86	628	91	78	144
g/c	0.02	0.6	0.6	0.05	0.11	0.07	0.56	0.56	0.08	0.11
Lanes	1	1	1	1	1	1	1	1	1	1
Veh/Sec	0.008	0.091	0.023	0.023	0.038	0.024	0.174	0.025	0.022	0.040
Red Time	98	40	40	95	89	93	44	44	92	89
Queues in Vehicles	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	0.8	3.6	0.9	2.1	3.3	2.2	7.7	1.1	2.0	3.6
95th Percentile	2.0	7.0	3.0	5.0	7.0	5.0	12.0	3.0	5.0	7.0
Queues in Feet	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	25	100	25	75	100	75	200	50	50	100
95th Percentile	50	175	75	125	175	125	300	75	125	175

Signalized Queues

Project	*Tualatin Marquis Assisted Living Center*
Analysis Scenario	*Year 2030*
Cycle Length	*100 Seconds*
Vehicle Length	*25 Feet*
Analysis Date	*Wednesday, May 26, 2010*

Boones/Sagert	Weekday AM Peak Hour					Weekday PM Peak Hour				
	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Volume	35	411	105	101	168	107	783	113	128	235
g/c	0.02	0.61	0.61	0.05	0.11	0.07	0.54	0.54	0.12	0.15
Lanes	1	1	1	1	1	1	1	1	1	1
Veh/Sec	0.010	0.114	0.029	0.028	0.047	0.030	0.218	0.031	0.036	0.065
Red Time	98	39	39	95	89	93	46	46	88	85

Queues in Vehicles	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	1.0	4.5	1.1	2.7	4.2	2.8	10.0	1.4	3.1	5.5
95th Percentile	3.0	8.0	3.0	6.0	8.0	6.0	15.0	4.0	6.0	10.0

Queues in Feet	SBL	SBT	SBR	EBL	EBT/R	SBL	SBT	SBR	EBL	EBT/R
Average	25	125	50	75	125	75	275	50	100	150
95th Percentile	75	200	75	150	200	150	375	100	150	250

ATTACHMENT E

PTA-10-02: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PTA-10-02 and other supporting documents is summarized in this section.

The applicant is Scott Miller of Marquis Companies and the property owner is the Tigard-Tualatin School District (TTSD). Marquis Companies is represented by Kirsten Van Loo of Emerio Design. Marquis Companies proposes to purchase and redevelop the 7.3 acre western portion of the 12.75 acre Old Tualatin Elementary school property as a 2nd Phase (revised to Phases II-IV) to the proposed Marquis senior/retirement housing facility. The 5.4 acre eastern portion of the 12.7 acre property was designated Medium Low-Density Residential (RML) in PMA-09-03 and the subject property is in the Low-Density Residential (RL) Planning District.

The development proposed by the applicant is to "...create a vibrant senior housing village complex in Tualatin, with benefits and amenities for the entire community." The proposed development on the eastern 5.4 acres will include:

- an assisted living facility with 80 residential rooms;
- skilled nursing facility with approximately 54 beds; and;
- supporting living, dining, health and community facilities for the residents.

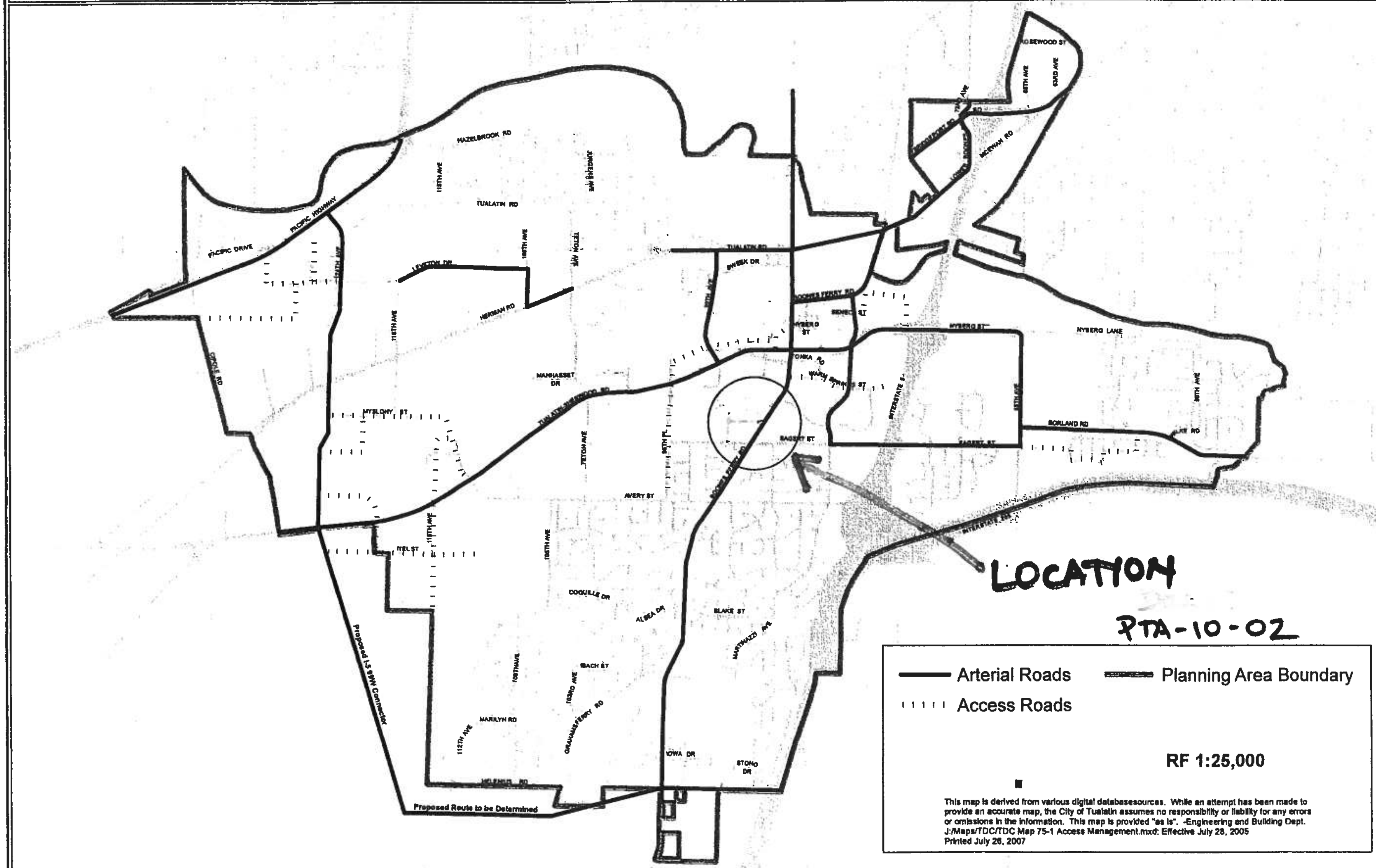
The proposed Marquis development on the western subject property will include:

- 60+ "independent living" senior residential housing in the form of attached duplex, townhouse or condominium units on individual lots.

Marquis Companies seeks the Amendment to TDC 75.120 and Map 75-1 to allow a new public street connection to SW Boones Ferry Road on the Marquis Development site to provide access to the new public streets in the proposed Phase II-IV independent living subdivision and provide (from the new public street) a north access for the Phase I Assisted Living/Skilled Nursing (AL/SN) facility proposed in AR-10-04. The Marquis development plan shows access for the Phase I AL/SN Facility from a new ingress/egress access on SW Sagert, west of the signalized SW Boones Ferry Road intersection and on the north from a private driveway off of the proposed east/west local street that would extend west from SW Boones Ferry Road (Attachments C, D). Existing SW Boones Ferry Road driveways from the Old TES will be closed and no driveways from SW Boones Ferry Road are proposed for the Phase I AL/SN facility in AR-10-04. The proposed east/west local street will extend west in Phases II-IV to a new local street connecting to SW Sagert Street on the south.

Map 75-1: Access Management

TUALGIS



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: July 21, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Tony Doran, EIT TD
Engineering Associate

SUBJECT: **PTA-10-02, Marquis BFR New Public Street, PMA-10-01, Marquis RL to RML Remaining Lots 2 & 3**

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(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.

TDC 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.

Attachment G
Engineering Division
Memorandum

The applicant has submitted traffic information dated June 21, 2010 titled Tualatin Marquis Assisted Living Center – Access Analysis created by Green Light Transportation. This submittal refers to a study dated March 2009 titled Marquis Companies Plan Map Amendment/Zone Change created by Dunn Traffic Engineering, submitted previously for PMA-09-03, Marquis RL to RML Corner Lot. This traffic information was submitted for PTA-10-02, PMA-10-01, and AR-10-04 for Marquis development.

The City Engineer generally agrees with the submitted traffic studies.

ODOT has responded without requirements. Washington County has not submitted a response at this time.

Transportation

The site is adjacent to SW Boones Ferry Road & SW Sagert Street and will have access to SW Sagert Street. A proposed public street intersection is planned to be 500 feet north of SW Sagert Street on SW Boones Ferry Road. With future development, this street would be able to connect to SW Sagert Street. The PTA applications requests the following addition to Tualatin Development Code Section 75.110 New Streets, BOONES FERRY ROAD, Tualatin-Sherwood Road to Sagert Street: "On the west side, all existing driveways will be allowed to remain. **A new local street intersection is permitted, located approximately 500 feet north of the intersection of Sagert Street."**

The PMA proposes a zone change from RL to RML on all acreage of Tax Map 2S123DD Lot 500. Currently on this lot only approximately 5.44 acres at the corner of SW Boones Ferry Road & SW Sagert Street are zoned RML. If the Marquis development doesn't continue as proposed on the remainder of this lot, the zoning for this PMA will revert back to RL.

The Green Light study evaluates the proposed public street access under two conditions: 1) current/reverted RL zoning and 2) proposed Marquis development RML rezoning of the PMA. These conditions represent the most and least potential trip generation.

SW Boones Ferry Road

SW Boones Ferry Road is designated by the City of Tualatin as a Major Arterial (Eb&t), which would ultimately have a right-of-way width of 98 to 102 feet that includes four 12-foot travel lanes, one center turn lane, 6-foot bike lanes, 6–foot planter strips, and 6–foot sidewalks. The current width of SW Boones Ferry Road right-of-way along the property frontage is 30 feet west of centerline.

The AR shows a proposed public street intersection with SW Boones Ferry Road approximately 500 feet to the north of SW Sagert Street, for approval in the PTA. Dedication of right-of-way with the AR is shown to be an additional 19 feet (to total 49 feet from centerline) along with constructing associated ½ street improvements for a complete cross-section and any mitigation required due to traffic. This widening will enable the project to stripe a median refuge at the proposed access to allow motorists making an eastbound left when exiting the site to do so via separate gaps in the southbound and northbound traffic flows.

Conflicts between the proposed access and the interim SW Logan Lane access are expected to be minimal. The center turn lane will improve operations and reduce conflicts at the driveways in the area. Motorists making a westbound left-turn out of the Garden Court Condominium driveway may utilize the same portion of the SW Boones Ferry Road center turn lane and motorists making a left-turn- exit out of the Marquis site, the volumes are low and the addition of the center turn lane improves operations for both accesses.

Vehicle queuing for southbound SW Boones Ferry Road for AM and PM Peak Hours are accommodated without blocking the proposed access. Adequate site distance exists at the location of the proposed access for safe operation.

There are several benefits of allowing the proposed intersection on SW Boones Ferry Road with a future street connecting to SW Sagert Street:

- The lot's traffic would be divided between two main public streets, lowering the impact on SW Sagert Street and reducing the load on the SW Boones Ferry Road & SW Sagert Street intersection. Vehicles driving to and from downtown are able to directly access the site via SW Boones Ferry Road.
- Emergency vehicles would have two locations to access the site. The proposed location will allow fire trucks to have accesses separated by a distance of half the diagonal of the development (a standard TVF&R request).
- This access supports neighborhood, pedestrian, and bicycle connectivity. Without the connection to SW Boones Ferry Road the future public street off SW Sagert Street would become a cul-de-sac street.

SW Sagert Street

SW Sagert Street is a City of Tualatin facility and designated as a Minor Collector (Cb&p), which has a right-of-way width of 68 to 72 feet that includes two 12-foot travel lanes, one 8-foot parking lane, 6-foot bike lanes, 6–foot planter strips, and 6–foot sidewalks. Currently there is 60 feet of right-of-way, with 30 feet from centerline on the north side.

