



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

City Council Chambers  
18880 SW Martinazzi Avenue, Tualatin, Oregon

**WORK SESSION begins at 5:00 p.m.**

REGULAR MEETING begins at 7:00 p.m.

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**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](http://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](http://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.



**A. CALL TO ORDER**  
Pledge of Allegiance

- B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS** Page No.
1. Tualatin Youth Advisory Council Update .....
  2. Commuter /High Speed /Passenger-Freight Rails Update

**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.*

2. Approval of Minutes of the Work Session and Meeting of October 25, 2010 .....
2. Resolution No. **5009-10** Termination of the Contract with Multnomah County .....  
for Mosquito Control Services
3. Resolution No. **5010-10** Authorizing an Intergovernmental Agreement with Metro.....  
and the City of Tualatin for a Construction Excise Tax  
Grant to be Utilized for Concept Planning the Basalt  
Creek and West Railroad Planning Areas in Pursuit of  
Incorporating the Land Into the Comprehensive Plan
4. Resolution No. **5011-10** Authorizing a Memorandum of Understanding with the.....  
Cities of Tualatin and Wilsonville and Washington County  
for Concept Planning the Basalt Creek and West  
Railroad Planning Areas

**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 Medical Center (MC) of Parcels of Land  
Located on SW Borland Road (21E 19C 1700 & 2000) and .25 Acres of Abutting  
Right-of-Way; and Amending the Community Plan Map 9-1 (PMA-09-03)  
**[CONTINUED to January 24, 2011]**

**G. GENERAL BUSINESS**

1. Consideration of a Development Agreement Between the City of Tualatin and.....  
Legacy Health Systems  
**[CONTINUED from October 11, 2010] REMOVED FROM THE AGENDA IN ITS ENTIRETY**

**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: November 8, 2010

**PLEASE COMPLETE TO GIVE TESTIMONY**

**LIMIT TESTIMONY TO THREE MINUTES**

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Omar Lopez	19496 SW 67th <sup>AV.</sup>	fulatim@ig7062		
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Council Update November 8, 2010

TUALATIN YOUTH  
ADVISORY COUNCIL



# Haunted House 2010

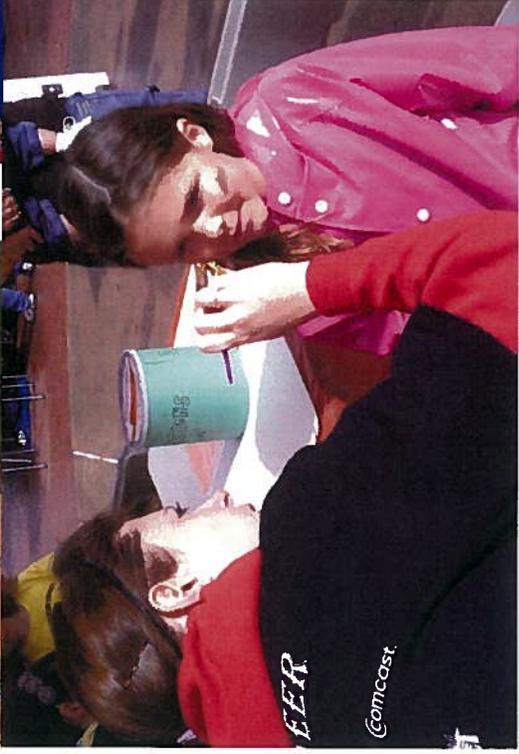
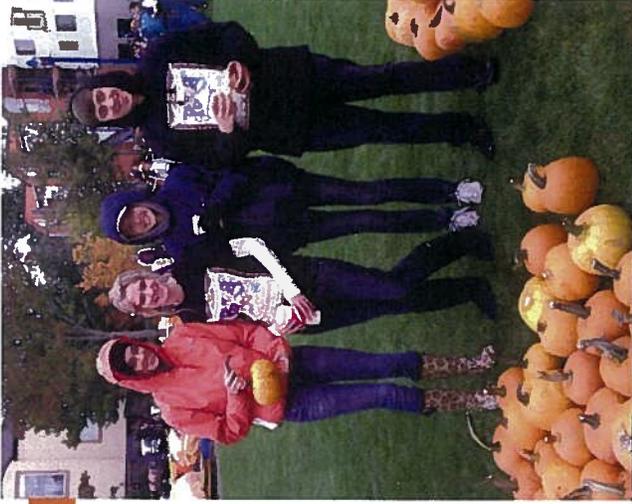
- October 22, 23, 29 & 30
- 7:00pm – 10:00pm
- Van Raden Community Center
- This year's theme – *Fun House of Horrors!*



# Haunted House 2010



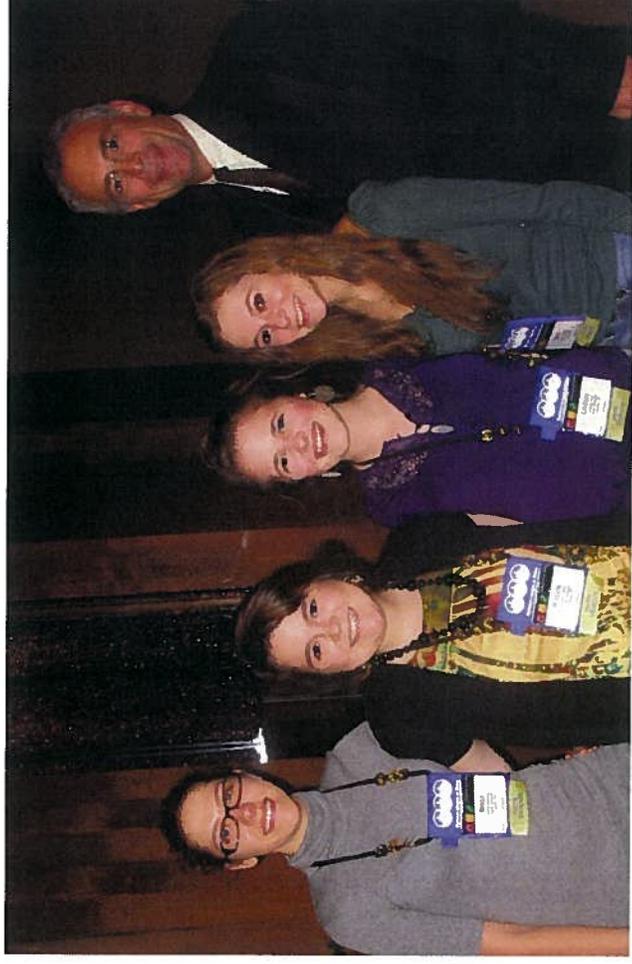
# West Coast Giant Pumpkin Regatta



- ❑ Concessions
  - ❑ Pumpkin Crafts
  - ❑ Face Painting
  - ❑ T-shirt sales
  - ❑ YAC met
- fundraising goal to allow 3 members to attend the National League of Cities Conference!

# National League of Cities Congress of Cities

- Denver, Colorado
- December 1-4, 2010
- Three YAC members attending
- Thank you Mayor Ogden  
your fundraising efforts!