Dedication of right-of-way with the AR is shown to be an additional 4 feet (to total 34 feet from centerline). The AR shows one access to the west side of the development area to SW Sagert Street, but indicates that this is not the primary access. Additionally, a future public street intersection has been identified on SW Sagert Street in the approximate alignment of SW 90th Place.

Table 2: Trip Generation Alternatives in the Dunn Traffic Engineering Study

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current RL Zoning										
Single Family (RL)	210	5.44	35	396	34	9	25	42	26	16
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**86**	**956**	**79**	**20**	**59**	**100**	**63**	**37**
RML Zoning on 5.44 Acres										
Apartments (RML)	220	5.44	55	481	31	6	25	48	31	17
Single Family (RL)	210	7.93	51	560	45	11	34	58	37	21
Totals		**13.37**	**106**	**1041**	**76**	**17**	**59**	**106**	**68**	**38**
Previous Plan										
Senior Attached Housing	252	5.44	80	297	6	3	3	9	5	4
Assisted Living/Skilled Nursing	254		110	293	15	10	5	24	11	13
Single Family (RL)	210	7.93	51	481	45	11	34	58	37	21
Totals		**13.37**	**241**	**1150**	**66**	**24**	**42**	**91**	**53**	**38**

Table 3: Current Development Plan Trip Generation

Land Use	ITE Code	Acres	Size	Weekday	Weekday AM Peak Hour			Weekday PM Peak Hour		
					Total	In	Out	Total	In	Out
Current Plan										
Assisted Living	254	5.44	80	219	11	7	4	18	8	10
Skilled Nursing	620		54	130	9	6	3	12	4	8
Senior Detached Housing	251	7.93	68	390	20	8	12	37	23	14
Totals		**13.37**	**202**	**739**	**40**	**21**	**19**	**67**	**35**	**32**

Trip Differentials Between Scenarios	**ADT**	**AM Peak**			**PM Peak**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Current zone RL/RML vs. All RL	+85	-3	+0	-3	+5	+1	+6
Previous Marquis Plan vs. All RL	+194	+4	-17	-13	-10	+1	-9
Previous Marquis Plan vs. RL/RML	+109	+7	-17	-10	-15	+0	-15
Current Marquis Plan vs. All RL	-217	+1	-40	-39	-28	-5	-33
Current Marquis Plan vs. RL/RML	-302	+4	-40	-36	-33	-6	-39
Current vs. Previous Marquis Plans	-411	-3	-23	-26	-18	-6	-24

The studies show that the current Marquis development plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives. *Note: While there is a small increase of AM Peak incoming traffic in comparison to RL and RML zones, the Total AM Peak generation is reduced.*

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The percentage impact to streets, Level-of-Service for nearby intersections, and summary evaluation below are from the Dunn study for reference.

AM Peak Impact of Reasonable Worst-Case RML Zone Added to Existing Traffic

Street	Segment	Existing Traffic	Added Trips	Percent Impact
SW 95th Avenue	North of SW Sagert Street	309	3	1.0%
SW Boones Ferry Road	North of SW Warm Springs Street	1,082	13	1.2%
	SW Warm Springs Street to SW Sagert Street	1,102	13	1.2%
	SW Sagert Street to SW Avery Street	1,281	11	0.9%
	South of SW Avery Street	1,361	4	0.3%
SW Martinazzi Avenue	North of SW Sagert Street	1,017	4	0.4%
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	363	3	0.8%
	SW Boones Ferry Road to SW Martinazzi Avenue	684	7	1.0%
	East of SW Martinazzi Avenue	713	3	0.4%
SW Avery Street	West of SW Boones Ferry Road	865	7	0.8%

PM Peak Impact of Reasonable Worst-Case RML Zone Added to Existing Traffic

Street	Segment	Existing Traffic	Added Trips	Percent Impact
SW 95th Avenue	North of SW Sagert Street	268	3	1.1%
SW Boones Ferry Road	North of SW Warm Springs Street	1,380	16	1.2%
	SW Warm Springs Street to SW Sagert Street	1,292	16	1.2%
	SW Sagert Street to SW Avery Street	1,377	13	0.9%
	South of SW Avery Street	1,491	5	0.3%
SW Martinazzi Avenue	North of SW Sagert Street	1,208	5	0.4%
SW Sagert Street	SW 95th Avenue to SW Boones Ferry Road	237	3	1.3%
	SW Boones Ferry Road to SW Martinazzi Avenue	654	10	1.5%
	East of SW Martinazzi Avenue	861	5	0.6%
SW Avery Street	West of SW Boones Ferry Road	1,013	8	0.8%

Level of Service	2009		2029			
	Existing		RL		RML	
Intersection	AM	PM	AM	PM	AM	PM
Boones Ferry Road & Warm Springs Street	B	B	B	B	B	B
Boones Ferry Road & Sagert Street	C	C	E	E	E	E
Boones Ferry Road & Avery Street	C	E	D	***F***	D	***F***
95th Avenue & Sagert Street	B	B	C	C	C	C
Martinazzi Avenue & Sagert Street	E	C	***F***	D	***F***	D

TDC 11.610 Transportation Goals and Objectives (2) (e) For Plan Map and Text Amendments adopt a Level of Service standard 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. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

Year 2029 assumes all future developments outlined in TDC Chapter 11 are constructed.

The submitted Dunn Engineering Traffic Study shows the Level of Service during AM and PM Peaks at the intersections of SW Sagert Street & SW Martinazzi Avenue and SW Avery Street & SW Boones Ferry Road exist in 2029 regardless of development.

Sanitary Sewer, Stormwater, & Water

Within the Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from residential to the proposed zone. Any necessary upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW Boones Ferry Road adjacent to the development. The applicant will need to determine the location of stormwater treatment and connections to the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the Architectural Review proposed in AR-10-04.

Engineering Recommendation

Engineering recommends approval for both the PTA and the PMA based on compliance with City code.

ATTACHMENT H

PTA-10-02: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 75 Access Management on Arterial Streets is an application by Marquis Companies to allow location and construction of a new public street access on the west side of SW Boones Ferry Road (an arterial street subject to the access management provisions of TDC 75.120) as a part of the development of the Marquis Retirement Housing/Senior Care Community Project. Marquis is proposing development of a senior housing & care community with an assisted living/skilled nursing (AL/SN) facility (in review in AR-10-04) as Phase I and a 60+ unit senior/retirement independent living component as Phase II-IV on a 12.75 acre property. The proposed street access is on the Marquis development SW Boones Ferry Road frontage and would provide a connection to new public streets proposed in the Marquis Phase II-IV development and to SW Sagert Street on the South. The Phase I portion of the Marquis development site and the proposed street access is designated as Medium Low-Density Residential (RML). It is located on Tax Lot 500 on Map 2S123DD on land known as the eastern portion of the Old Tualatin Elementary School (TES) site located at 19945 SW Boones Ferry Road. (Attachment A)

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. Granting the amendment is in the public interest.

The Applicant states: "Granting this request for a Plan Text Amendment is in the public interest because a local public street is necessary to provide access to the subject property for both the first phase, and the final build-out plan, for the site." (Attachment D, pg. 5)

As identified by staff, the public interest is to:

1) To respond to a proposal for new development and redevelopment of the Tigard-Tualatin School District (TTSD)/Old TES property with planning actions such as the proposed PTA;
2) Ensure that the capacity and function of the transportation system is retained and the transportation facilities on SW Boones Ferry Road and SW Sagert Street are adequate to support the proposed 12.75 acre senior housing and care facility development;
3) Ensure the public street access for the proposed 12.75 acre senior housing and care facility development is suitable to meet TDC, Building Code and emergency access requirements.
4) To consider relevant Tualatin Tomorrow Community Vision and Action Plan objectives such as for transportation, housing and services.

The applicant's public interest statements and the first (1) public interest listed in this analysis are associated with the ownership, sale and development of the Old TES property. The 12.75 acre site is centrally located in Tualatin and borders SW Boones

Ferry Road, a major arterial street connecting the residential areas in the south part of Tualatin with the City's downtown area. Marquis Companies is in the process of purchasing and redeveloping the site. Marquis has submitted an application for Architectural Review for an assisted living and skilled nursing senior care facility on the eastern portion of the Old TES site and has submitted a Plan Map Amendment (PMA-10-01) to designate the remainder of the Old TES property as RML for a Phase II "independent living" senior housing. The proposed RML designation on the western portion of the Old TES property will allow the Marquis Phase II-IV independent living senior housing project with 60+ dwelling units served by a network of new public streets (Attachments A-C). The proposed Marquis retirement housing/senior care community project represents a viable development on the property. The proposed public street access on the site's SW Boones Ferry frontage will support the Marquis development concept by providing suitable street connections between the adjoining Major Arterial (SW Boones Ferry Road) and Major Collector (SW Sagert Street) streets for residents of the project and the general area; providing better emergency access to the development in compliance with building and fire/life-safety requirements, and; providing a more direct physical access for the 40% of site-destined traffic that will approach the development from the north on SW Boones Ferry Road . This satisfies the public interest (#1) in supporting viable and appropriate redevelopment of the Old TES property.

The proposed amendment to the access management requirements for SW Boones Ferry Road between SW Tualatin-Sherwood Road and SW Sagert Street will allow the location and construction of a public street access on the Marquis project's SW Boones Ferry Road frontage. Based on a review of the traffic information submitted with the application (Attachment D) that anticipates the proposed 12.75 acre Marquis development and improvements to SW Boones Ferry Road, the Engineering Division does not find that the proposed public street access will constrain or impair the transportation system at the nearby SW Boones Ferry Road/SW Sagert & SW Warm Springs intersections. The Engineering Memorandum (Attachment G) states:

> "The AR shows a proposed public street intersection with SW Boones Ferry Road approximately 500 feet to the north of SW Sagert Street, for approval in the PTA. Dedication of right-of-way with the AR is shown to be an additional 19 feet (to total 49 feet from centerline) along with constructing associated improvements for a complete cross-section and any mitigation required due to traffic. This widening will enable the project to stripe a median refuge at the proposed access to allow motorists making an eastbound left when exiting the site to do so via separate gaps in the southbound and northbound traffic flows."
>
> "Conflicts between the proposed access and the interim SW Logan Lane access are expected to be minimal. The center turn lane will improve operations and reduce conflicts at the driveways in the area. Motorists making a westbound left-turn out of the Garden Court Condominium driveway may utilize the same portion of the SW Boones Ferry Road center turn lane and motorists making a left-turn- exit out of the Marquis site, the volumes are low and the addition of the center turn lane improves operations for both accesses."

> "Vehicle queuing for southbound SW Boones Ferry Road for AM and PM Peak Hours are accommodated without blocking the proposed access. Adequate site distance exists at the location of the proposed access for safe operation."

The proposed public street access to SW Boones Ferry Road will not impair the transportation system or nearby intersections and will meet the public interest listed in #2 above.

The proposed public street access will provide improved public street connectivity between the Marquis site's adjoining Major Arterial and Major Collector streets via new local streets serving the 12.75 acre Marquis Development. This is consistent with TDC Chapter 11 transportation system objectives calling for improved connectivity between local streets and collectors and arterials as well as transportation system standards in TDC Chapter 11, Chapter 36 Subdivisions and Chapter 74 Public Improvement Requirements. A public street access on SW Boones Ferry Road will provide additional direct access for emergency vehicles into the Marquis development in compliance with Building Code and Fire & Life Safety standards that require facilities such as the proposed AL/SN facility to have multiple access locations and where possible, from more than one street or direction. The proposed public street access is consistent with the public interest listed in #3 above.

The physical constraints for ingress/egress and street connections on the Marquis site include the railroad on the north and the existing multi-family residential developments located to the west and north of the development site (Attachments A-C). With access to the Old TES redevelopment site from SW Boones Ferry Road restricted by Access Management requirements in TDC 75.120, public streets serving the proposed retirement housing lots in Phases II-IV would be limited to access from SW Sagert only. This may lead to a requirement to have two public street accesses on SW Sagert Street or extended cul-de-sac streets that are problems for connectivity, emergency access and an inefficient allocation of development area for senior housing. The proposed amendment allowing a public street access to SW Boones Ferry Road provides access to the Marquis development from more than one street and one direction and avoids the need for the lengthy cul-de-sac street configuration that is created by the obstacles to through streets to the north and west of the site. The proposed amendment will meet the public interests listed in #2 & 3 above.

The public interests listed in the Tualatin Tomorrow Action Plan (September 2009 edition) calling for improved transportation access and connections (Strategy TTC2) is discussed in the section under Criterion C of this attachment. The proposed amendment allowing a public street access on SW Boones Ferry Road is consistent with the Strategy and meets public interest #4.