Tualatin's 2009 NLC Congress of Cities representatives



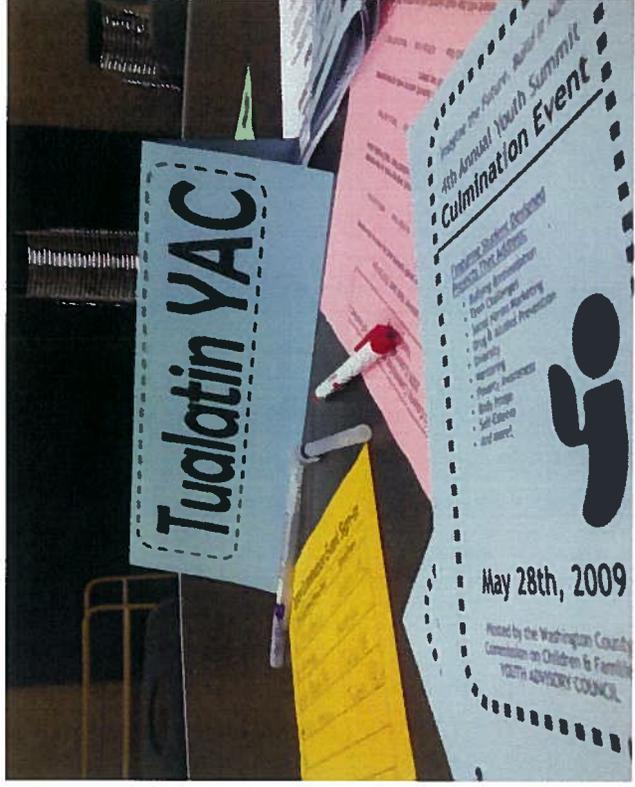
CONGRESS OF CITIES  
& EXPOSITION



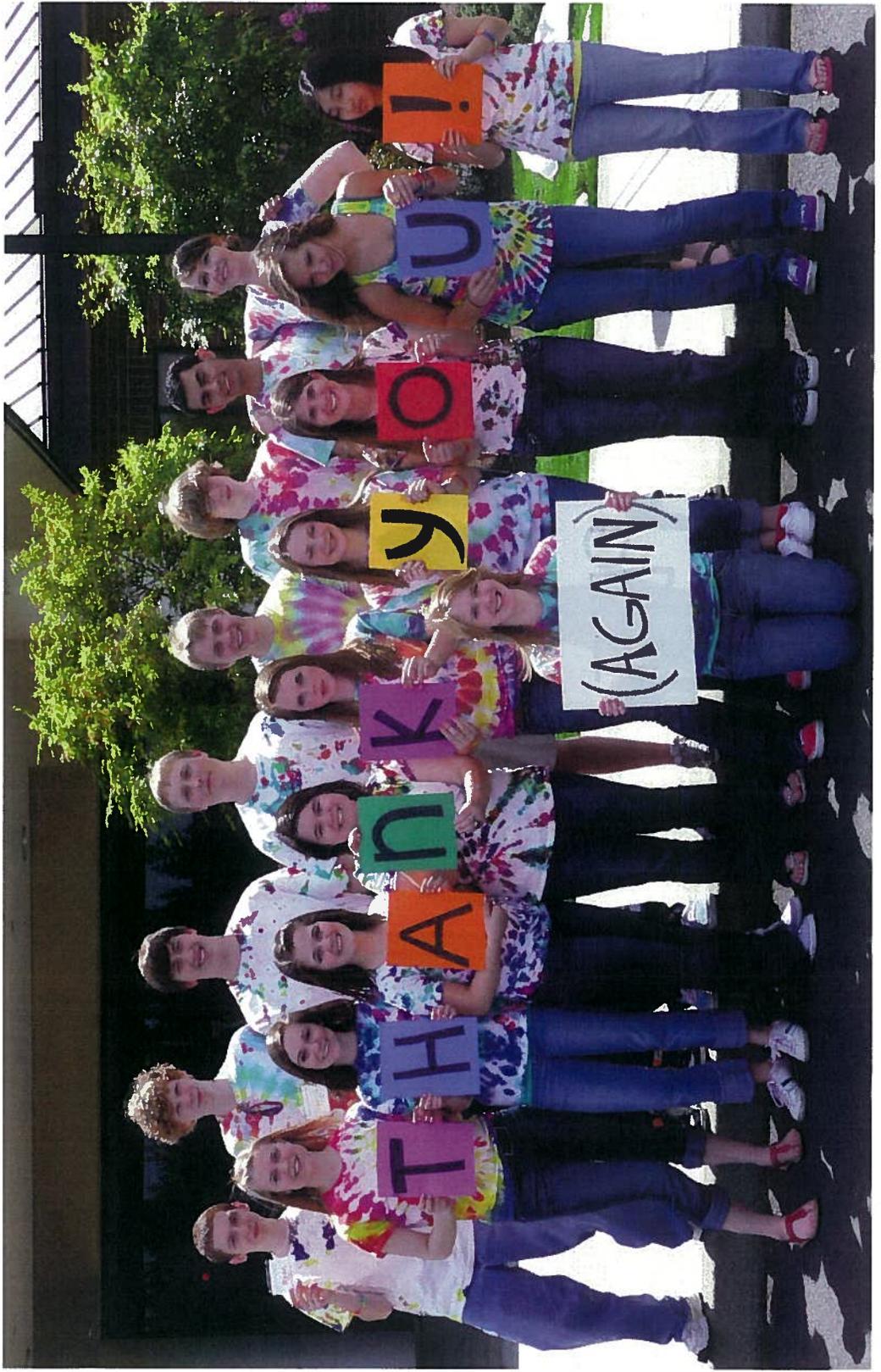
Colorado Convention Center • Denver, Colorado • November 30 - December 4, 2010

# Washington County Youth Summit

- Thursday, November 4
- Plan for Youth Summit Grant
- Focus on alcohol & drug prevention



**See you next month!**





# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 11-8-10  
Recording Secretary MSM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Sherilyn Lombos, City Manager  
**DATE:** November 8, 2010  
**SUBJECT:** APPROVAL OF THE MINUTES FOR THE WORK SESSION  
AND MEETING OF OCTOBER 25, 2010

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**ISSUE BEFORE THE COUNCIL:**

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

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

**FINANCIAL IMPLICATIONS:**

There are no financial impacts associated with this item.

**Attachments:** A. Minutes



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 25, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman [5:09 p.m.], Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Mark Gardner, Police Captain; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Aquilla Hurd-Ravich, Acting Planning Manager; Cindy Hahn, Assistant Planner; Ben Bryant; Maureen Smith, Recording Secretary

ABSENT: None.

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

**A. CALL TO ORDER**

Mayor Ogden called the work session to order at 5:00 p.m.

*Council reviewed the Consent Agenda with no changes.*

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

1. *Update on Vacation of Blake Street Right-of-Way*

City Engineer Mike McKillip presented a PowerPoint on the Blake Street Right-of-Way (ROW). Council's has expressed the desire to be able to prohibit vehicle traffic on Blake from 108<sup>th</sup> Avenue, preserving the ROW for greenway purposes and to preserve and protect all existing future utilities.

City Engineer McKillip explained to accomplish this would be to proceed with a vacation process. City Engineer McKillip reviewed maps of the area and noted since it was platted, a number of utilities have accessed the ROW. City Attorney Brenda Braden clarified the utilities located in the ROW process. City Engineer McKillip continued to explain how the vacation process would work, and reviewed the next steps that will need to be done to get to the vacation process. If proceeded right away and all went accordingly, staff could be back before Council in December for a public hearing. City Attorney Braden explained about the process for proceeding forward, whether all property owners would agree, and continued to explain about the ownership of the ROW, etc.

Discussion followed on the vacation process and if there would be a process that could be done easier and less costly. It was asked and discussed how much it would cost to do this. City Manager Lombos said another option is to pass an ordinance/resolution to say there will be nothing built on this property as an alternative to spending the funds to vacate the ROW. Discussion followed. Issues of granting the easement continued to be discussed and explained by City Attorney Braden.

After discussion, it was decided by Council to have staff bring back an ordinance at a future meeting.

2. *Chickens in Residential Areas*

City Manager Lombos noted Council's request of the Planning Advisory Committee (TPAC) respond on the issue of chickens in residential areas. TPAC has looked at the issue several times and has provided a recommendation to allow chickens in residential areas with some modifications.

Assistant Planner Cindy Hahn presented information on the issue, including background information, policy considerations, and discussion points, along with proposed Development Code language. It was mentioned that other cities are allowing this in one form or another. Discussion followed, with only Councilor Harris in favor of advancing the issue. It was suggested this is an issue the new Citizen Involvement Committee (CIC) can review when they are up and going,

City Manager Lombos said staff will discuss with the CIC about reviewing the issue of chickens in neighborhoods.

3. *Dogs at the Commons*

Parks and Recreation Manager Carl Switzer presented information about allowing dogs at the Commons. Councilor Harris said he initially raised the issue and believes there wouldn't be a problem allowing dogs. Brief discussion followed and consensus of all Council present was to go ahead and move forward to change the ordinance to allow dogs at the Commons.

4. *Utility Undergrounding*

Councilor Harris said he initially brought this issue forward about undergrounding utility lines, and suggested when there is a new development of requiring utilities to be put underground.

Discussion followed on the aesthetics of above ground utilities, and also the significant costs associated with undergrounding. Also discussed was future development and the value of undergrounding, more for aesthetics and reliability.

It was asked of staff to provide differential costs of when there are existing poles that only have to be relocated, and areas where there are no poles. It was asked and answered that currently new subdivisions are required to underground. Also asked of staff to look at redevelopment within the city and what would be the associated costs of undergrounding.

Discussion followed. Staff will bring back data at a future meeting, including benefits analysis of undergrounding.

5. *Poole Quarry*

City Manager Lombos began by explaining that Tualatin cannot ask for a continuance of the quarry hearing, only the applicant. Assistant Planner Cindy Hahn distributed a revised letter to Clackamas County and a memorandum from Matt Wellner of Tonquin Holdings.

City Manager Lombos reviewed what has been done, looked at water quality, and the hiring of consultant, which hasn't been done since can't ask for continuance, and then ask for any comments on the changes that were made in the letter to the County. Discussion followed on Council's position on the proposed quarry and associated noise from blasting.

Staff will finalize the letter and send on to Clackamas County.

**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**

None.

**J. EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(i) to discuss employee performance will be held after the work session.

**K. ADJOURNMENT**

The work session adjourned at 6:45 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

  
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TUALATIN CITY COUNCIL MEETING MINUTES OF OCTOBER 25, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

ABSENT: None.

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

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was led by Council President Barhyte.

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

1. *Measure 34-180 Washington County Cooperative Library Services Levy Renewal Information*  
Library Manager Abigail Elder displayed a PowerPoint and gave an overview of the renewal of the Washington County Cooperative Library Services five year local option levy.
- ~~2. Tualatin Tomorrow Presentation — Health, Safety & Social Services - not at this meeting.~~
2. *Update on Council Meetings Live Streaming*  
Operations Director Dan Boss briefly explained the live streaming now in place for the City Council meetings.

**C. CITIZEN COMMENTS**

None.

**D. CONSENT CALENDAR**

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

1. Approval of the Minutes of the Work Sessions and Meetings of September 27, 2010 and October 11, 2010
2. Resolution No. 5008-10 Authorizing a Revocable Permit to Allow Construction Staging on SW Seneca Street and a Temporary Covered Pedestrian Walkway with Scaffolding on SW Boones Ferry Road Sidewalk

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**  
Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(i) to discuss employee performance was held at the work session.

**J. COMMUNICATIONS FROM COUNCILORS**  
It was noted the Special Work Session is on Thursday, October 28, 2010 at 6:00 p.m. at the Police Facility.

**K. ADJOURNMENT**  
MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adjourn the meeting at 7:16 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

  
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# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 11-8-10

Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager 

**FROM:** Daniel J. Boss, Director - Operations Department   
Kathy Kaatz, Program Coordinator - Operations 

**DATE:** November 8, 2010

**SUBJECT:** TERMINATION OF CONTRACT WITH MULTNOMAH COUNTY  
FOR MOSQUITO CONTROL SERVICES

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### ISSUE BEFORE THE COUNCIL:

Adoption of the attached Resolution authorizing the Operations Director to terminate the existing contract with Multnomah County for mosquito control services, effective January 1, 2011.

### RECOMMENDATION:

Staff recommends that the Council adopt the attached Resolution, terminating the contract with Multnomah County for mosquito control services.

### EXECUTIVE SUMMARY:

- Since the early 90's, Multnomah County has been providing mosquito surveillance services at three separate locations: Apache Bluffs Wetland (Cheyenne Way), Tualatin Community Park (Chinook Street), and the water quality facility on 90th and Sweek Drive.
- At that time, Washington County did not provide any mosquito abatement services.
- We are currently in a five-year contract with Multnomah County which ends March 31, 2013. The cost of providing these services was not to exceed \$7,500.
- The agreement allows either agency to cancel the agreement upon a 30-day notice.
- Since 2002, the City has partnered with Washington County to coordinate response in the county to the threat of the West Nile Virus and to coordinate public information. Beginning in 2007, the program was expanded to include a more active abatement program for all city-owned water quality facilities and sumped catch basins. The County provides larvicide, with city staff placing the material during the spring and summer.

- Washington County has proposed to absorb mosquito surveillance activities at the three separate locations at no cost and will begin conducting surveillance activities, including collection of mosquito larvae and adults, beginning the next mosquito season (March - April 2011).

**OUTCOMES OF DECISION:**

Upon Council approval, the contract with Multnomah County will be terminated by written 30-day notification, as required in the attached intergovernmental agreement.

**ALTERNATIVES TO RECOMMENDATION:**

Continue with existing contract with Multnomah County at a cost not to exceed \$7,500 during the renewal period (April 2008 - March 2013).

**FINANCIAL IMPLICATIONS:**

The current contract with Multnomah County is \$1,500 annually for five years. Washington County has offered to provide this service at no cost to the City.

- Attachments:**
- A. Resolution
  - B. Existing contract with Multnomah County
  - C. Offer letter from Washington County, dated October 5, 2010
  - D. Draft termination letter to Multnomah County

RESOLUTION NO. 5009-10

TERMINATION OF CONTRACT WITH MULTNOMAH COUNTY FOR  
MOSQUITO CONTROL SERVICES

WHEREAS the City wishes to terminate Contract No. 0310408 between Multnomah County and the City of Tualatin for mosquito surveillance in the three locations.

WHEREAS Washington County has agreed to provide mosquito surveillance activities to the City of Tualatin at the same three locations, previously monitored by Multnomah County, at no cost.

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

Section 1. Council to authorize the Operations Director to terminate the existing contract (No. 0310408) with Multnomah County by providing a written thirty-day notification as required.

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

CITY OF TUALATIN, OREGON

BY  \_\_\_\_\_  
Mayor

ATTEST:

BY  \_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY

## GOVERNMENT CONTRACT (190 AGREEMENT)

This is an Agreement between City of Tualatin hereafter (CITY) and Multnomah County (COUNTY), pursuant to authority granted in ORS Chapter 190.

### PURPOSE:

The purpose of this agreement is:

Whereas, CITY desire mosquito control services for their respective jurisdiction

Whereas, COUNTY is able and prepared to provide mosquito control services for CITY jurisdictions under the terms and conditions hereinafter described:

The parties agree as follows:

1. **TERM:** The term of this agreement shall be from April 1, 2003 to December 31, 2004.
2. **RESPONSIBILITIES OF COUNTY:** The County agrees to provide mosquito control services at the following areas Apache Bluffs Wetland, 8605 SW Chinook St & 18755 SW 90<sup>th</sup> Ave. (see attached map). These services shall include the following;
  - a. Identify those mosquito species present in numbers sufficient to cause a public health threat or nuisance
  - b. Identify the locations that are producing, or have the potential to produce, these species.
  - c. Prepare and submit a Pesticide Use Plan to the Oregon Health Division as require by ORS 452.300.
  - d. Submit approved Pesticide Use Plan to City of Tualatin annually.
  - e. Design and implement an IPM monitoring and control program. COUNTY and CITY shall mutually agree on the program to be implemented. IPM control program to run from April to September of each calendar year.
  - f. Provide consultation and advice to CITY regarding the use of water management and physical or mechanical alteration of breeding sites as alternative methods to chemical and biological controls.
  - g. Conduct a minimum of two visits to contract area each month of control program – possible more (based on the number of complaints)
  - h. If complaints are about adult mosquitoes, set traps out in area and provide verbal report of results to agency generating complaint.
  - i. Minimize time spent of formal (written) reports to CITY.

**3. RESPONSIBILITIES OF CITY:** CITY agrees to:

- a. Maintain written consent from local jurisdictions and private owners of all affected properties granting COUNTY permission to access the properties and to conduct the mosquito surveillance and control activities described herein. CITY shall provide COUNTY with copies of written consent upon COUNTY'S request.
- b. Provide local jurisdictions, property owners and any other interested parties with copies of health and safety information on the pesticides to be used.
- c. Handle all citizen complaints regarding mosquitoes and the services provided under this Agreement, and forward this information to COUNTY.

**4. COMPENSATION:** CITY agrees to reimburse COUNTY \$1,500.00 annually for the performance of those services provided hereunder, which payment shall be based on the following terms:

- a. This compensation rate is guaranteed through December 31, 2004. With prior written notice to CITY, COUNTY may adjust its rates for each year thereafter. Annual fee increases will be based on changes in COLA and fluctuations in indirect costs, or otherwise specified.
- b. CITY and COUNTY will mutually agree on a maximum budget for each contract year prior to commencement of services.
- c. CITY shall reimburse COUNTY semi-annually upon receipt of an invoice (June and December). Payment terms shall be net 30 days.
- d. Invoices shall be sent to :

Lisa Thorpe  
City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR. 97062

- e. CITY certifies that sufficient funds are available and authorized to finance the costs of this Agreement. In the event that funds cease to be available to CITY in the amounts anticipated, either CITY or COUNTY may terminated the Agreement or the parties by mutual agreement may reduce Agreement funding accordingly. CITY will notify COUNTY as soon as it receives notification from funding source. Reduction or termination will not affect payment for accountable expenses prior to the effective date of such action.

**5. TERMINATION:** This agreement may be terminated by either party upon (30) days written notice.

**6. INDEMNIFICATION:** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, COUNTY shall indemnify, defend and hold harmless CITY from and against all liability, loss and costs arising out of or resulting from the acts of COUNTY, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300 CITY shall indemnify, defend and hold harmless COUNTY from and against all liability, loss and costs arising out of or resulting from the acts of CITY its officers, employees and agents in the performance of this agreement.

7. **INSURANCE:** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
8. **ADHERENCE TO LAW:** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.
9. **NON-DISCRIMINATION:** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
10. **ACCESS TO RECORDS:** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
11. **SUBCONTRACTS AND ASSIGNMENT:** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.
12. **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)**

**A. General:**

For purposes of this Contract, Contractor is County's business associate and shall comply with the obligations set forth below. Contractor and County agree to amend this section if necessary to allow either party to comply with the Privacy Rule.

**B. Definitions:**

Terms used, but not otherwise defined in this section, shall have the same meaning as those terms in the Privacy Rule.

"Individual" shall mean "individual" as defined in 45 CFR 164.501 and shall include a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).

"Privacy Rule" shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and part 164, subpart A and E.

"Protected Health Information" shall mean "protected health information" as defined in 45 CFR 164.501, limited to the information created or received by Contractor on behalf of County.

"Required by law shall mean "required by law" as defined in 45 CFR 164.501.

"Secretary" shall mean the Secretary of the Department of Health and Human Services or his designee.

**C. Contractor's Obligations:**

1. Contractor agrees to not use or disclose Protected Health Information (PHI) other than as permitted or required by this Contract or as required by law. Contractor further agrees to use or disclose Protected Health Information only on behalf of, or to provide services to, the Covered Entity in fulfilling Contractor's obligations under this contract, and to not make uses or

- disclosures that would violate the Privacy Rule if done by County, or violate County's Minimum Disclosure policy.
2. Contractor agrees to use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Contract.
  3. Contractor agrees to mitigate, to the extent practicable, any harmful effect that is known to Contractor of a use of Protected Health Information by Contractor in violation of the requirements of this Contract.
  4. Contractor agrees to report to County any use or disclosure of the Protected Health Information not provided for by this Contract of which it becomes aware.
  5. Contractor agrees to ensure that any agent, including a subcontractor, to whom it provides Protected Health Information received from, or created or received by Contractor on behalf of County agrees to the same restrictions and conditions that apply through this Contract to Contractor with respect to such information.
  6. Contractor agrees to provide access within 5 working days of County's request to Protected Health Information about an individual contained in a designated record set. If an individual requests access to information directly from Contractor, Contractor agrees to forward the request to County within 2 working days of receipt. County shall be responsible for any denials of requested Protected Health Information.
  7. Contractor agrees to make any amendments to Protected Health Information in a Designated Record Set that the County directs or agrees to pursuant to 45 CFR.164.526 within 10 working days of County's request.
  8. Contractor agrees to make internal practices, books and records, including policies and procedures and Protected Health Information, relating to the use and disclosure of Protected Health Information received from, or created or received by Contractor, on behalf of, County available to County or Secretary upon request of County or Secretary, for purposes of the Secretary determining County's Compliance with the Privacy Rule.
  9. Contractor agrees to document such disclosures of Protected Health Information and information related to such disclosures as would be required for County to respond to a request by an individual for an accounting of disclosure of Protected Health Information in accordance with 45 CFR 164.528. Contractor shall make available, at a minimum, the following information: (i) the date of the disclosure, (ii) the name of the entity or person who received the Protected Health Information, and if known, the address of such entity or person, (iii) a brief description of the Protected Health Information disclosed, and (iv) a brief statement of the purpose of such disclosure which includes an explanation of the basis for such disclosure. Contractor hereby agrees to implement an appropriate record keeping process to comply with this section
  10. Contractor agrees to provide County or an Individual, within 10 working days of the request from County or individual, information collected under Item 9 of this section, to permit County to respond to a request by an Individual for an accounting of disclosure of Protected Health Information in accordance with 45 CFR 164.528.