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

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

The Applicant states: "It is a potential developer's best interest to time product delivery on this site to a future upturn in the market. As the market for housing catches up to and hopefully challenges the existing supply over the next two years, a developer of this site can be gaining land use approvals, building permits and constructing a new project. This timeline is in the best interests of the public because it will put Tualatin in a position of prominence with new residential development." "The addition of a local public street connection from Boones Ferry Road will provide access to the site from a second street (in addition to Sagert Street). The location of the public street has been analyzed by a licensed traffic engineer and found to be functional and safe." (Attachment D, pp. 5-6)

The proposed public street access is timely because it allows the development process for the senior housing and care facilities to proceed with the benefit of a SW Boones Ferry Road public street access. The proposed AR-10-04 for the AL/SN facility and the layout of public streets in a subdivision for the Phase II-IV independent living residential lots rely on obtaining a SW Boones Ferry Road access for connectivity, access to and circulation within the senior housing and care development, adequate emergency access and a more suitable to enter the development. It is in the public interest to allow a public street access to the Marquis development from SW Boones Ferry Road, thus facilitating redevelopment of the site as a senior housing project.

The City has a development agreement with the applicant (Marquis Companies) and TTSD ensuring that the implementing Ordinance for PMA-09-01 (Ordinance #1284-09) would have an effective date tied to Marquis Companies obtaining conditional use and AR approval within 18 months of its effective date (June 8, 2009)(Attachment I). A revised development agreement, known as the "Amended and Restated Non-Statutory Development Agreement" has been prepared that will replace the 2009 agreement (Attachment K). The Amended Agreement updates the timing and scope of development on the entire property and includes deadlines intended to ensure that the development proposed by Marquis in its application for the RML Planning District designation approved in PMA-09-03 and proposed in PMA-10-01 for the 7.3 acre western portion of the Old Tualatin Elementary School site will be constructed in a timely manner. The SW Boones Ferry Road public street access proposed in PTA-10-02 is also in the Amended and Restated Development Agreement. Construction of the proposed senior housing development then must commence within 18 months of the "Amended Effective Date" (the date the Amended & Restated agreement is signed) or the property will return to the RL Planning District designation and the SW Boones Ferry Road public street access will not be granted. Marquis Companies and TTSD will both sign the agreement. The Amended development agreement will be presented to the City Council for approval and authorization at the August 23, 2010 meeting.

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

Criterion "2" is met.

C. 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.

Staff agrees with the applicant (Attachment D, pg. 6) the objective of TDC 4.050(6) is met because the proposed public street access to SW Boones Ferry Road on the Marquis development frontage does not create land use conflicts with nearby multi-family development and the single-family development to the south. It allows the approximately 40% of vehicles accessing the development site from the north to enter directly via a public street and reduce the traffic entering from SW Sagert Street accesses. This maximizes the use of the public facility.

Residential Planning District Objectives:

TDC 5.030 Objectives (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

The applicant states "The proposed new public street is proposed to serve higher density land and is located near a potential location for an enhanced TriMet service stop." (Attachment D, pg. 7)

The proposed Marquis senior residential and care facility development is near the City's commercial core and adjacent to arterial and collector streets. Staff agrees that the proposed public street access meets the objective.

TDC 5.030(1) Provide for the housing needs of existing and future City residents. (2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.

The applicant states "Providing a new public local street to/through the subject property permits construction of 60+ dwellings. 60+ senior housing units can be facilitated through the provisions of the requested zoning district. The new street facilitates construction of small cottages, townhouse and condominiums. Staff and Architectural Review Board evaluation of any proposed development will further ensure neighborhood compatibility." (Attachment D, pg. 7) Staff agrees that the proposed PTA supports the proposed development of a mix of compact housing for senior home-buyers.

11.610(2)(d) Discourage residential development patterns, such as single-entrance subdivisions and gated communities, which reduce connectivity and mobility options for all members of the community.

The proposed SW Boones Ferry public street access would provide additional access from a second street and location, enhancing connectivity and mobility options.

11.610(10)(d) Maintain and update the City's access management standards in the Tualatin Development Code to preserve the safe and efficient operation of the City's roadways, consistent with their functional classification.

The proposed public street access to SW Boones Ferry Road does not impair the safe and efficient operation of the street consistent with its Major Arterial classification.

The Tualatin Tomorrow Community Vision and Strategic Action Plan, September 2009, lists under the Transportation Planning/Action Item "Improved Access and Connections" action to "Improve pedestrian and bicycle routes and selective roadway connections in Tualatin in order to link divided portions of the city and improve overall access and movement in the community." (Action TTC2) The proposed SW Boones Ferry Road public street access to the Marquis development site is a roadway connection that will not harm the overall access and movement in Tualatin. These objectives are met.

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

Criterion "3" is met.

D. 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 includes the areas on both sides of SW Boones Ferry Road and SW Sagert Street, including the existing Old TES campus site (subject site), the residential apartments to the north and west, duplexes to the west, and the primarily single family residential areas to the south and east. The subject property/Old TES site is close to the Tualatin downtown retail and commercial areas to the north. The Applicant states "The approval of location for a new public street will provide safe, convenient access to a new medium -density (residential) project." (Attachment D, pg. 10)

The proposed amendment allowing a public street access on SW Boones Ferry Road will provide improved connectivity to and within the senior housing and care development proposed by Marquis Companies. The SW Boones Ferry Road access will reduce the project's traffic accessing on SW Sagert Street and nearby residential development. The proposed amendment is appropriate in relation to the characteristics of the SW Boones Ferry Road/SW Sagert Street residential area.

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

The Applicant states: "The specific proposed location of a new publicstreet facilitates appropriate development of the property. All of the necessary infrastructure is available or can be made available to serve the project..." (Attachment D, pg. 11) The residential and semi-institutional (schools, churches & senior care facilities) land uses allowed in the RML Planning District and proposed for the Marquis development are consistent with the surrounding land uses in the SW Boones Ferry Road/SW Sagert Street vicinity. The area is suitable for a public street access on SW Boones Ferry Road that will serve the proposed senior housing and care facility.

Trends in land improvement and development.

The Applicant states: "The continued housing construction slump is predicted for the next few years as inventory of new homes and home re-sales are absorbed at average or below average rates. If this site were to be denied this request for a new public street intersection, the proposed master plan development of the entire property would be in jeopardy." (Attachment D, pg. 10)

As described in the public interest section, the trends associated with a severe downturn in local and regional housing markets has resulted in no investor interest in redeveloping the Old TES property as RL housing. Marquis has noted the trends for integrating senior independent living units with assisted living and care facilities in an attractive and service oriented "community" or "village" atmosphere. Marquis proposes to develop this kind of facility on the Old TES site and seeks to have a public street access to the adjoining SW Boones Ferry Road to provide direct access from the arterial street for residents, service and emergency.

Property values.

The Applicant states: "The request has no impact or direct correlation to property values." (Attachment D, pg. 11)

While there is no evidence that the current vacant use and condition of the Old TES buildings 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 such as a public street access on SW Boones Ferry Road will not negatively affect property values in the area.

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

The Applicant states: "Granting this request is in the public interest because a new public street access to the site will increase the underlying value to the property that can encourage development." (Attachment D, pg. 11)

The property owner, TTSD, finds it important to sell the Old TES property and obtain a financial return. As discussed in previous sections, sale of the property is dependent on the financial aspects of redevelopment on the site. The proposed Marquis Companies senior housing project needs a SW Boones Ferry Road public street connection to be viable and meet the needs of the TTSD while allowing for future development in the area.

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

The Applicant states: "New construction on the site is in line and correlated with a condition of previous decisions to dedicate additional ROW on Boones Ferry Road. Redevelopment of the site - which can be facilitated with the requested new public street, will facilitate the dedication of that ROW." (Attachment D, pg. 11) The Engineering Division Memorandum identifies a need for additional ROW on both the SW Boones Ferry Road and SW Sagert Street frontages and discusses the issues of access to SW Boones Ferry Road. The ROW and access needed to support the development on the property are proposed in the AR-10-04 application and will be addressed in the Public Facilities decision.

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

The proposed text amendment does not impact or alter designated natural resources associated with a development on the Old TES site.

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: "The Plan Map Amendment from RL to RML will facilitate redevelopment of a site that is currently abandoned, and a community detraction. It is in the public interest for the City to find a way, or assist in every way possible, to facilitate redevelopment of this site. The longer the site remains shuttered and unused, the more it becomes an attractive nuisance for vandalism and other inappropriate activity." (Attachment D, pp. 11-12)

Staff agrees with the Applicant that the proposed amendment creates an opportunity for redevelopment of the no longer needed Old TES site with its vacant condition. 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.

As stated earlier in this Section and in the applicant's statements quoted above (Attachment D, pp. 11-12), the area of the City affected by this amendment includes the existing single-family and multi-family residential developments in the vicinity of SW Boones Ferry Road and SW Sagert Street. TDC Map 9-2 Neighborhood Planning Areas identifies the area in the vicinity of the Old TES as Area 2, characterized by the mix of commercial and industrial service uses, higher density multi-family residential and the school site close to the city's central districts (TDC 9.032). The proposed change to RML proposed in PMA-10-01 conforms to the Area 2 mix of uses. The decision by the TTSD to sell the 12.75 acre Old TES property for redevelopment represents a significant change in this area that will likely result in more residential development on a site that was largely open playground. The proposed public street access to SW Boones

Ferry Road supports connectivity and access needs that the senior housing and care facility development will require.

A mistake in the plan map or text.

The Applicant states: "Providing a new public street to the subject property will facilitate development of a new use on the site. That was not contemplated at the time of the community plan map development." (Attachment D, pg. 12) No mistake is alleged.

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

Criterion "4" is met.

E. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The Applicant states: "The request has no impact or direct correlation to school capacity."

The TTSD has not commented on PMA-10-01 and the effect of increasing the allowed residential density on the western 7.3 acres property from RL (maximum 6.4 du/acre) to RML (6-10 du/acre) 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. An increase in residential density is something to be evaluated by the TTSD, but a change in access on the Old TES property does not impact the TTSD Facility Plan.

TTSD has authorized this proposed plan amendments and can choose to consider the TTSD Facility Plan at this time or when development actions occur in the future.

Criterion E was adequately considered.

F. Oregon Statewide Planning Goals

Of the 14 Statewide Goals, 13 Goals were considered and found to not be applicable to this proposed amendment. Staff has determined that Goal 12 is applicable and must be addressed.

The Applicant addresses these Goals as follows:

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: "Enclosed with the application package is a comprehensive traffic analysis providing data and conclusions for all potential development scenarios under both the existing and proposed (RML in PMA-10-01) zoning districts. The detailed analysis and executive summary provides traffic objectives conclusions demonstrating that the requested new zoning district will have little impact on regional traffic movement. The request complies with this goal." (Attachment D, pg. 14)

The submitted traffic analysis provides extensive analysis of nearby street facilities to the Year 2029 horizon and concludes that "...the proposed land use is not expected to 'significantly affect' an existing or planned transportation facility and is therefore in compliance with the Transportation Planning Rule." (Attachment D, TIA Dunn Traffic Engineering LLC, pp. 5-6)

The Engineering Division provides information concerning the TPR analysis in the narrative and the Reasonable Worst Case Scenarios presented in Table 2 Trip Generation Alternatives in the Dunn Traffic Engineering Study, Table 3 Current Development Plan Trip Generation and Trip Differentials Between Scenarios tables in Attachment G. The Engineering Memo states "the studies show that the current Marquis development plan provides an overall reduction in reasonable worst case traffic generation compared to the alternatives." (Attachment G, pg. 3)

Staff agrees with the Applicant that the proposed amendment is consistent with Statewide Planning Goal 12.

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

Staff has reviewed the applicant's material and agrees the PTA is consistent with 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 Boones Ferry Road north of SW Sagert Street as "IN Inner Neighborhood". The proposed amendment allowing a SW Boones Ferry public street access is consistent with the "IN" classification.

Table 1 in Title I states the City's housing capacity from 1994 to 2017 is 4,054 dwelling units. The PMA proposes to change the low density residential (RL) planning district which supports 1-6.4 dwelling units per acre to low-medium density residential (RML) which supports 7-10 dwelling units per acre. The proposed increase in density allows a greater number of dwelling units to be built on this parcel [7.3 x (10.0-6.7)= 24 additional dwelling units] and therefore increases the City's ability to attain the housing capacity target number set by Metro. The proposed PTA for SW Boones Ferry Road public street access supports the RML designation. For this reason, the proposed PTA could assist the City in complying with dwelling capacity identified in Table 1 of Title in the UGMFP.

The applicant's responses to the Functional Plan are presented in the application narrative (Attachment D, pp. 15-16). Staff notes that none of the UGMFP (Chapter 3.07) titles are applicable to the proposed PTA and agrees that the UGMFP is satisfied.