#### **D. Termination**

1. Notwithstanding any other termination provisions in this Contract, County may terminate this contract in whole or in part upon 5 working days written notice to Contractor if the Contractor breaches any provision contained in this section, HIPAA Compliance, and fails to cure the breach within the 5 working day period; provided, however, that in the event termination is not feasible County may report the breach to the Secretary.

2. Upon termination of this Contract for any reason, Contractor shall extend the protections of this section, HIPAA Compliance, to any records containing PHI that contractor is required to retain under any provision of this Contract.

**12. THIS IS THE ENTIRE AGREEMENT:** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

MULTNOMAH COUNTY, OREGON

CITY OF TUALATIN

By Lillian Shirley  
Lillian Shirley, Health Department Director

By Steve Wheeler

Date 11/26/02

Title City Manager

By Chris Wirth  
Chris Wirth, Program Manager

Date 2/12/03

Date 11-25-02

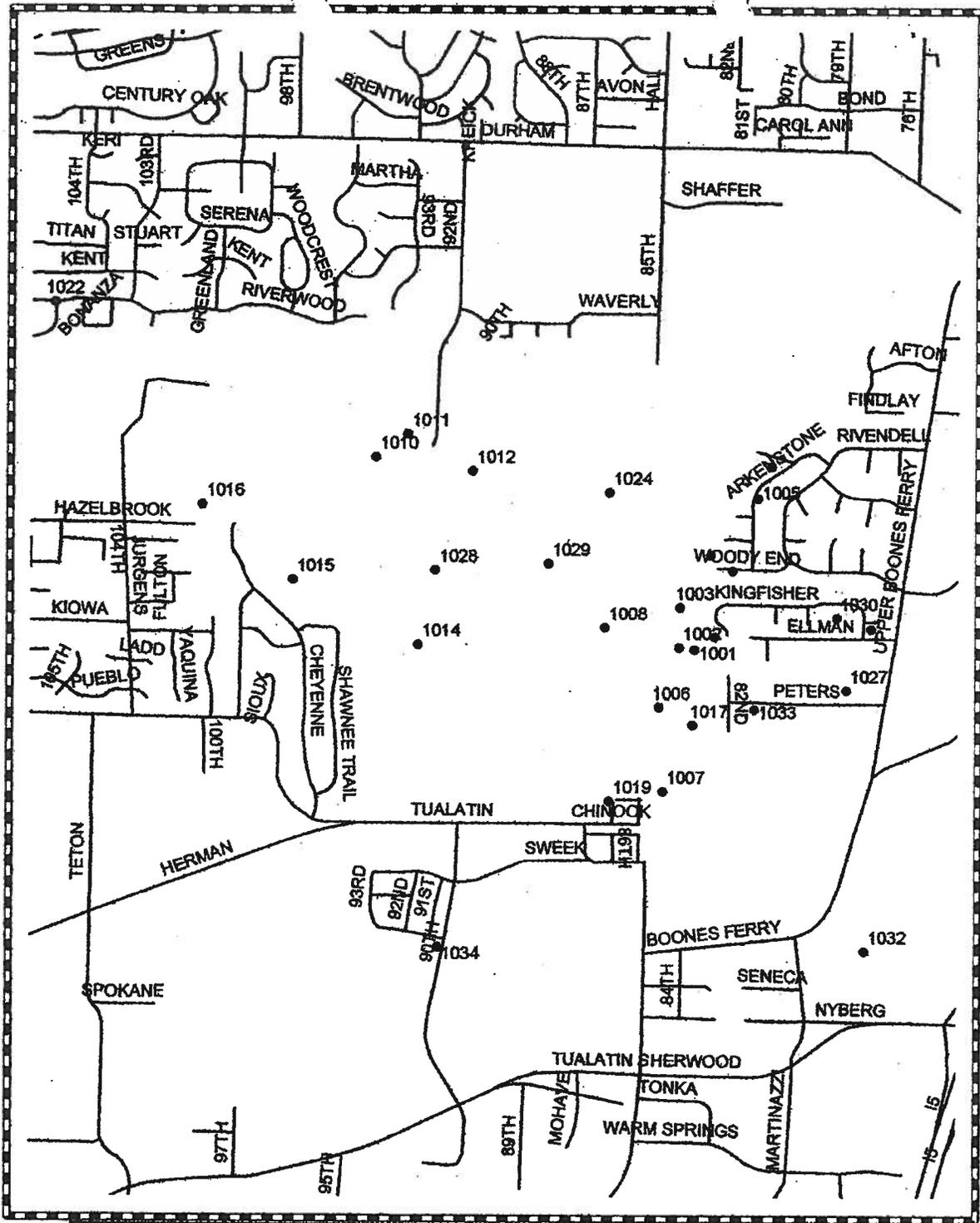
Reviewed:  
TOM SPONSER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

Approved as to form:

By Katie Gaetjens  
Katie Gaetjens, Assistant County Attorney

Brenda L. Braden  
Tualatin City Attorney

Date 12/6/02



Site Numbers 1015, 1019 & 1034  
 Are City Of Tualatin Properties



# WASHINGTON COUNTY

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## OREGON

**155 N First Ave M.S. 5  
Hillsboro Oregon 97124**

October 5, 2010

**To:** Kathy Kaatz –Program Coordinator, City of Tualatin  
**From:** Kenneth Carver –Manager, Washington County Mosquito Control  
**Subject:** Mosquito Surveillance for City of Tualatin

Washington County Mosquito Control is offering to absorb the mosquito surveillance activities for the City of Tualatin, at no cost, which is currently being contracted out to Multnomah County Vector Control. This contract involves three locations within the City of Tualatin.

Washington County Mosquito Control can begin conducting surveillance at the start of the next mosquito season (March/April 2011) and continue thereafter. Surveillance activities include collecting mosquito larvae and adults. If applicable, all mosquitoes collected will be identified to species by Washington County. Mosquito arbovirus testing may be conducted on adult vector mosquitoes collected. Washington County Mosquito Control can also provide control measures, as needed.

October 15, 2010

Ms. Heidi Leibbrandt, Contract Specialist  
Multnomah County  
Department of Business Services - Health Department  
421 SW Oak Street, Suite 210  
Portland, OR 97204

RE: Contract #0310408

Sent via Certified Mail

Dear Ms. Leibbrandt:

This letter is to notify Multnomah County, Oregon, that we are exercising our right to terminate the above-referenced contract, effective December 1, 2010, per section 5 Termination, with this 30-day written notice.

According to the Multnomah County Intergovernmental Agreement Amendment No. 4, this contract was extended for an additional period commencing April 1, 2008, with an ending date of March 31, 2013. This contract was to provide mosquito control services at the following locations:

- **Apache Bluffs Wetland Site #1015** - 17325 SW Cheyenne Way
- **Sweek Water Quality Facility Site #1034** - 18755 SW 90<sup>th</sup> Avenue
- **Tualatin Community Park Site #1019** - 8605 SW Chinook Street

I am enclosing City of Tualatin check 119127 in the amount of \$750, representing payment in full for Multnomah County invoice 1810034004, dated June 30, 2010. Any outstanding amounts due will be paid upon receipt of invoice.

If you have any questions or would like to discuss this further, please feel free to contact me at [kkaatz@ci.tualatin.or.us](mailto:kkaatz@ci.tualatin.or.us) or 503-691-3093.

Sincerely,

Daniel J. Boss  
Operations Director



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 11-8-10

Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager 

**FROM:** Aquilla Hurd-Ravich, Acting Planning Manager  
Ben Bryant, Management Intern

**DATE:** November 8, 2010

**SUBJECT:** A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO AND THE CITY OF TUALATIN FOR A CONSTRUCTION EXCISE TAX GRANT TO BE UTILIZED FOR CONCEPT PLANNING THE BASALT CREEK AND WEST RAILROAD PLANNING AREAS IN PURSUIT OF INCORPORATING THE LAND INTO THE COMPREHENSIVE PLAN

---

### ISSUE BEFORE THE COUNCIL:

A Resolution authorizing an Intergovernmental Agreement (IGA) with Metro and the City of Tualatin for a Construction Excise Tax Grant to be utilized for concept planning the Urban Growth Boundary (UGB) Expansion Area (Basalt Creek/West Railroad Planning Area) in pursuit of incorporating the land into the Comprehensive Plan.

### RECOMMENDATION:

- Staff recommends that the City Council consider the staff report and supporting attachments and authorize the Mayor to sign the attached resolution and IGA.

### EXECUTIVE SUMMARY:

- On September 22, 2004, Metro expanded the regional Urban Growth Boundary (UGB) to include the Basalt Creek/West Railroad Planning Area.
- Per the conditions attached to this UGB expansion area, the land must be planned within two years following the selection of the right-of-way alignment for the I-5/99W Connector or within seven years of the effective date the land was brought into the UGB (2011).
- On July 12, 2010 the Tualatin City Council approved a resolution authorizing a MOU between the City of Tualatin and the City of Wilsonville to work cooperatively to concept plan the Basalt Creek and West Railroad areas.
- To assist with the planning efforts, Metro has allocated \$365,277 through a Construction Excise Tax (CET) Grant.

- The next step in this process is to execute an IGA between the City of Tualatin and Metro in order to release grant funding for the planning efforts.
- The IGA details eligible expenses and outlines the steps that must be completed for reimbursement of the grant.
- In return, the City of Tualatin must take action on five milestones outlined in the IGA to be eligible to receive funding.

**OUTCOMES OF DECISION:**

Approval of the Resolution request will result in the following:

- Allows an Intergovernmental Agreement (IGA) between Metro and the City of Tualatin for a Construction Excise Tax Grant to be utilized for concept planning the Urban Growth Boundary (UGB) Expansion Area (Basalt Creek/West Railroad Planning Area).

Denial of the Resolution request will result in the following:

- Denies an Intergovernmental Agreement (IGA) between Metro and the City of Tualatin for a Construction Excise Tax Grant to be utilized for concept planning the Urban Growth Boundary (UGB) Expansion Area (Basalt Creek/West Railroad Planning Area).

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for the Council are:

- Approve the proposed Resolution with modifications the Council deems necessary.
- Deny the request for the proposed Resolution.
- Continue the discussion of the proposed Resolution and return to the matter at a later date.

**FINANCIAL IMPLICATIONS:**

The City had budgeted revenue and expenditures through the CET grant program for Fiscal Year 2010/11.

**Attachments:** A. Resolution with Exhibit 1 Intergovernmental Agreement

**CONSTRUCTION EXCISE TAX GRANT  
INTERGOVERNMENTAL AGREEMENT  
Metro – City of Tualatin  
Basalt Creek (South Tualatin/North Wilsonville) CET Grant**

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and the City of Tualatin (“the City”), located at 18880 SW Martinazzi Ave., Tualatin, OR 97062-7092, collectively referred to as “Parties.”

WHEREAS, in 2006 Metro established a Construction Excise Tax (“CET”) which imposed an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included into urban growth boundary (“UGB”) between 2002 and 2005;

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax (“CET Collection IGAs”) entered into separately between Metro and the local collecting jurisdictions;

WHEREAS, prior to enacting the CET Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

WHEREAS, the City of Tualatin and the City of Wilsonville have advised Metro that the two cities have signed a Memorandum of Understanding that addresses the desire to plan this area collaboratively, and that the two cities have agreed that the City of Tualatin will act as the fiscal agent for the Project; therefore, only the City of Tualatin will be a party to this CET IGA and it will be a matter outside this Agreement between the two cities as to how they apportion responsibilities and payments; and

WHEREAS, the City has submitted a CET Grant Request to Metro for what is now being called the Basalt Creek (South Tualatin/North Wilsonville) Project (“Project”), and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the City’s planning expenditures for that Project.

NOW THEREFORE, the Parties hereto agree as follows:

1. **Metro Grant.** Metro shall provide grant funding to the City for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the City’s completion of those planning milestones, in the amounts and at the times, as set forth in Exhibit A attached hereto and incorporated herein. Payments shall be in accordance with the “payment procedures” set forth below.
2. **City Responsibilities.** The City agrees that it shall take all actions in a timely and diligent manner that are required or necessary to complete and fulfill the milestones set forth in Exhibit A. The City also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.
3. **Eligible Expenses.** As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expense categories associated with Metro Code compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto:

(a) materials directly related to project; (b) consultants' work on project; (c) the City staff support directly related to project; and (d) overhead directly attributable to project.

4. Payment Procedures. Within 30 days after the completion of each milestone as set forth in Exhibit A, the City shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The City will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the City for the eligible and approved reimbursable work after each milestone is reached, no later than 60 days after the date Metro receives the City's invoice. It shall be the City of Tualatin's responsibility to apportion such payments between the City of Tualatin and the City of Wilsonville in accordance with any outside agreements the two cities have made. Metro shall send CET payments to:

The City of Tualatin  
Attention: Aquilla Hurd-Ravich  
18880 SW Martinazzi Ave.  
Tualatin, OR 97062-7092

5. Project Records. The City shall maintain all records and documentation relating to the work and tasks involved in the project as set forth in Exhibit A. The City shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The City shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all City records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by the City and all of their contractors for three years from the date of completion of the project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

7. Funding From CET Funds. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

8. Term. This Agreement shall be effective on the date it is executed by both parties and shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

9. Amendment. This CET Grant IGA may be amended only by mutual written agreement of the Parties.

10. Other Agreements. This CET Grant IGA does not affect or alter any other agreements between Metro and the City.

Metro

The City of Tualatin

By: Michael Jordan

By: \_\_\_\_\_

Title: Metro Chief Operating Officer

Title: \_\_\_\_\_

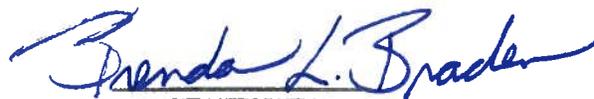
Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments:

Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

**Exhibit A**  
**CET Grant IGA**  
**Between Metro and the City of Tualatin**  
**Basalt Creek (South Tualatin/North Wilsonville)**  
**Planning, Milestones, Due Dates, and Reimbursement Rates**

City's Original Est Grant Request for Project: \$445,925

**Total Reimbursable Amount from CET funds for Title 11 Compliance:** **\$365,277**

Milestone #:	Deliverable	Date Due	Grant Payment*
1.	Execution of CET Grant IGA	x date	\$30,277
2.	Existing conditions report; Evaluative Criteria; City collaboration	x date + 100 days	\$40,000
3.	The Cities proposed Concept Plan or Urban Growth Diagram showing at least those elements set forth in Title 11	x date + 310 days	\$199,500
4.	The Cities recommended Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for new urban area; and applicable state laws and regulations	x date + 365 days	\$22,000
5.	The Cities adoption of Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for new urban area; and applicable state laws and regulations	x date + 435 days	\$73,500

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**Total Reimbursable Amount** **\$365,277**

- Subject to receipt of City's statement as set forth in IGA section 4.

RESOLUTION NO. 5010-10

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO AND THE CITY OF TUALATIN FOR A CONSTRUCTION EXCISE TAX GRANT TO BE UTILIZED FOR CONCEPT PLANNING THE BASALT CREEK AND WEST RAILROAD PLANNING AREAS IN PURSUIT OF INCORPORATING THE LAND INTO THE COMPREHENSIVE PLAN

WHEREAS in 2004 the Metro Council added an area located generally between the cities of Tualatin and Wilsonville to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

WHEREAS Metro has established a Construction Excise Tax (CET) which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005; and

WHEREAS the cities of Tualatin and Wilsonville have agreed to work cooperatively to plan the Basalt Creek and West Railroad Planning Areas and incorporate the land into their respective comprehensive plans; and

WHEREAS Metro has allocated \$365,277 of the CET Grant for assisting with planning efforts of the Basalt Creek and West Railroad Planning Areas; and

WHEREAS Metro has drafted this Intergovernmental Agreement to release grant funding for the planning efforts; and

WHEREAS the City of Tualatin will serve as the fiscal agent and primary party to this Intergovernmental Agreement.

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

Section 1. The City Council authorizes the Mayor to sign the Intergovernmental Agreement entitled, "Construction Excise Tax Grant Intergovernmental Agreement: Metro – City of Tualatin Basalt Creek South Tualatin/North Wilsonville CET Grant."

INTRODUCED AND ADOPTED this 8<sup>th</sup> day of November 2010.

APPROVED AS TO LEGAL FORM

*Brenda L. Braden*  
CITY ATTORNEY

CITY OF TUALATIN, OREGON

By *[Signature]*  
Mayor

ATTEST:

By *[Signature]*  
City Recorder

**CONSTRUCTION EXCISE TAX GRANT  
INTERGOVERNMENTAL AGREEMENT  
Metro – City of Tualatin  
Basalt Creek (South Tualatin/North Wilsonville) CET Grant**

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and the City of Tualatin (“the City”), located at 18880 SW Martinazzi Ave., Tualatin, OR 97062-7092, collectively referred to as “Parties.”

WHEREAS, in 2006 Metro established a Construction Excise Tax (“CET”) which imposed an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with property that was included into urban growth boundary (“UGB”) between 2002 and 2005;

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax (“CET Collection IGAs”) entered into separately between Metro and the local collecting jurisdictions;

WHEREAS, prior to enacting the CET Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

WHEREAS, the City of Tualatin and the City of Wilsonville have advised Metro that the two cities have signed a Memorandum of Understanding that addresses the desire to plan this area collaboratively, and that the two cities have agreed that the City of Tualatin will act as the fiscal agent for the Project; therefore, only the City of Tualatin will be a party to this CET IGA and it will be a matter outside this Agreement between the two cities as to how they apportion responsibilities and payments; and

WHEREAS, the City has submitted a CET Grant Request to Metro for what is now being called the Basalt Creek (South Tualatin/North Wilsonville) Project (“Project”), and the parties wish to set forth the funding amounts, timing, and procedures for receiving grant funding from the CET fund for some of the City’s planning expenditures for that Project.

NOW THEREFORE, the Parties hereto agree as follows:

1. Metro Grant. Metro shall provide grant funding to the City for certain approved eligible expenses associated with Title 11 compliance (Metro Code Chapter 3.07, the Urban Growth Management Functional Plan) for this Project that are associated with the City’s completion of those planning milestones, in the amounts and at the times, as set forth in Exhibit A attached hereto and incorporated herein. Payments shall be in accordance with the “payment procedures” set forth below.
2. City Responsibilities. The City agrees that it shall take all actions in a timely and diligent manner that are required or necessary to complete and fulfill the milestones set forth in Exhibit A. The City also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.
3. Eligible Expenses. As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expense categories associated with Metro Code compliance shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto:

(a) materials directly related to project; (b) consultants' work on project; (c) the City staff support directly related to project; and (d) overhead directly attributable to project.