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 applicant has submitted traffic information dated June 21, 2010 titled Tualatin Marquis Assisted Living Center – Access Analysis created by Green Light Transportation. This submittal refers to a study dated March 2009 titled Marquis Companies Plan Map Amendment/Zone Change created by Dunn Traffic Engineering, submitted previously for PMA-09-01. The Green Light study considers the proposed SW Boones Ferry Road public street access to the Marquis Companies development.

The submitted traffic analysis (Attachment D, TIA Report- Dunn Traffic Engineering LLC) analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the subject parcel from RL to RML for four scenarios: the old elementary school; RL single family homes; RML apartments; and the Marquis development. The TIA assumes the proposed SW Boones Ferry Road access for the Marquis Companies development (see discussion in Attachment G, pp. 2-4). The 2029 analysis included the benefits of all intersection & street improvements listed in TDC Chapter 11 and the proposed new public street access. Under the worst case scenarios for the current RL zone and proposed RML zone in the 2029 analysis, the study intersections of SW Boones Ferry Road / SW Avery Street and SW Martinazzi Avenue / SW Sagert Street are forecasted to have a Level of Service (LOS) that is "less" (LOS F) than prescribed in the TDC (LOS E/E) during the weekday p.m. peak hour & a.m. peak hour respectively. The Engineering Memorandum states "The Level of Service during AM and PM Peaks at the intersections of SW Sagert Street & SW Martinazzi Avenue and SW Avery Street & SW Boones Ferry Road exist in 2029 regardless of development." Both the existing RL and the proposed RML worst case scenarios will result in the LOS forecasted by the TIA. (Attachment G, pp. 2-4)

See Attachment G, a memorandum from Tony Doran, EIT, regarding compliance with Criterion 8.

RESOLUTION NO. 4899-09

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS, Marquis Companies has applied for a Plan Map Amendment to change a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site located at 19945 SW Boones Ferry Road from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior living facilities on the site; and

WHEREAS, the proposed Agreement has been prepared to assure that if the Council approves proposed PMA-09-01 Plan Amendment after considering the evidence in a quasi-judicial public hearing, the approval will apply only to the senior living facility proposed by Marquis; and

WHEREAS, the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendment will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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;

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 June, 2009.

CITY OF TUALATIN, Oregon

By_____
Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

ATTEST:

By_____
City Manager

Attachment I
June 8, 2009 Development Agreement

NON-STATUTORY DEVELOPMENT AGREEMENT

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the 15 day of May, 2009 (the "Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property").

B. By Purchase and Sale Agreement dated as of May 9, 2008 (as amended, the "Purchase Agreement"), the School District agreed to sell approximately 5.4 acres of the Property to Marquis, which is more fully depicted on Exhibit A hereto (the "Marquis Property"), and Marquis agreed to purchase the Marquis Property from the School District on the terms and conditions set forth in the Purchase Agreement.

C. Marquis has applied to the City for approval to develop on the Marquis Property a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living facility (the "Facility").

D. Marquis has applied for a Plan Map Amendment to permit a change in the zoning of the Marquis Property from RL to RML (the "Amendment").

E. 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 Facility.

F. The parties are interested in entering into this Agreement in order to document the Parties' intent.

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

1. If approved by the Tualatin City Council, the Amendment shall provide for an effective date, on the date Marquis has received from the City both a conditional use permit and architectural review board approval for the Facility and the corresponding appeal periods for those approvals have expired (the "Project Approvals"). Provided the conditions set forth in this Section 1 are met, the Amendment shall be effective as of the date described in this Section 1 (the "Amendment Effective Date") without the need for further action or the execution of further documents.

Att. I

2. In the event (i) Marquis has not obtained the Project Approvals within eighteen (18) months after the Effective Date or (ii) Marquis has not been issued a foundation permit within twelve (12) months after the Amendment Effective Date then, without the need for further action or the execution of further documents, this Agreement, in the case of the event described in clause (i), and this Agreement and the Amendment, in the case of the event described in clause (ii), shall be null and void and of no further force and effect.

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

4. 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.

5. 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.

6. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: Scott J. Mill
Its: Director of Property Development

The City of Tualatin

By: _____
Its: Mayor

ATT I

NON-STATUTORY DEVELOPMENT AGREEMENT

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the 18th day of May 2009 (the "Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property").

B. By Purchase and Sale Agreement dated as of May 9, 2008 (as amended, the "Purchase Agreement"), the School District agreed to sell approximately 5.4 acres of the Property to Marquis, which is more fully depicted on Exhibit A hereto (the "Marquis Property"), and Marquis agreed to purchase the Marquis Property from the School District on the terms and conditions set forth in the Purchase Agreement.

C. Marquis has applied to the City for approval to develop on the Marquis Property a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living facility (the "Facility").

D. Marquis has applied for a Plan Map Amendment to permit a change in the zoning of the Marquis Property from RL to RML (the "Amendment").

E. 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 Facility.

F. The parties are interested in entering into this Agreement in order to document the Parties' intent.

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

1. If approved by the Tualatin City Council, the Amendment shall provide for an effective date, on the date Marquis has received from the City both a conditional use permit and architectural review board approval for the Facility and the corresponding appeal periods for those approvals have expired (the "Project Approvals"). Provided the conditions set forth in this Section 1 are met, the Amendment shall be effective as of the date described in this Section 1 (the "Amendment Effective Date") without the need for further action or the execution of further documents.

Att I
EXHIBIT A

2. In the event (i) Marquis has not obtained the Project Approvals within eighteen (18) months after the Effective Date or (ii) Marquis has not been issued a foundation permit within twelve (12) months after the Amendment Effective Date then, without the need for further action or the execution of further documents, this Agreement, in the case of the event described in clause (i), and this Agreement and the Amendment, in the case of the event described in clause (ii), shall be null and void and of no further force and effect.

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

4. 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.

5. 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.

6. 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.

Tigard-Tualatin School District 23J

By: _____
Its: Superintendent

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: Mayor

Att I

ORDINANCE NO. 1284-09

AN ORDINANCE RELATING TO CHANGING THE PLANNING DISTRICT FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) AT 19945 SW BOONES FERRY ROAD; AND AMENDING COMMUNITY PLAN MAP 9-1 (PMA09-01).

WHEREAS upon the application of Marquis Development, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on June 8, 2009, related to changing the planning district from Low-Density Residential (RL) to Medium Low-Density (RML) at 19945 SW Boones Ferry Road; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 21, 2009, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A", attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City on May 15, 2009, 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", 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 5-1]; with Councilors Barhyte, Truax, Harris, Beikman and Davis voting for approval; Mayor Ogden opposed; and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, and especially the City staff report dated June 8, 2009, the Council makes and adopts as its findings of fact the findings and analysis in the City staff report, marked "Exhibit D," 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

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

Section 1. TDC Map 9-1 is amended by changing the planning district from

Low-Density Residential to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:

By_____
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

RESOLUTION NO. __**DRAFT**_____

RESOLUTION APPROVING AN "AMENDED AND RESTATED" DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS, Marquis Companies and the Tigard-Tualatin School District (TTSD) have entered into a Non-Statutory Development Agreement with the City of Tualatin (adopted as Resolution #4899-09) that applies to Plan Map Amendment PMA-09-01 (Ordinance 1284-09) and the construction of a senior living facilities development on a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site (Property) located at 19945 SW Boones Ferry Road, and;

WHEREAS, Marquis Companies has applied for a Plan Map Amendment (PMA-10-01) to change the 7.3 acre parcel on the western portion of the 12.75 site from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior housing on the site; and

WHEREAS, Marquis Companies has applied for a Plan Text Amendment (PTA-10-02) proposing to amend the access management requirements to allow a public street access onto the Property from SW Boones Ferry Road.; and

WHEREAS, the proposed Amended and Restated Agreement has been prepared to replace the existing Agreement and to assure that if the Council approves the proposed PMA-10-01 Plan Map Amendment and PTA-10-02 Plan Text Amendment after considering the evidence in a quasi-judicial public hearings, the approvals will apply only if development of the senior living facility proposed by Marquis is commenced; and

WHEREAS, the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendments will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the agreement [Vote (x-x)]; with Councilor xxx absent.

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

Section 1. The City Council approves the accompanying Amended and Restated Non-Statutory Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

Section 2. The Non-Statutory Development Agreement of June 8, 2009 (Resolution #4899-09) is rescinded.

INTRODUCED AND ADOPTED this 23th day of August, 2010.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:
By_____
City Manager

PMA-10-01 App
6-17-10

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

This Amended and Restated Non-Statutory Development Agreement (this "Amended Agreement") is made and entered into as of the _____ day of _____, 2010 (the "Amended Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City"), (collectively the "Parties").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

H. Marquis also wishes to assure that the Project will include the creation of a public street intersection onto Boones Ferry Road (the "BFR Intersection"), which would require a Plan Text Amendment to the Tualatin Development Code (the "PTA"). Accordingly, Marquis intends to submit a Plan Text Amendment to the City to allow for the creation of the BFR Intersection.

I. Hereinafter the Initial Planning District Designation Change, the Additional Planning District Designation Change and the PTA will be collectively referred to as the "Project Approvals."

J. The City wishes to assure that if the various Project Approvals are granted by the City Council after a public, quasi-judicial hearing, those Project Approvals would only apply to the Project and only if certain conditions precedent are satisfied within certain specified time periods.

K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

1. Marquis agrees to apply for the PTA to allow for the creation of the BFR Intersection and, the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's Community Development staff, to recommend to the Tualatin City Council approval of the PTA.
2.
3. Marquis agrees to apply for the Additional Planning District Change and the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's

Community Development staff, to recommend to the Tualatin City Council approval of the application for the Additional Planning District Change.

4. The Project Approvals shall be effective, without the need for further action or the execution of further documents, as of the date on which Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"). The Parties acknowledge and agree that there can be no assurances that the Project Approvals, to the extent not already granted as of the Amended Effective Date, will be granted or that, if the Project Approvals are granted, that the conditions set forth in this Section 3 will be satisfied.

5. The Parties acknowledge and agree that this Agreement is subject to the following conditions subsequent (the "Conditions Subsequent").

    a. If Marquis has not obtained the approval of the Architectural Review cited in Recital "C" and the remaining Project Approvals within eighteen (18) months after the Amended Effective Date (the "Project Approval Deadline"), it being understood and agreed that as of the Amended Effective Date Marquis has obtained the Initial Planning District Designation Change, then, without the need for further action or the execution of further documents, the Project Approvals shall not be enacted and this Agreement shall be null and void and of no further force and effect.

    b. If Marquis has obtained the Architectural Review cited in Recital "C" and the Project Approvals by the Project Approval Deadline but has not been issued a foundation permit within twelve (12) months after the Project Approval Date, then, without the need for further action or the execution of further documents, this Agreement and the Project Approvals shall be null and void and of no further force and effect.

    If the Conditions Subsequent are satisfied, then the Project Approvals shall be final and binding and the Project Approvals and this Agreement shall each be deemed to be a covenant which runs with the land for the benefit of the Property. In furtherance, and not in limitation, of the immediately preceding sentence, if the Conditions Subsequent are satisfied, the Additional Planning District Designation Change shall not be invalidated with respect to Lot 3 even if Lot 3 is never acquired by Marquis.

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

7. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and incorporates the requirements of the Original Development

Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

8. 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.

9. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: _____

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EXISTING ACCESS MANAGEMENT FOR STREETS CONNECTING TO SW BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1 (PTA-10-02)

WHEREAS upon the application of Scott Miller of Marquis Companies, a public hearing was held before the City Council of the City of Tualatin on August 23, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 75.120 and Map 75-1 (PTA-10-02); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; 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," attached and incorporated by this reference; and by mailing a copy of the notice under the Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on August 23, 2010, and heard and considered the testimony and evidence presented by 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 by a vote of [_-_],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated August 23, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 75.120 Boones Ferry Road section is amended to read as follows with the remainder of TDC 75.120 unchanged:

BOONES FERRY ROAD

North City Limits to Tualatin River: All existing driveways will remain. No new driveways will be permitted.

Tualatin River to Tualatin Road: Between the River and Martinazzi Avenue on the south side, the access for the apartments (2S1 24B/1500) will be closed and converted over to the Loop Road. The Loop Road may have a right-in, right-out connection to Boones Ferry Road between the river and Martinazzi Avenue. On the south side of Boones Ferry Road between Martinazzi Avenue and the driveway for the White Lot (old Lot C), any development or redevelopment shall take access over the White Lot or from Martinazzi Avenue. Between the White lot and 84th Avenue, all properties shall have combined accesses resulting in only one access on Boones Ferry Road. Between 84th Avenue and Tualatin Road on the south side, any redevelopment shall result in no driveways onto Boones Ferry Road and access shall be taken from 84th Avenue or Seneca Street.

On the north side the Baranzano (2S1 24BC/1301, 1400) and Bray (2S1 24B/1300) properties shall combine their driveways at a location to be determined by the design of the Martinazzi Avenue-Boones Ferry Road intersection. The Baranzano and Kaplan (formerly Greulich) (2S1 24BC/1300) properties shall combine their access into one across from the White lot's driveway. Between the Green (old G lot) and Blue (old H lot) lots, any redevelopment of these properties shall remove the existing driveways and take access from the public parking lots from a cross access between the two public lots. Between the Blue lot and Tualatin Road any development or redevelopment shall have access off of Tualatin Road at the north edge of the property or over the Blue lot.

Tualatin Road to Tualatin-Sherwood Road: On the west side of this road is the Portland and Western (old Burlington-Northern) railroad tracks. There will be no access to Boones Ferry Road across the Portland and Western tracks except an access for a public street to the west side of the railroad tracks, centered on the centerline of Nyberg Street. The existing two driveways to the Pratt-Broome (2S123/200) property shall be closed and access taken over the Hedges Greene Retail development to Nyberg Street. On the east side of this road, all redevelopment shall lead to elimination of all driveways onto Boones Ferry Road. Vehicular access to Boones Ferry Road in this section shall be limited to the Seneca Street intersection and Nyberg Street intersection. This will require interim access agreements per TDC 75.090.

Tualatin-Sherwood Road to Sagert Street: On the west side, all existing driveways will be allowed to remain. On the former Old Tualatin Elementary School property frontage (2S123DD 500), a new local street intersection is allowed on SW Boones Ferry Road that connects to a future public street on the Old Tualatin Elementary School property that extends north from SW Sagert Street in the approximate alignment of SW 90th Avenue. The new local street intersection may be located approximately 500 ft. north of the intersection with SW Sagert Street. The Tualatin Center property (the old Galloway site) (2S1 23DA/100) (19401-19417 Boones Ferry Road) will have one access aligned with Warm Springs. On the east side, the old McDonald's driveway was closed and shall remain closed (2S1 24CB/1201). Any additional development on the Brock property (2S1 24CB/2100) shall result in closure of this driveway to Boones Ferry Road. Any additional development on the Ziedman property (2S1 24CB/2200) shall result in

closure of this driveway to Boones Ferry Road. Between Warm Springs Street and Tualatin-Sherwood Road, as an option to closing the driveways at Brocks, and Ziedmans, it may be permissible to construct a raised median barrier or other improvements in Boones Ferry Road in this section to physically eliminate left turning movements, thus limiting all these driveways to right turn in, right turn out. Any redevelopment of the residential property between Mohawk and Sagert on the east side of Boones Ferry Road shall be accomplished in such a manner that the ultimate access to this area is from a street off of Sagert Street at its intersection with 86th Avenue. This may require interim agreements in accordance with TDC 75.090. All existing driveways in this area will be allowed to remain so long as the use of the property does not change.

Boones Ferry Road south of Sagert Street to Avery: The existing driveways will be allowed to remain. Any redevelopment of any residential property between Sagert and Avery shall result in no additional driveways being constructed in this area.

Avery to Ibach: South of Avery Street, the Sundae Meadows Subdivision and Tualatin Presbyterian Church (2S1 26AC, 301) (9230 Siletz Drive) shall access Boones Ferry Road via Siletz Drive. One additional street or private drive (Cherry Lane) will be provided for the Boones Ferry Condos (2S1 26AC Supplemental).

Ibach Street to Norwood: Development of these residential properties shall result in no more than two driveway accesses for Tualatin High School, one emergency access with no curb cut for Grahams Landing Condos (SW Corner of Boones Ferry and Ibach) and only street intersections for other properties. All street intersections on Boones Ferry Road between Ibach and Norwood shall be spaced a minimum of 500 feet apart.

Section 2. The Map 75-1 Access Management is amended to add a local street intersection on SW Boones Ferry Road adjoining Tax Lot 500 on Assessors Map 2S123DD, approximately 500 ft. north of the SW Sagert Street Intersection (Exhibit D).

Section 3. As specified in Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement with Marquis Companies and the Tigard-Tualatin School District (Exhibit E), this amendment shall become effective as of the date on which:

a. Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"); and

b. The Conditions 4(a) and 4(b) are satisfied.

Section 4. If the conditions of Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District are not satisfied, this amendment shall not become effective and the proposed public street intersection will not be approved.

INTRODUCED AND ADOPTED this 23rd Day of August, 2010.

CITY OF TUALATIN, OREGON

BY_____
Mayor

ATTEST:

BY_____
City Recorder

ORDINANCE NO. 1309-10

AN ORDINANCE AMENDING THE EXISTING ACCESS MANAGEMENT FOR STREETS CONNECTING TO SW BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1 (PTA-10-02)

WHEREAS upon the application of Scott Miller of Marquis Companies, a public hearing was held before the City Council of the City of Tualatin on August 23, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 75.120 and Map 75-1 (PTA-10-02); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; 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," attached and incorporated by this reference; and by mailing a copy of the notice under the Tualatin Development Code, which is evidenced by the Affidavit of Mailing marked "Exhibit C"; and

WHEREAS the Council conducted a public hearing on August 23, 2010, and heard and considered the testimony and evidence presented by 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 by a vote of [4-2] in favor with Mayor Ogden and Councilor Harris voting against and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated August 23, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City 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; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 75.120 Boones Ferry Road section is amended to read as follows with the remainder of TDC 75.120 unchanged:

BOONES FERRY ROAD

North City Limits to Tualatin River: All existing driveways will remain. No new driveways will be permitted.

Tualatin River to Tualatin Road: Between the River and Martinazzi Avenue on the south side, the access for the apartments (2S1 24B/1500) will be closed and converted over to the Loop Road. The Loop Road may have a right-in, right-out connection to Boones Ferry Road between the river and Martinazzi Avenue. On the south side of Boones Ferry Road between Martinazzi Avenue and the driveway for the White Lot (old Lot C), any development or redevelopment shall take access over the White Lot or from Martinazzi Avenue. Between the White lot and 84th Avenue, all properties shall have combined accesses resulting in only one access on Boones Ferry Road. Between 84th Avenue and Tualatin Road on the south side, any redevelopment shall result in no driveways onto Boones Ferry Road and access shall be taken from 84th Avenue or Seneca Street.

On the north side the Baranzano (2S1 24BC/1301, 1400) and Bray (2S1 24B/1300) properties shall combine their driveways at a location to be determined by the design of the Martinazzi Avenue-Boones Ferry Road intersection. The Baranzano and Kaplan (formerly Greulich) (2S1 24BC/1300) properties shall combine their access into one across from the White lot's driveway. Between the Green (old G lot) and Blue (old H lot) lots, any redevelopment of these properties shall remove the existing driveways and take access from the public parking lots from a cross access between the two public lots. Between the Blue lot and Tualatin Road any development or redevelopment shall have access off of Tualatin Road at the north edge of the property or over the Blue lot.

Tualatin Road to Tualatin-Sherwood Road: On the west side of this road is the Portland and Western (old Burlington-Northern) railroad tracks. There will be no access to Boones Ferry Road across the Portland and Western tracks except an access for a public street to the west side of the railroad tracks, centered on the centerline of Nyberg Street. The existing two driveways to the Pratt-Broome (2S123/200) property shall be closed and access taken over the Hedges Greene Retail development to Nyberg Street. On the east side of this road, all redevelopment shall lead to elimination of all driveways onto Boones Ferry Road. Vehicular access to Boones Ferry Road in this section shall be limited to the Seneca Street intersection and Nyberg Street intersection. This will require interim access agreements per TDC 75.090.

Tualatin-Sherwood Road to Sagert Street: On the west side, all existing driveways will be allowed to remain. On the former Old Tualatin Elementary School property frontage (2S123DD 500), a new local street intersection is allowed on SW Boones Ferry Road that connects to a future public street on the Old Tualatin Elementary School property that extends north from SW Sagert Street in the approximate alignment of SW 90th Avenue. The new local street intersection may be located approximately 500 ft. north of the intersection with SW Sagert Street. The Tualatin Center property (the old Galloway site) (2S1 23DA/100) (19401-19417 Boones Ferry Road) will have one access aligned with Warm Springs. On the east side, the old McDonald's driveway was closed and shall remain closed (2S1 24CB/1201). Any additional development on the Brock

property (2S1 24CB/2100) shall result in closure of this driveway to Boones Ferry Road. Any additional development on the Ziedman property (2S1 24CB/2200) shall result in closure of this driveway to Boones Ferry Road. Between Warm Springs Street and Tualatin-Sherwood Road, as an option to closing the driveways at Brocks, and Ziedmans, it may be permissible to construct a raised median barrier or other improvements in Boones Ferry Road in this section to physically eliminate left turning movements, thus limiting all these driveways to right turn in, right turn out. Any redevelopment of the residential property between Mohawk and Sagert on the east side of Boones Ferry Road shall be accomplished in such a manner that the ultimate access to this area is from a street off of Sagert Street at its intersection with 86th Avenue. This may require interim agreements in accordance with TDC 75.090. All existing driveways in this area will be allowed to remain so long as the use of the property does not change.

Boones Ferry Road south of Sagert Street to Avery: The existing driveways will be allowed to remain. Any redevelopment of any residential property between Sagert and Avery shall result in no additional driveways being constructed in this area.

Avery to Ibach: South of Avery Street, the Sundae Meadows Subdivision and Tualatin Presbyterian Church (2S1 26AC, 301) (9230 Siletz Drive) shall access Boones Ferry Road via Siletz Drive. One additional street or private drive (Cherry Lane) will be provided for the Boones Ferry Condos (2S1 26AC Supplemental).

Ibach Street to Norwood: Development of these residential properties shall result in no more than two driveway accesses for Tualatin High School, one emergency access with no curb cut for Grahams Landing Condos (SW Corner of Boones Ferry and Ibach) and only street intersections for other properties. All street intersections on Boones Ferry Road between Ibach and Norwood shall be spaced a minimum of 500 feet apart.

Section 2. The Map 75-1 Access Management is amended to add a local street intersection on SW Boones Ferry Road adjoining Tax Lot 500 on Assessors Map 2S123DD, approximately 500 ft. north of the SW Sagert Street Intersection (Exhibit D).

Section 3. As specified in Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement with Marquis Companies and the Tigard-Tualatin School District (Exhibit E), this amendment shall become effective as of the date on which:

a. Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"); and

b. The Conditions 4(a) and 4(b) are satisfied.

Section 4. If the conditions of Sections 3 & 4 of the Amended and Restated Non-Statutory Development Agreement (Exhibit E) with Marquis Companies and the Tigard-Tualatin School District are not satisfied, this amendment shall not become effective and the proposed public street intersection will not be approved.

INTRODUCED AND ADOPTED this 23rd Day of August, 2010.

CITY OF TUALATIN, OREGON

BY_____
Mayor

ATTEST:

BY_____
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

COMMUNITY NEWSPAPERS
6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS
I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
Notice of Hearing/PTA 10-02
TT11481

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
1
week in the following issue:
August 5, 2010

Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this August 5, 2010.

Robin A. Burgess
NOTARY PUBLIC FOR OREGON
My commission expires

Acct #108462
Attn: Stacy Crawford
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Size: 2 x 8
Amount Due: $144.80 *
*Please remit to the address above.

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, August 23, 2010, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 10-02—AN ORDINANCE AMENDING THE EXISTING STREETS OF BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1 (PTA-10-02)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact William Harper, Associate Planner at (503) 691-3027. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

Publish 08/05/2010. TT11481

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 3rd day of August, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

Dated this 3rd day of August, 2010.

Stacy Crawford
Stacy Crawford

Subscribed and sworn to before me this 3rd day of August, 2010.

OFFICIAL SEAL
MAUREEN A SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 438788
MY COMMISSION EXPIRES JULY 4, 2013

Maureen A. Smith
Notary Public for Oregon
My Commission expires: July 4, 2013

RE: PLAN TEXT AMENDMENT (PTA) 10-02—AN ORDINANCE AMENDING THE EXISTING STREETS OF BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1

EXHIBIT B

City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

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CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on August 5, 2010

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 3rd day of August, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 3rd day of August, 2010.