4. Payment Procedures. Within 30 days after the completion of each milestone as set forth in Exhibit A, the City shall submit to Metro a statement describing in detail the eligible and reimbursable work services performed pursuant to this Agreement. The City will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse the City for the eligible and approved reimbursable work after each milestone is reached, no later than 60 days after the date Metro receives the City's invoice. It shall be the City of Tualatin's responsibility to apportion such payments between the City of Tualatin and the City of Wilsonville in accordance with any outside agreements the two cities have made. Metro shall send CET payments to:

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Attention: Aquilla Hurd-Ravich  
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5. Project Records. The City shall maintain all records and documentation relating to the work and tasks involved in the project as set forth in Exhibit A. The City shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The City shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all City records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by the City and all of their contractors for three years from the date of completion of the project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

7. Funding From CET Funds. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

8. Term. This Agreement shall be effective on the date it is executed by both parties and shall terminate when the Total Reimbursable Amount set forth in Exhibit A, representing Metro's multi-year commitment of CET funds provided herein, is fulfilled and expended, and all required documentation has been delivered, or as otherwise provided in accordance with and for the purposes set forth herein.

9. Amendment. This CET Grant IGA may be amended only by mutual written agreement of the Parties.

10. Other Agreements. This CET Grant IGA does not affect or alter any other agreements between Metro and the City.

Metro

The City of Tualatin

By: Michael Jordan

Title: Metro Chief Operating Officer

Date: \_\_\_\_\_

By:  \_\_\_\_\_

Title: Mayor, Lou Ogden

Date: Nov. 8, 2010

Attachments:

Exhibit A – CET Grant IGA Milestones, Due Dates, and Reimbursement Rates

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

**Exhibit A**  
**CET Grant IGA**  
**Between Metro and the City of Tualatin**  
**Basalt Creek (South Tualatin/North Wilsonville)**  
**Planning, Milestones, Due Dates, and Reimbursement Rates**

City's Original Est Grant Request for Project: \$445,925

**Total Reimbursable Amount from CET funds for Title 11 Compliance:** **\$365,277**

Milestone #:	Deliverable	Date Due	Grant Payment*
1.	Execution of CET Grant IGA	x date	\$30,277
2.	Existing conditions report; Evaluative Criteria; City collaboration	x date + 100 days	\$40,000
3.	The Cities proposed Concept Plan or Urban Growth Diagram showing at least those elements set forth in Title 11	x date + 310 days	\$199,500
4.	The Cities recommended Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for new urban area; and applicable state laws and regulations	x date + 365 days	\$22,000
5.	The Cities adoption of Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for new urban area; and applicable state laws and regulations	x date + 435 days	\$73,500
<b>Total Reimbursable Amount</b>			<b>\$365,277</b>

- Subject to receipt of City's statement as set forth in IGA section 4.



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 11-8-10  
Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager 

**FROM:** Aquilla Hurd-Ravich, Acting Planning Manager  
Ben Bryant, Management Intern

**DATE:** November 8, 2010

**SUBJECT:** A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITIES OF TUALATIN AND WILSONVILLE AND WASHINGTON COUNTY FOR CONCEPT PLANNING THE BASALT CREEK AND WEST RAILROAD PLANNING AREAS

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### ISSUE BEFORE THE COUNCIL:

A resolution authorizing a Memorandum of Understanding (MOU) between the cities of Tualatin and Wilsonville and Washington County for concept planning the Urban Growth Boundary (UGB) Expansion Area (Basalt Creek/West Railroad Planning Area).

### RECOMMENDATION:

- Staff recommends that the City Council consider the staff report and supporting attachments and adopt the attached resolution.

### EXECUTIVE SUMMARY:

- On July 12, 2010 the Tualatin City Council approved a resolution authorizing a MOU between the City of Tualatin and the City of Wilsonville for concept planning of the Basalt Creek and West Railroad planning areas.
- The next step in this process to further inter-governmental coordination involves a three-party MOU between both cities and Washington County.
- Given that the two cities have agreed to take the lead on the actual planning effort, this agreement with Washington County is primarily to spell out our shared commitment to coordinate concept planning with existing County planning programs and keep one another informed as the planning process moves forward.
- This commitment to share information is important, not only for the contents of the new concept plan, but also because any of the three jurisdictions may receive development applications for land in or near the planning areas before the new plan can be completed and implemented.

- The proposed MOU will commit all three parties to keep each other informed of such development applications as well as to share information generally as the concept plan is being prepared.
- It also requires the cities to establish governance boundaries (city limit lines) so that future urbanized areas will be under one of the city's respective jurisdictions'.

**OUTCOMES OF DECISION:**

Approval of the Resolution request will result in the following:

- Allows a Memorandum of Understanding (MOU) between the cities of Tualatin and Wilsonville and Washington County for concept planning the Basalt Creek/West Railroad Planning Area.

Denial of the Resolution request will result in the following:

- Denies a Memorandum of Understanding (MOU) between the cities of Tualatin and Wilsonville and Washington County for concept planning the Basalt Creek/West Railroad Planning Area.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for that Council are:

- Approve the proposed Resolution with modification the Council deems necessary.
- Deny the request for the proposed Resolution.
- Continue the discussion of the proposed Resolution and return to the matter at a later date.

**FINANCIAL IMPLICATIONS:**

The City had budgeted revenue and expenditures through the CET grant program for Fiscal Year 2010/11.

**Attachments:** A. Resolution with Exhibit 1 Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING  
BETWEEN WASHINGTON COUNTY AND THE CITIES OF TUALATIN AND  
WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY  
EXPANSION AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA)**

This Memorandum of Understanding (MOU) is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF TUALATIN and CITY OF WILSONVILLE, incorporated municipalities of the State of Oregon, hereinafter referred to as the "CITIES".

Whereas, in 2004 the Metro Council added an area located generally between the CITIES to the Urban Growth Boundary (UGB) for residential and industrial uses, via Metro Ordinance No. 04-1040B; and

Whereas, the CITIES have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the CITIES and the COUNTY wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek Planning Area that will be of benefit to both CITIES, the COUNTY and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, the property owners within the Basalt Creek/West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,277 of Construction Excise Tax funding to pay for Concept Planning in the area; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Metro, the State or Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the CITIES and COUNTY; and

Whereas, the CITIES expect to amend their existing Urban Planning Area Agreements (UPAAs) with the COUNTY to reflect the future city limit lines of each city, when the Concept Plan has been completed.

Now, therefore, the COUNTY and the CITIES set forth their understanding as follows:

**A. Subject Land Area**

1. The Basalt Creek/West Railroad concept planning area between Tualatin and Wilsonville is shown on Exhibit 1.

**B. Concept Plan Activities**

1. The Cities will lead the Basalt Creek/West Railroad concept planning activities in coordination with COUNTY.

**C. Urban Planning Area Agreements (UPAA's)**

1. Both the CITIES have UPAA's with the COUNTY that will have to be amended once jurisdictional boundaries are determined in the Concept Plan work program. It is recognized that the COUNTY adopts annual land use and transportation work programs, and this concept planning effort will require coordination to fit within the work program of COUNTY. The CITIES agree that the planning process will determine what areas (Basalt Creek/West Railroad) will be governed by which CITY and that the respective areas (Basalt Creek/West Railroad) will be under the CITIES respective jurisdictions, and not the COUNTY, as the areas urbanize.

**D. Coordination of Concept Planning**

1. The CITIES shall provide the COUNTY with the appropriate opportunity to participate, review and comment on the proposed concept plan. The following procedures shall be followed by the CITIES and the COUNTY to notify and involve one another in the process to prepare the concept plan:
  - a. The CITIES shall transmit notice of all meetings related to the concept plan **at least** one week prior to the scheduled meeting. This includes any technical advisory committee meetings, open houses, Planning Commission or Planning Advisory Committee meetings, City Council meetings, etc.

- b. The CITIES or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than forty-five (45) days prior to the initial evidentiary hearing for comprehensive plan or implementing regulations.
- c. The CITIES shall transmit draft documents to the COUNTY for its review and comment before finalizing. The COUNTY shall have ten (10) days after receipt to submit comments orally or in writing. Lack of response shall be considered "no objection" to the drafts.
- d. The CITIES shall respond to the comments made by the COUNTY either by a) revising the draft concept plan, or b) by letter to the COUNTY explaining why the comments are not addressed in the concept plan.
- e. Comments from the COUNTY shall be given consideration as part of the public record on the concept plan.

2. Development Actions Requiring Notice

The COUNTY shall provide the CITIES with notice of development actions requiring notice within the Concept Plan area.

The following procedures shall be followed by the COUNTY to notify the CITIES of proposed development actions:

- a. The COUNTY shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice which identifies the proposed development action to the other agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the CITIES to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The CITIES receiving the notice may respond at their discretion.

This MOU shall become effective upon full execution by the COUNTY and the CITIES.  
The effective date of this MOU shall be the last date of signature on the signature page.

CITY OF TUALATIN, OREGON

By \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

CITY OF WILSONVILLE, OREGON

By \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By \_\_\_\_\_  
City Recorder

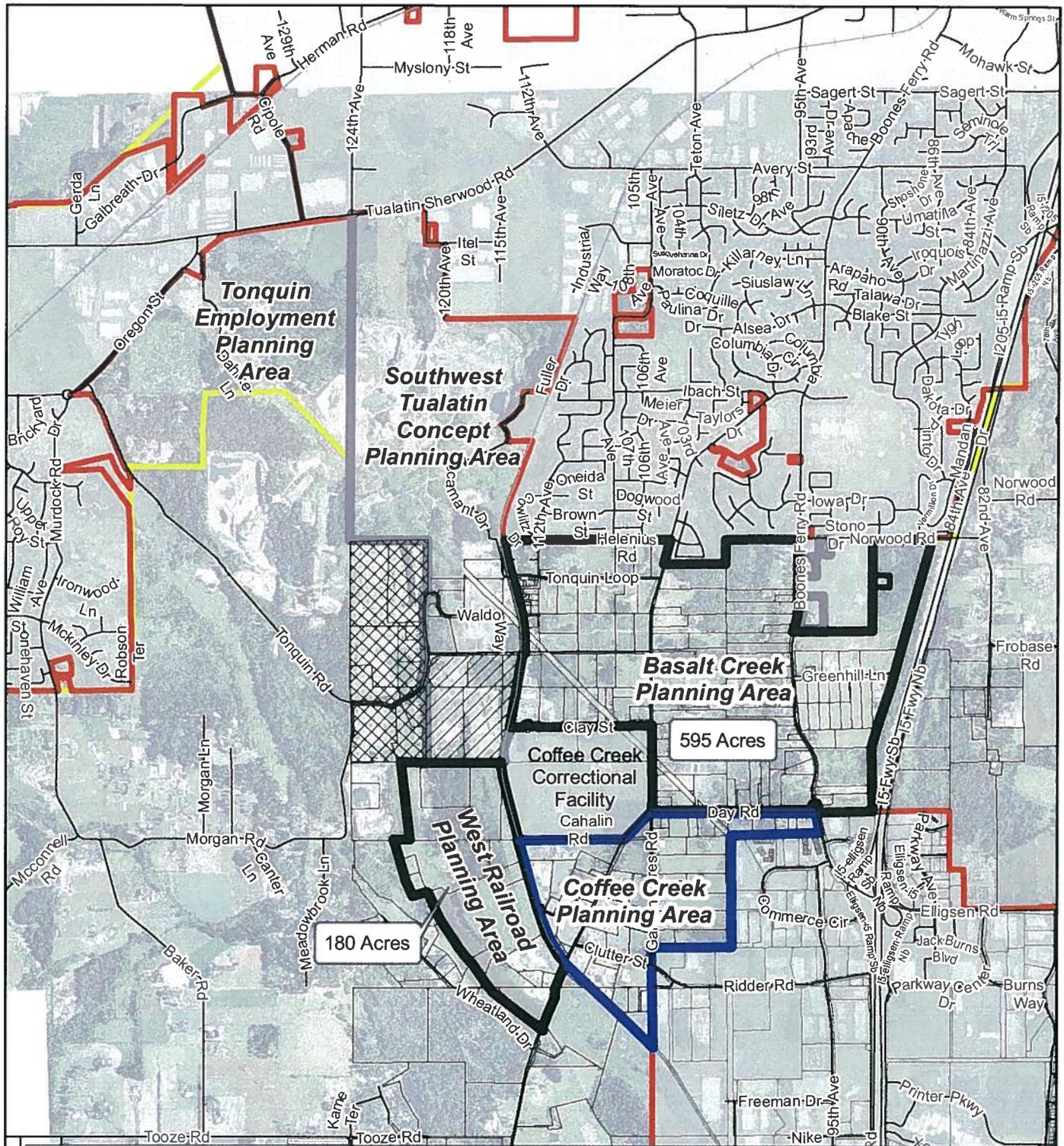
ATTEST:

By \_\_\_\_\_  
City Recorder

WASHINGTON COUNTY

By \_\_\_\_\_  
Chair, Board of County Commissioners

Date: \_\_\_\_\_



**The Cities of Wilsonville and Tualatin**

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  Tualatin UGB Expansion Request
-  City Limit
-  UGB



May 2010



RESOLUTION NO. 5011-10

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON COUNTY AND THE CITIES OF TUALATIN AND WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY EXPANSION AREA (BASALT CREEK / WEST RAILROAD PLANNING AREA)

WHEREAS in 2004 the Metro Council added an area located generally between the CITIES to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

WHEREAS the CITIES have agreed to refer to the area generally as the "Basalt Creek Planning Area"; and

WHEREAS concept planning has never been completed for these properties; and

WHEREAS the CITIES and the COUNTY wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek/West Railroad Planning Area Planning Area that will be of benefit to both CITIES, the COUNTY and their residents.

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

Section 1. The City Council authorizes the Mayor to sign the Memorandum of Understanding entitled "Memorandum of Understanding between Washington County and the Cities of Tualatin and Wilsonville for Concept Planning the Urban Growth Boundary Expansion Area (Basalt Creek / West Railroad Planning Area)."

INTRODUCED AND ADOPTED this 8<sup>th</sup> day of November, 2010.

CITY OF TUALATIN, OREGON

BY

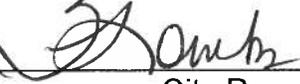
  
\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

**MEMORANDUM OF UNDERSTANDING  
BETWEEN WASHINGTON COUNTY AND THE CITIES OF TUALATIN AND  
WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY  
EXPANSION AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA)**

This Memorandum of Understanding (MOU) is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF TUALATIN and CITY OF WILSONVILLE, incorporated municipalities of the State of Oregon, hereinafter referred to as the "CITIES".

Whereas, in 2004 the Metro Council added an area located generally between the CITIES to the Urban Growth Boundary (UGB) for residential and industrial uses, via Metro Ordinance No. 04-1040B; and

Whereas, the CITIES have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the CITIES and the COUNTY wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek Planning Area that will be of benefit to both CITIES, the COUNTY and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, the property owners within the Basalt Creek/West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,277 of Construction Excise Tax funding to pay for Concept Planning in the area; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Metro, the State or Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the CITIES and COUNTY; and

Whereas, the CITIES expect to amend their existing Urban Planning Area Agreements (UPAAs) with the COUNTY to reflect the future city limit lines of each city, when the Concept Plan has been completed.

Now, therefore, the COUNTY and the CITIES set forth their understanding as follows:

**A. Subject Land Area**

1. The Basalt Creek/West Railroad concept planning area between Tualatin and Wilsonville is shown on Exhibit 1.

**B. Concept Plan Activities**

1. The Cities will lead the Basalt Creek/West Railroad concept planning activities in coordination with COUNTY.

**C. Urban Planning Area Agreements (UPAA's)**

1. Both the CITIES have UPAA's with the COUNTY that will have to be amended once jurisdictional boundaries are determined in the Concept Plan work program. It is recognized that the COUNTY adopts annual land use and transportation work programs, and this concept planning effort will require coordination to fit within the work program of COUNTY. The CITIES agree that the planning process will determine what areas (Basalt Creek/West Railroad) will be governed by which CITY and that the respective areas (Basalt Creek/West Railroad) will be under the CITIES respective jurisdictions, and not the COUNTY, as the areas urbanize.

**D. Coordination of Concept Planning**

1. The CITIES shall provide the COUNTY with the appropriate opportunity to participate, review and comment on the proposed concept plan. The following procedures shall be followed by the CITIES and the COUNTY to notify and involve one another in the process to prepare the concept plan:
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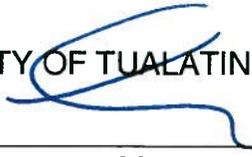
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- a. The COUNTY shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice which identifies the proposed development action to the other agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the CITIES to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The CITIES receiving the notice may respond at their discretion.

This MOU shall become effective upon full execution by the COUNTY and the CITIES.  
The effective date of this MOU shall be the last date of signature on the signature page.

CITY OF TUALATIN, OREGON

By   
Mayor

Date: Nov. 8, 2010

CITY OF WILSONVILLE, OREGON

By \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By   
City Recorder

ATTEST:

By \_\_\_\_\_  
City Recorder

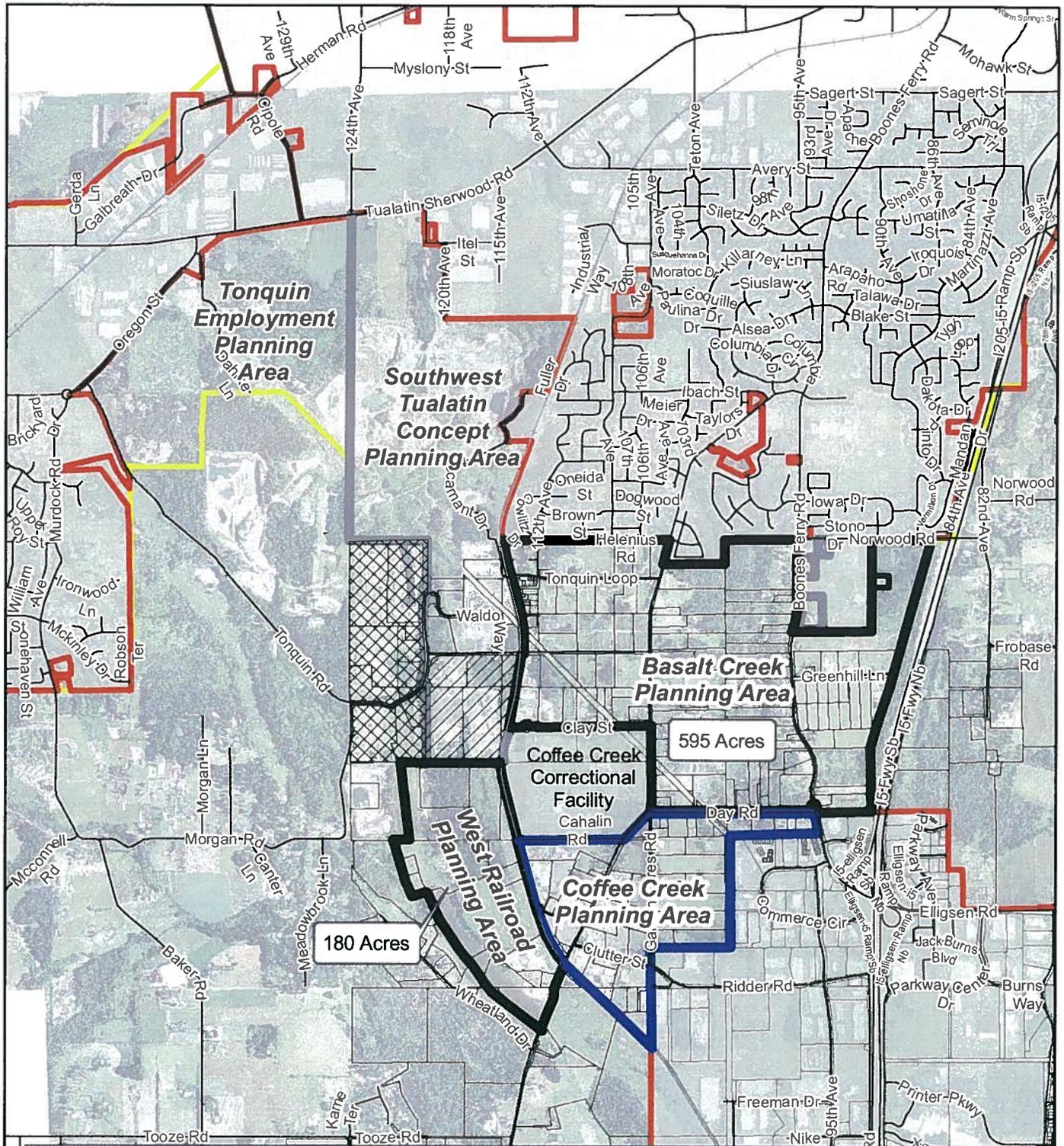
WASHINGTON COUNTY

By \_\_\_\_\_  
Chair, Board of County Commissioners

Date: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

  
Tualatin CITY ATTORNEY



### The Cities of Wilsonville and Tualatin

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  Tualatin UGB Expansion Request
-  City Limit
-  UGB



May 2010





# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

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

**FROM:** Aquilla Hurd-Ravich, Acting Planning Manager *AHR*  
William Harper, Associate Planner *[Signature]*

**DATE:** November 8, 2010

**SUBJECT:** REQUEST TO CHANGE THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC) OF PARCELS OF LAND LOCATED ON SW BORLAND ROAD (21E 19C 1700 & 2000) AND .25 ACRES OF ABUTTING RIGHT-OF-WAY; AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-03)

---

### ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Map Amendment (PMA) to change the Planning District designation from Low-Density Residential (RL) to Medical Center (MC) of parcels of land located at 6001, 6021, 6031, and 6041 SW Borland Road (21E 19C 1700 & 2000) and to the centerline of the abutting public right-of-way (ROW) of SW Borland Road. The applicant requested the public hearing continued from September 13, 2010 and October 11, 2010 and scheduled for November 8, 2010, be continued to January 24, 2011.

### RECOMMENDATION:

Staff recommends the noticed public hearing for PMA-09-03 be continued to January 24, 2011 at 7:00 p.m.

### EXECUTIVE SUMMARY:

- This matter is a proposed Plan Map Amendment to the Community Plan Map 9-1 of the Tualatin Development Code (TDC) and the City Council will consider the matter in a quasi-judicial public hearing.
- The proposed amendment is an application submitted by Mr. Larry Hill and Legacy Health Systems (LHS) to change the Planning District designation of the 19.6 acre LHS property adjacent to Meridian Park Medical Center from an RL designation to a MC designation.
- The October 11 hearing was continued from the initial public hearing for the Legacy Health System (LHS) Plan Map Amendment (PMA-09-03) held at the

November 9, 2009 Council Meeting, the January 25, 2010 meeting, the February 8, 2010 meeting, the March 8, 2010 meeting, July 12, 2010 meeting and the September 13, 2010 meeting. The initial November 9, 2009 hearing was continued to allow time for Legacy and City staff to prepare a Development Agreement (DA) that would address issues raised by neighbors and the Council. The subsequent continuances were also to allow the public to receive additional information about the amendment proposal and provide their input to LHS and the Council.

- At the July 12 public hearing for the DA and PMA-09-03, persons testifying and Council members raised questions and concerns about the provisions of the July 12 version of the DA. The Council asked Legacy to meet with a representative group of residential neighbors and City staff to work out their differences with the provisions of the proposed DA. Legacy agreed, and the public hearing was continued to September 13, 2010.
- Meetings attended by a group of residential property owners, LHS, City Council members and City staff to discuss the "Legacy Meridian Park Development Agreement" were held on July 27 and August 5. To incorporate the discussions among the parties in the two meetings and in separate meetings after August 5 and to allow time to finalize an acceptable version of the DA with a "small group", LHS agreed to continue the September 13 hearing date. Following a number of discussions among the various parties and within the residential neighborhood group through August and September, neighboring residents were unable to meet and a third meeting to finalize work on the DA did not occur during the Week of October 4 as expected. The City asked LHS for more time to allow the third meeting to occur. In an email message on October 6, 2010, Mr. Hill agreed to that the public hearing for PMA-10-01 and consideration of the DA be continued for a month. An Email message from Mr. Brian Terrett of LHS requesting the continuance was received on October 11.
- The third DA meeting was held on October 27. The neighbor participants and LHS did not agree on transportation issues and building height. To allow more time for LHS to consider their position on the DA issues, Mr. Hill submitted an Email message (November 4, 2010) requesting a continuance of the PMA-09-03 hearing from the November 8 date to January 24, 2011.

**FINANCIAL IMPLICATIONS:**

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

**PUBLIC INVOLVEMENT:**

A Notice of Hearing for the continued September 13, 2010 public hearing for PMA-10-03 was sent to the extended list of property owners who are in the required notice area, in an enlarged notice area to include residential areas further east of the subject property and persons who have participated in the process or requested notice. A courtesy letter was sent on August 30, 2010 informing the persons on the LHS/PMA-09-03 mailing list

of the request for a continuance to the October 11 date. A courtesy email message was sent on October 8, 2010 informing the persons on the LHS/PMA-09-03 mailing list of the request for a continuance to the November 8 meeting date. A second courtesy email message was sent on November 5, 2010 informing the persons on the LHS/PMA-09-03 mailing list of the request for a continuance to the January 24, 2010 meeting date.



# STAFF REPORT

## CITY OF TUALATIN

CONTINUED BY TUALATIN CITY COUNCIL  
Date 11-8-10

Recording Secretary [Signature]

\*\*Con't to Jan. 24, 2011\*\*

**TO:** Honorable Mayor and Members of the City Council

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

**FROM:** Aquilla Hurd-Ravich, Planning Manager AHR  
William Harper, Associate Planner [Signature]

**DATE:** November 8, 2010

**SUBJECT:** REQUEST TO CHANGE THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC) OF PARCELS OF LAND LOCATED ON SW BORLAND ROAD (21E 19C 1700 & 2000) AND .25 ACRES OF ABUTTING RIGHT-OF-WAY; AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-03)

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### ISSUE BEFORE THE COUNCIL:

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

### RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) did not have a voting quorum on October 8, 2009, and did not review PMA-09-03 prior to the initial Council public hearing on November 9, 2009 thru a series of continuances to a second public hearing on March 8, 2010. With a continuance from the March 8 Council meeting to July 12, 2010, TPAC reviewed PMA-09-03 at the July 6, 2010 TPAC meeting with four committee members present. Without a quorum there was not a formal recommendation, but the committee members agreed in discussion that they would recommend approval of the PMA. TPAC member Mike Riley reported the TPAC discussion at the July 12 Council hearing.

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).

STAFF REPORT: PMA-09-03 RL to MC on SW Borland Road

November 8, 2010

Page 2 of 10

- The City Council will consider the matter in a quasi-judicial public hearing.
- This hearing was continued from the initial public hearing for the Legacy Health System (LHS) Plan Map Amendment (PMA-09-03) held at the November 9, 2009 Council Meeting, the January 25, 2010 meeting and the February 8, 2010 meeting. The hearing was continued to allow time for Legacy and City staff to prepare a Development Agreement (DA) that would address issues raised by neighbors and the Council. On February 8, Legacy requested continuing the PMA-09-03 hearing to allow time to review and discuss additional DA issues. The Council continued the public hearing on PMA-09-03 and the consideration of the DA to March 8, 2010.
- At the March 8 public hearing for the DA and PMA-09-03, questions were raised by persons testifying and Council members regarding future access to and from the Property, Legacy's plans for development on the site, future access to the Property, and about the impact of buildings and site improvements on neighboring property owners. The Council asked for additional opportunity for neighboring residential property owners to ask Legacy about their proposal, review the DA, and provide their comments on the issues that concern them. The public hearing was continued to July 12, 2010.
- In May and June, Legacy conducted a series of three Open House meetings with invitations sent to neighboring residents to the east and south of the LHS property. Based on comments collected at the Open Houses and Legacy's response, the DA was revised.
- The July 12 meeting began with the Council receiving a staff report and