Maureen A. Smith
Notary Public for Oregon
My commission expires: July 4, 2013

OFFICIAL SEAL
MAUREEN A SMITH
NOTARY PUBLIC-OREGON
COMMISSION NO. 438788
MY COMMISSION EXPIRES JULY 4, 2013

RE: PLAN TEXT AMENDMENT (PTA) 10-02—AN ORDINANCE AMENDING THE EXISTING STREETS OF BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1

EXHIBIT C

Exhibit "A"

2S126AA 01400
Terry Lee Schreiber
20130 SW Boones Ferry Rd
Tualatin, OR 97062-6931

2S126AA 01500
Wilbur Hutchens
4830 Dawn Ave
Lake Oswego, OR 97035-8308

2S126AA 01600
Living Savior Lutheran Church
8740 SW Sagert St
Tualatin, OR 97062-9116

2S126AA 01700
Zaida & Claudia Munoz
20085 SW Boones Ferry Rd
Tualatin, OR 97062-6930

2S126AA 01701
Naum & Deena Chernobersky
6530 SW 89th Pl
Tigard, OR 97223-7108

2S126AA 01702
Delores Jean Dingman
20155 SW Boones Ferry Rd
Tualatin, OR 97062-6931

2S126AA 01703
Donald & Martha Edwards
8850 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01800
Rachel Suzanne Edwards
8900 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01801
Tyler Eaton
8910 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01900
Elizabeth & Robert Brown
Po Box 1338
Tualatin, OR 97062-1338

2S126AA 01901
Alberta Graham
8920 SW Sagert St
Tualatin, OR 97062-9049

2S126AA 01902
Steven Stolze
Po Box 1093
Tualatin, OR 97062-1093

2S126AA 02000
Wells Fargo Bank
3 Ada
Irvine, CA 92618-2304

2S126AA 02100
Russell Little
Po Box 1006
Tualatin, OR 97062-1006

2S126AB 00100
William & Lorelei Cohen
9050 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00101
Fred Stephens
9060 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00102
Dannielle Yates
Po Box 3307
Tualatin, OR 97062-3307

2S126AB 00103
Thomas Douville
9040 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00200
Jill Strader Carroll
9070 SW Sagert St
Tualatin, OR 97062-9004

2S126AB 00300
Chad Greear
9100 SW Sagert St
Tualatin, OR 97062-9051

2S126AB 04600
J Matthew & Kathleen Cunnington
9285 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04700
Diane Glenn
9275 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04800
James Edgington
9265 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 04900
Deborah Bujanski
9252 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05000
Loretta Kay Brown
9248 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05100
Kevin & Wendy O'Riley
9244 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05200
Holly Teutsch
9242 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05300
Matthew Fisher
9240 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05400
Christian & Kristin Wolfe
9236 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 05500
Mellisa Deregla
9232 SW Cree Cir
Tualatin, OR 97062-9046

2S123DD 00600
Hal Fabrycki
16543 S Harding Rd
Oregon City, OR 97045-9679

2S123DD 00700
Shelley Simpson
Po Box 824
Tualatin, OR 97062-0824

2S123DD 00800
Mario Larsen
19738 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 00900
John Plaggmier Jr.
19740 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01000
Colleen Brazil
19790 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01100
Dawyne Larsen
19770 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 01400
Ashley & Rebecca Lukas
19840 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 01700
Roberto Pintos
8735 SW Sagert St
Tualatin, OR 97062-9120

2S123DD 01900
Dennis Rice Sr.
8635 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 02000
Mary McDonald
8585 SW Sagert St
Tualatin, OR 97062-9115

2S123DD 02200
S N H Corporation
Po Box 5348
Salem, OR 97304-0348

2S123DD 02300
S N H Corporation
Po Box 5348
Salem, OR 97304-0348

2S123DD 02400
Pumilite Building Products Inc
Po Box 5348
Salem, OR 97304-0348

2S123DD 02600
Martin & Beverly Zell
1440 SW Taylor St
Portland, OR 97205-1924

2S123DD 02701
Columbia Self-Stor LLC
16225 NE Eugene Ct
Portland, OR 97230-5594

2S123DD 02800
Francisco Soltero
19760 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 02900
Brenda Houston
19750 SW Boones Ferry Rd
Tualatin, OR 97062-7392

2S123DD 03100
Richard & Tamara Caffall
8555 SW Sagert St
Tualatin, OR 97062-9115

2S123DD 03200
Karen Tindall
8575 SW Sagert St
Tualatin, OR 97062

2S123DD 03300
2003-018 Partition Plat
8575 SW Sagert St
Tualatin, OR 97062

2S123DD 03400
Curt & Leslie Caffall
8685 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 03500
Packard
8675 SW Sagert St
Tualatin, OR 97062-8115

2S123DD 03600
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DD 03700
William Dean Inc
13044 SW Broadmoor Pl
Tigard, OR 97223-1783

2S123DD 03800
Sean & Amber Stansfield
8631 SW Logan Ln
Tualatin, OR 97062-7602

2S123DD 03900
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DD 04000
William Dean Inc
13044 SW Broadmoor Pl
Tigard, OR 97223-1783

2S123DD 04100
William Preston
8652 SW Logan Ln
Tualatin, OR 97062-7602

2S123DD 04200
William & Patsy Kimmer
4660 NE Belknap Ct #119
Hillsboro, OR 97124-8402

2S123DD 04300
William Kimmer
10344 SW Broadmoor Pl
Tigard, OR 97223-0000

2S123DA 00400
S N H Corporation
Po Box 5348
[illegible]em, OR 97304-0348

2S123DA 00600
Northland Enterprises LLC
19460 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00700
Northland Enterprises LLC
19460 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00800
Tgoc LLC
19470 SW 89th Ave
Tualatin, OR 97062-8537

2S123DA 00900
Jvtc Explorations LLC
19463 SW 89th Ave
Tualatin, OR 97062-8537

2S123DB 00200
Verizon Northwest Inc
Po Box 152206
Irving, TX 75015-2206

2S123DB 00400
Earl Itel
12155 SW Tualatin Sherwood Rd
Tualatin, OR 97062

2S123DC 00100
Sylvia Giustina
Po Box 989
Eugene, OR 97440-0989

2S123DC 00200
Jspd LLC
19570 SW 90th Ct
Tualatin, OR 97062-7620

2S123DC 00300
Watumull Properties Corp
307 Lewers St #6flr
Honolulu, HI 96815-2357

2S123DC 00600
American Apartment Communities
Po Box 4900
Scottsdale, AZ 85261-4900

2S123DC 00900
Emkay Development Co Inc
Po Box 73
Boise, ID 83729

2S123DC 01000
Harold & Shannon Moyer
9055 SW Sagert St
Tualatin, OR 97062-9052

2S123DC 01100
Schwarz
1395 Skye Pkwy
West Linn, OR 97068-1875

2S123DC 01200
Thomas Hosler
19148 SW Chesapeake Dr
Tualatin, OR 97062-9781

2S123DC 90000
Rebecca Woods Condo
9061 SW Sagert St
Tualatin, OR 97062

2S123DC 90001
Mary Linker
9061 SW Sagert St
Tualatin, OR 97062

2S123DC 90002
Kenneth Henry
9063 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90003
Lisa Hayes
9067 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90004
Helen Cain
5680 SW Meridian Way
Tualatin, OR 97062-6755

2S123DC 90005
Sloan Cathlene
9075 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90006
Lawrence & Diana Wolff
9077 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90007
Ron Netter
9083 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90008
Jennifer Streger
9085 SW Sagert St
Tualatin, OR 97062-7036

2S123DC 90009
Federal Home Loan Mortgage Corp
5000 Plano Pkwy
Carrollton, TX 75010-4900

2S123DC 90010
Robert & Janet Brehm
9089 SW Sagert St
Tualatin, OR 97062-7036

2S123DD 00200
Martin & Beverly Zell
1440 SW Taylor St
Portland, OR 97205-1924

[illegible]123DD 00300
[illegible]et & Alan Zell
1440 SW Taylor St
Portland, OR 97205-1924

2S123DD 00400
Envoy Chelan LLC
1111 Main St #700
Vancouver, WA 98660-2970

2S123DD 00500
Tigard-Tualatin School
6960 SW Sandburg St
Tigard, OR 97223-8039

2S123DD 04400
Logan House Estates
13044 SW Broadmoor Pl
Tigard, OR 97223

2S123DD 04500
Tualatin City Of
18880 SW Martinazzi Ave
Tualatin, OR 97062-7092

2S123DD 90000
Garden Court Condo
19816 SW Boones Ferry Rd
Tualatin, OR 97062

2S123DD 90001
Kelly Peterson
19800 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90002
Terry Bourbonnais
19804 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90003
Jacqueline Amiel
19810 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90004
Heidi Lee Grant
19816 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90005
Janis Kistler
19820 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90006
Sheryl Young
19824 SW Boones Ferry Rd
Tualatin, OR 97062-9005

2S123DD 90007
Beverley Hammons
Po Box 206
Tualatin, OR 97062-0206

2S124CC 00300
Robert Randall
9500 SW Barbur Blvd #300
Portland, OR 97219-5436

2S124CC 90000
Tualatin Village Condo Ph II
8350 SW Mohawk St
Tualatin, OR 97062

2S124CC 90301
Dan Rees
8502 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90321
Martin Tobias
8506 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90332
Damien Cuello Jr.
8508 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90341
Shelley Teel
8510 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90352
Cindy Valladares
21091 SW Bedstraw Ter
Sherwood, OR 97140-8894

2S124CC 90361
Elaine Gudekunst
8514 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90372
Jacqueline Rokey
8516 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90381
Mitzi Oliver
8518 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90392
Scott Glenn & Shelley Johnson
8520 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90401
Sherry Tucker
8522 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90412
Anita Orsburn
8524 SW Mohawk St
Tualatin, OR 97062-9170

2S124CC 90421
Jenny Wong
8474 SW Mohawk St
Tualatin, OR 97062-9135

2S124CC 90432
Shereen Simonson
8476 SW Mohawk St
Tualatin, OR 97062-9135

2S124CC 90441
Ambre Fagerquist
8470 SW Mohawk St
Tualatin, OR 97062-9139

2S124CC 90452
David Cornell McSwain II
8472 SW Mohawk St
Tualatin, OR 97062-9139

2S124CC 90551
[illegible]un Hedmann
11433 SW 33rd Ave
Portland, OR 97219

2S126AA 00100
Living Savior Lutheran Church
8740 SW Sagert St
Tualatin, OR 97062-9116

2S126AA 01300
Jonathan Herman Hoppert
22805 SW Erio Pl
Tualatin, OR 97062-7374

2S126AB 06700
Dorothy Skiles
9260 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 06800
Joseph & Rose Kacan
9235 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 06900
Daniel & Juana Balboa
9247 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 07000
Rose Jackson
9251 SW Cree Cir
Tualatin, OR 97062-9046

2S126AB 07100
Catherine Schweigert
Po Box 707
Sherwood, OR 97140-0707

2S126AB 07600
Momarls LLC
8405 SW 158th Pl
Beaverton, OR 97007-5898

2S126AB 12600
Cheryl Henderson-Brown
9200 SW Sagert St
Tualatin, OR 97062-9050

2S126AB 12700
Lillian Marie Brink
9280 SW Apache Dr
Tualatin, OR 97062-7000

2S126AB 12700
Lillian Brink
9200 SW Sagert St
Tualatin, OR 97062-9050

Exhibit "B"

City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING
CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, August 23, 2010, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 10-02—AN ORDINANCE AMENDING THE EXISTING STREETS OF BOONES FERRY ROAD AND AMENDING TDC 75.120 AND MAP 75-1 (PTA-10-02)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact William Harper, Associate Planner at (503) 691-3027 or wharper@ci.tualatin.or.us**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on August 5, 2010

Map 75-1: Access Management

TUALGIS

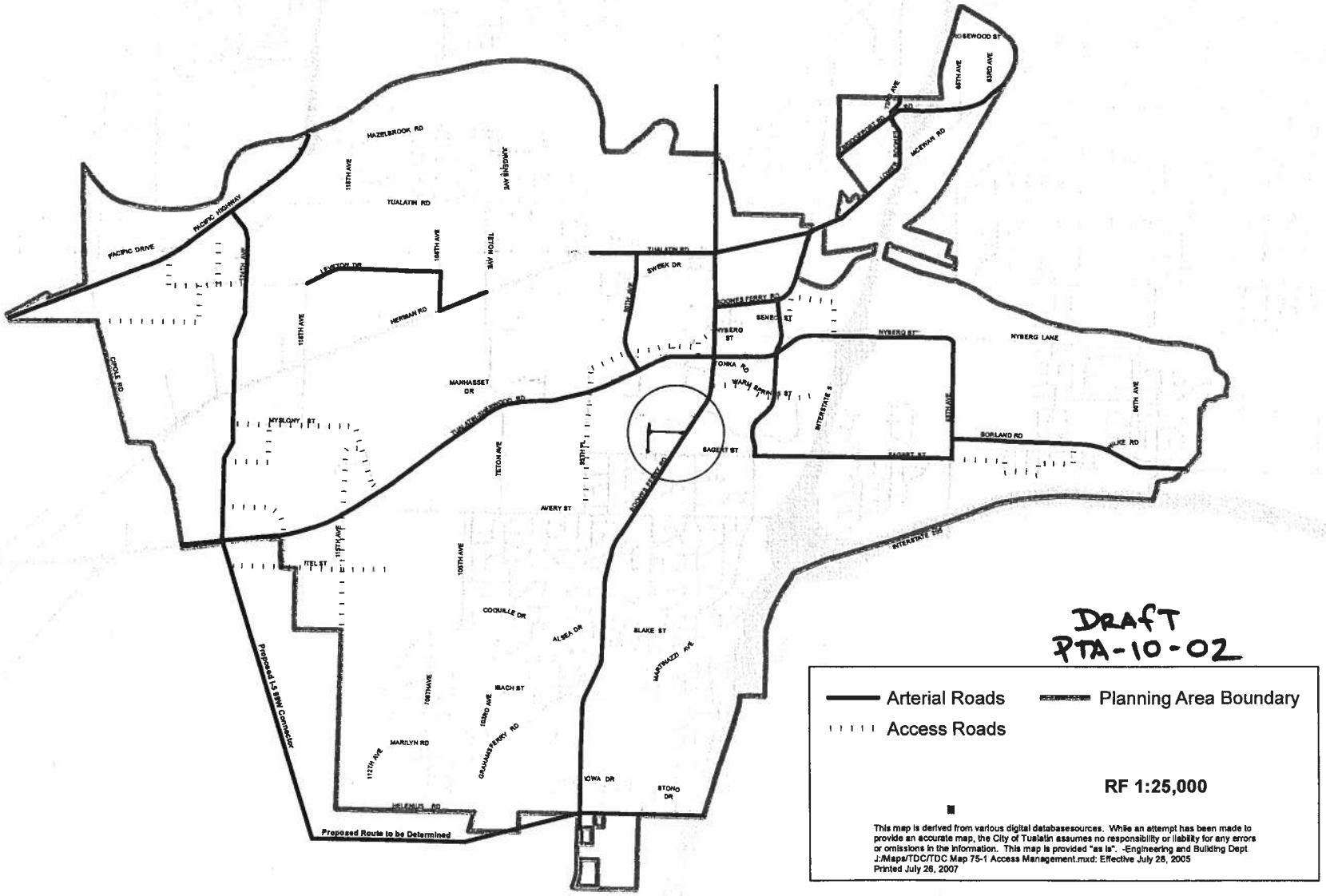


Exhibit D

TDC Access Management
Map 75-1

6-17-10

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

This Amended and Restated Non-Statutory Development Agreement (this "Amended Agreement") is made and entered into as of the _____ day of _____, 2010 (the "Amended Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City"), (collectively the "Parties").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

H. Marquis also wishes to assure that the Project will include the creation of a public street intersection onto Boones Ferry Road (the "BFR Intersection"), which would require a Plan Text Amendment to the Tualatin Development Code (the "PTA"). Accordingly, Marquis intends to submit a Plan Text Amendment to the City to allow for the creation of the BFR Intersection.

I. Hereinafter the Initial Planning District Designation Change, the Additional Planning District Designation Change and the PTA will be collectively referred to as the "Project Approvals."

J. The City wishes to assure that if the various Project Approvals are granted by the City Council after a public, quasi-judicial hearing, those Project Approvals would only apply to the Project and only if certain conditions precedent are satisfied within certain specified time periods.

K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

1. Marquis agrees to apply for the PTA to allow for the creation of the BFR Intersection and, the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's Community Development staff, to recommend to the Tualatin City Council approval of the PTA.
2.
3. Marquis agrees to apply for the Additional Planning District Change and the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's

Community Development staff, to recommend to the Tualatin City Council approval of the application for the Additional Planning District Change.

4. The Project Approvals shall be effective, without the need for further action or the execution of further documents, as of the date on which Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"). The Parties acknowledge and agree that there can be no assurances that the Project Approvals, to the extent not already granted as of the Amended Effective Date, will be granted or that, if the Project Approvals are granted, that the conditions set forth in this Section 3 will be satisfied.

5. The Parties acknowledge and agree that this Agreement is subject to the following conditions subsequent (the "Conditions Subsequent").

    a. If Marquis has not obtained the approval of the Architectural Review cited in Recital "C" and the remaining Project Approvals within eighteen (18) months after the Amended Effective Date (the "Project Approval Deadline"), it being understood and agreed that as of the Amended Effective Date Marquis has obtained the Initial Planning District Designation Change, then, without the need for further action or the execution of further documents, the Project Approvals shall not be enacted and this Agreement shall be null and void and of no further force and effect.

    b. If Marquis has obtained the Architectural Review cited in Recital "C" and the Project Approvals by the Project Approval Deadline but has not been issued a foundation permit within twelve (12) months after the Project Approval Date, then, without the need for further action or the execution of further documents, this Agreement and the Project Approvals shall be null and void and of no further force and effect.

    If the Conditions Subsequent are satisfied, then the Project Approvals shall be final and binding and the Project Approvals and this Agreement shall each be deemed to be a covenant which runs with the land for the benefit of the Property. In furtherance, and not in limitation, of the immediately preceding sentence, if the Conditions Subsequent are satisfied, the Additional Planning District Designation Change shall not be invalidated with respect to Lot 3 even if Lot 3 is never acquired by Marquis.

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

7. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and incorporates the requirements of the Original Development

Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

8. 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.

9. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: _____

STAFF REPORT
CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 8-23-10
Recording Secretary

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: August 23, 2010

SUBJECT: RESOLUTION APPROVING AN "AMENDED & RESTATED" DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

ISSUE BEFORE THE COUNCIL:
Council consideration of adopting a resolution approving an "Amended and Restated" Non-Statutory Development Agreement (the "Amended and Restated Agreement") between the City of Tualatin, the Tigard-Tualatin School District 23J (TTSD) (the Property Owner) and Marquis Companies (the Developer) for development of a senior living project on the former Tualatin Elementary School site (the "Property") located on SW Lower Boones Ferry Road. (See Attachment A for location map). The Amended and Restated Agreement will succeed a June 8, 2009 Development Agreement (approved as Resolution #4899-09) between the same parties and is linked to plan amendments PMA-09-01, PMA-10-01 and PTA-10-02.

RECOMMENDATION:
- The Tualatin Planning Advisory Committee (TPAC) reviewed the proposed Amended and Restated Non-Statutory Development Agreement (TTSD & Marquis) at the August 3, 2010 TPAC meeting and voted 5-0 to recommend that Council approve PTA-10-02, PMA-10-01 and the proposed Development Agreement.
- Staff recommends the Council consider the attached resolution and provide direction.

EXECUTIVE SUMMARY:
- This action does not require a public hearing.
- The area covered by the Agreement encompasses the 12.75 acre Old Tualatin Elementary School site located at 19945 SW Boones Ferry Road currently in the RL (Low-Density Residential) (Assessors Map 2S123DD 500/portion) and RML

(Medium Low-Density Residential) Planning Districts. The property is the site of the proposed Marquis senior housing development.

- The City of Tualatin has approved PMA-09-01(Ordinance #1284-09) designating the eastern 5.4 acre portion of the property as RML (Medium-Low Density Residential) and is currently considering an application for a Plan Map Amendment (PMA-10-01) to change the designation of the remainder of the property from RL to RML. Also, Marquis is an applicant for Plan Text Amendment PTA-10-02 proposing to amend the access management requirements to allow a public street access onto the adjoining SW Boones Ferry Road.
- The June 8, 2009 Non-Statutory Development Agreement (Resolution #4899-09) between the parties established that the implementing Ordinance for PMA-09-01 would have an effective date tied to Marquis Companies obtaining conditional use and AR approval within 18 months of its effective date (June 8, 2009) and applies only to the proposed Marquis senior living project and not to another developer or residential development. An Architectural Review (AR-10-04) for a senior assisted living and skilled nursing facility on the portion of the property addressed in PMA-09-01 and the Agreement is currently in review as Phase I of the Marquis project.
- The proposed "Amended and Restated Agreement" has been prepared to update the timing and scope of development on the entire property and includes deadlines intended to ensure that the development proposed by Marquis in its application for the RML Planning District designation approved in PMA-09-01 and the proposed in PMA-10-01 for the 7.3 acre western portion of the Old Tualatin Elementary School site will be constructed in a timely manner. Construction of the proposed senior housing development must commence within 18 months of the "Amended Effective Date" (the date the Amended & Restated Agreement is signed) or the property will return to the RL Planning District designation. The proposed access management amendment proposed in PTA-10-02 will also be subject to the deadline. Marquis Companies and TTSD will both sign the agreement.
- A series of agreement points have been reached in the Amended and Restated Agreement with the Property Owner and Developer. Details of these points are outlined in the **DISCUSSION** section of this staff report.

DISCUSSION:

There are eight (8) sections contained in the Agreement. Each is briefly described below:

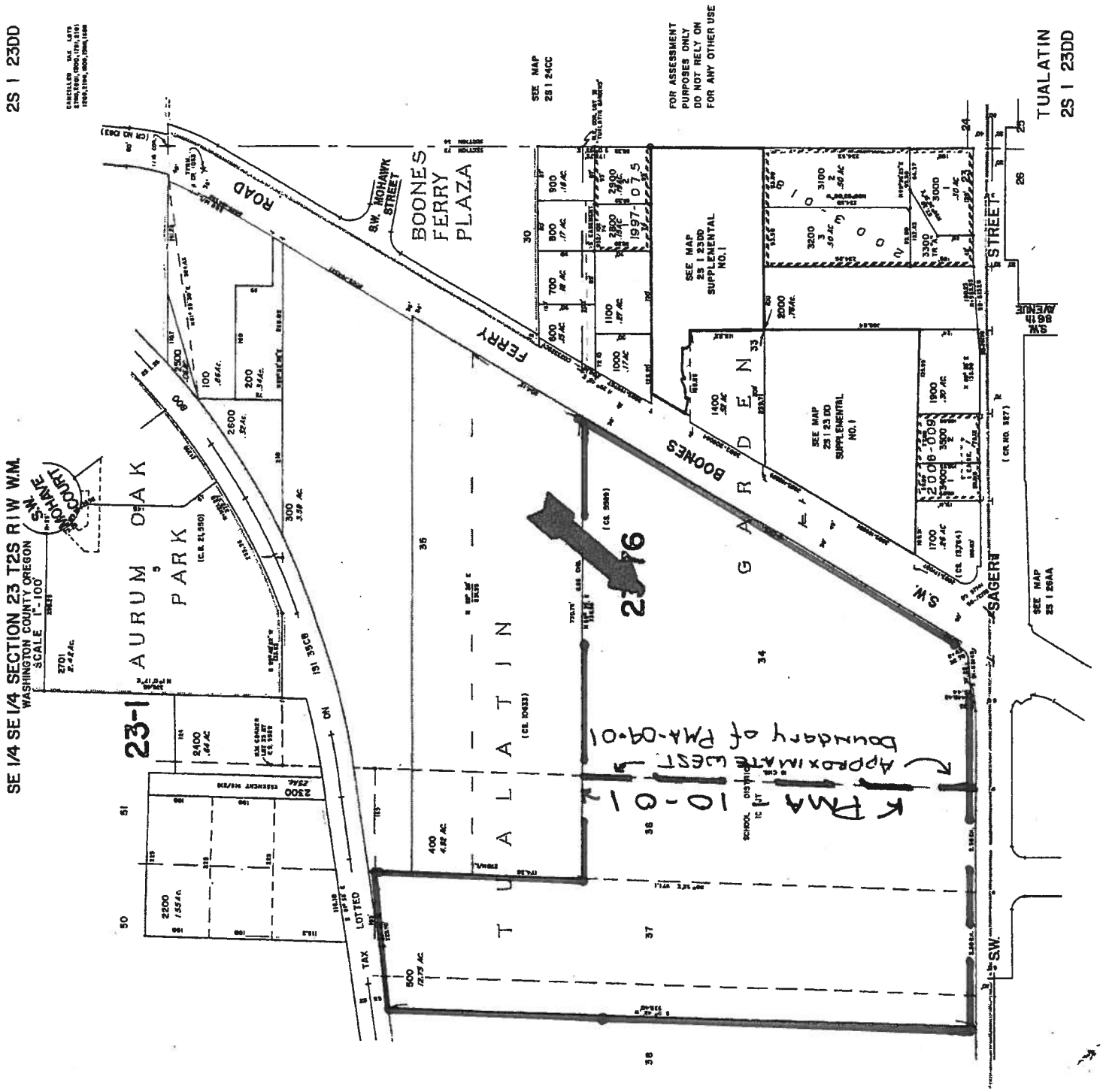
1. Section 1 states that Marquis will apply for a PTA for a public street access on the project's abutting frontage of SW Boones Ferry Road.
2. Section 2 states that Marquis will apply for a PMA to change the Planning District designation of the western 7.3 acres from RL to RML.

3. Section 3 establishes the terms of when the Project Approvals (PMA-09-03; PMA-10-01 and PTA-10-02) will be effective in relation to Architectural Review (AR) approval.
4. Section 4 establishes the term of the agreement and the effective dates of the Plan Map Amendments PMA-09-03 and PMA-10-01, and the Plan Text Amendment PTA-10-02 in respect to obtaining Architectural Review approval and commencing construction of the Marquis Companies senior living project on the site. If the AR is approved (within 18 months of enacting the Development Agreement) and a foundation permit for the Marquis project is obtained (within 12 months of AR approval), the amendments will become effective. If Marquis builds its Phases I-II (and meets the terms of the Development Agreement) but decides to forgo purchase and development of a portion of the western 7.3 acres addressed in PMA-10-01, the RML designation will remain for TTSD.

   If the Marquis development does not commence by the deadline, none of the three amendments will become effective. The property will revert to RL and the proposed public street access to SW Boones Ferry Road will not be allowed.
5. Section 5 states that the Agreement is not a statutory development agreement.
6. Section 6 specifies that the Agreement represents the entire and final agreement of the parties.
7. Section 7 allows execution of parts of the Agreement as original parts of one instrument.
8. Section 8 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.

Attachments:
A. Location Map
B. Resolution with Amended and Restated Non-Statutory Development Agreement



Attachment A
Location Map

DRAFT

RESOLUTION NO. _____

RESOLUTION APPROVING AN "AMENDED AND RESTATED" DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS Marquis Companies and the Tigard-Tualatin School District (TTSD) have entered into a Non-Statutory Development Agreement with the City of Tualatin (adopted as Resolution #4899-09) that applies to Plan Map Amendment PMA-09-01 (Ordinance 1284-09) and the construction of a senior living facilities development on a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site (Property) located at 19945 SW Boones Ferry Road, and;

WHEREAS Marquis Companies has applied for a Plan Map Amendment (PMA-10-01) to change the 7.3 acre parcel on the western portion of the 12.75 site from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior housing on the site; and

WHEREAS Marquis Companies has applied for a Plan Text Amendment (PTA-10-02) proposing to amend the access management requirements to allow a public street access onto the Property from SW Boones Ferry Road; and

WHEREAS the proposed Amended and Restated Agreement has been prepared to replace the existing Agreement and to assure that if the Council approves the proposed PMA-10-01 Plan Map Amendment and PTA-10-02 Plan Text Amendment after considering the evidence in a quasi-judicial public hearings, the approvals will apply only if development of the senior living facility proposed by Marquis is commenced; and

WHEREAS the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendments will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the agreement [Vote (x-x)]; with Councilor xxx absent.

BB/WH 8-11-04

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

Section 1. The City Council approves the accompanying Amended and Restated Non-Statutory Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

Section 2. The Non-Statutory Development Agreement of June 8, 2009 (Resolution #4899-09) is rescinded.

INTRODUCED AND ADOPTED this 23th day of August, 2010.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:
By_____
City Manager

RESOLUTION NO. 5003-10

RESOLUTION APPROVING AN "AMENDED AND RESTATED" DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUALATIN, TIGARD-TUALATIN SCHOOL DISTRICT AND MARQUIS COMPANIES

WHEREAS Marquis Companies and the Tigard-Tualatin School District (TTSD) have entered into a Non-Statutory Development Agreement with the City of Tualatin (adopted as Resolution #4899-09) that applies to Plan Map Amendment PMA-09-01 (Ordinance 1284-09) and the construction of a senior living facilities development on a 5.44 acre parcel on the eastern portion of the 12.75 acre Old Tualatin Elementary School site (Property) located at 19945 SW Boones Ferry Road, and;

WHEREAS Marquis Companies has applied for a Plan Map Amendment (PMA-10-01) to change the 7.3 acre parcel on the western portion of the 12.75 site from RL (Low-Density Residential) Planning District (Assessors Map 2S123DD 500/portion) to RML (Medium Low-Density Residential) for the purpose of constructing senior housing on the site; and

WHEREAS Marquis Companies has applied for a Plan Text Amendment (PTA-10-02) proposing to amend the access management requirements to allow a public street access onto the Property from SW Boones Ferry Road; and

WHEREAS the proposed Amended and Restated Agreement has been prepared to replace the existing Agreement and to assure that if the Council approves the proposed PMA-10-01 Plan Map Amendment and PTA-10-02 Plan Text Amendment after considering the evidence in a quasi-judicial public hearings, the approvals will apply only if development of the senior living facility proposed by Marquis is commenced; and

WHEREAS the Agreement provides that the Marquis Companies' project has not obtained project approvals within 18 months after the agreement's effective date, the agreement will be null and void and the Plan Amendments will not be enacted. It further provides that if construction has not commenced within 12 months after the Plan Amendment Effective Date, the Agreement and the Plan Amendment will be null and void and the property will return to the RL Planning District designation; and

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the agreement with a vote of [4-2], with Mayor Ogden and Councilor Harris voting against and Councilor Maddux absent.

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

Section 1. The City Council approves the accompanying Amended and Restated Non-Statutory Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

INTRODUCED AND ADOPTED this 23th day of August, 2010.

CITY OF TUALATIN, Oregon

By_____
Mayor

ATTEST:
By_____
City Manager

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

AMENDED AND RESTATED NON-STATUTORY DEVELOPMENT AGREEMENT

This Amended and Restated Non-Statutory Development Agreement (this "Amended Agreement") is made and entered into as of the _____ day of _____, 2010 (the "Amended Effective Date") by and between Tigard-Tualatin School District 23J, an Oregon school district (the "School District"), Marquis Companies I, Inc., an Oregon corporation ("Marquis") and the City of Tualatin, Oregon (the "City"), (collectively the "Parties").

RECITALS

A. The School District is the owner of 12.75 acres of improved real property located in the City (the "Property"). The Property currently consists of three parcels which shall be referred to from time to time in this Amended Agreement as Lot 1, Lot 2 and Lot 3.

B. By Second Amended and Restated Purchase and Sale Agreement dated as of February 4, 2010 (as the same may be further amended from and after the date hereof, the "Purchase Agreement") on the terms and conditions set forth in the Purchase Agreement, (A) the School District agreed (i) to sell Lots 1 and 2 to Marquis, and (ii) to give Marquis certain rights with respect to the purchase of Lot 3 and (B) Marquis agreed (i) to purchase the Lots 1 and 2 and (ii) to accept the purchase rights with respect to Lot 3.

C. As described more fully below, Marquis has applied, or will be applying, to the City for Architectural Review approval to develop on Lots 1 and 2 a senior living facility, which will include a skilled nursing facility, assisted living facility and independent living cottages, as well as a community center (the "Project").

D. As a condition to its acquisition of Lots 1 and 2, on March 5, 2010 Marquis obtained approval from the City for a proposed property line adjustment between Lot 1 and Lot 2 to reconfigure the lots as shown on the Site Plan (the "Site Plan") that is attached as Exhibit A. All references to Lot 1 and Lot 2 in this Amended Agreement refer to the reconfigured Lot 1 and Lot 2 as shown on the Site Plan.

E. On June 8, 2009, the Parties entered into a Non-Statutory Development Agreement for a portion of the Property (the "Original Development Agreement"). Pursuant to the terms of the Original Development Agreement, Marquis applied for a - Plan Map Amendment (PMA-09-01) to permit a change in the planning district designation of Lot 1 and a portion of Lot 2 from Low Density Residential ("RL") to Medium-low Density Residential ("RML"). On June 22, 2009, the City approved Plan Map Amendment 09-01 changing the Planning District Designation for Lot 1 and a portion of Lot 2 from RL to RML (the "Initial Planning District Designation Change").

4-16-10 LEGAL DEPT VER

F. In accordance with the terms of the Original Development Agreement, the changes contemplated by Plan Map Amendment 09-01 are, by their terms, not effective until the date that Marquis has received both a conditional use permit and architectural review approval by the deadlines set forth in the Original Development Agreement (the "Original PMA Deadline Dates") and the appeal periods related thereto have expired and thus would be null and void if those conditions are not timely fulfilled.

G. Promptly after the Amended Effective Date, Marquis intends to submit an application for a Plan Map Amendment to change the Planning District Designation for the remainder of Lot 2 and for Lot 3 from RL to RML (the "Additional Planning District Designation Change"). In the event that the Additional Planning District Designation Change is approved, the Parties wish to extend the Original PMA Deadline Dates to coincide with the dates set forth in Section 4 below.

H. Marquis also wishes to assure that the Project will include the creation of a public street intersection onto Boones Ferry Road (the "BFR Intersection"), which would require a Plan Text Amendment to the Tualatin Development Code (the "PTA"). Accordingly, Marquis intends to submit a Plan Text Amendment to the City to allow for the creation of the BFR Intersection.

I. Hereinafter the Initial Planning District Designation Change, the Additional Planning District Designation Change and the PTA will be collectively referred to as the "Project Approvals."

J. The City wishes to assure that if the various Project Approvals are granted by the City Council after a public, quasi-judicial hearing, those Project Approvals would only apply to the Project and only if certain conditions precedent are satisfied within certain specified time periods.

K. In light of changes to the Project since the execution of the Original Development Agreement, the parties are interested in entering into this Amended Agreement in order to document the parties' intent with respect to the Project.

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

1. Marquis agrees to apply for the PTA to allow for the creation of the BFR Intersection and, the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's Community Development staff, to recommend to the Tualatin City Council approval of the PTA.

2. Marquis agrees to apply for the Additional Planning District Change and the City staff agrees, subject to the receipt of a favorable analysis of the Project by the City's

Community Development staff, to recommend to the Tualatin City Council approval of the application for the Additional Planning District Change.

3. The Project Approvals shall be effective, without the need for further action or the execution of further documents, as of the date on which Marquis receives architectural review approval from the City and either (a) the applicable appeal periods for those Project Approvals have expired or (b) any appeals that are timely filed during the applicable appeal periods have been fully and finally resolved in favor of Marquis on terms acceptable to Marquis in the exercise of its sole discretion (the "Project Approval Date"). The Parties acknowledge and agree that there can be no assurances that the Project Approvals, to the extent not already granted as of the Amended Effective Date, will be granted or that, if the Project Approvals are granted, that the conditions set forth in this Section 3 will be satisfied.

4. The Parties acknowledge and agree that this Agreement is subject to the following conditions subsequent (the "Conditions Subsequent").

    a. If Marquis has not obtained the approval of the Architectural Review cited in Recital "C" and the remaining Project Approvals within eighteen (18) months after the Amended Effective Date (the "Project Approval Deadline"), it being understood and agreed that as of the Amended Effective Date Marquis has obtained the Initial Planning District Designation Change, then, without the need for further action or the execution of further documents, the Project Approvals shall not be enacted and this Agreement shall be null and void and of no further force and effect.

    b. If Marquis has obtained the Architectural Review cited in Recital "C" and the Project Approvals by the Project Approval Deadline but has not been issued a foundation permit within twelve (12) months after the Project Approval Date, then, without the need for further action or the execution of further documents, this Agreement and the Project Approvals shall be null and void and of no further force and effect.

    If the Conditions Subsequent are satisfied, then the Project Approvals shall be final and binding and the Project Approvals and this Agreement shall each be deemed to be a covenant which runs with the land for the benefit of the Property. In furtherance, and not in limitation, of the immediately preceding sentence, if the Conditions Subsequent are satisfied, the Additional Planning District Designation Change shall not be invalidated with respect to Lot 3 even if Lot 3 is never acquired by Marquis.

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

6. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and incorporates the requirements of the Original Development

Agreement, as modified by this Amended Agreement, it being understood and agreed that from and after the Amended Effective Date, this Amended Agreement shall control with respect to the matters which are addressed herein and in the Original Development Agreement

7. 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.

8. 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.

Tigard-Tualatin School District 23J

By: _____
Its: _____

Marquis Companies I, Inc.

By: _____
Its: _____

The City of Tualatin

By: _____
Its: Mayor, Lou Ogden

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY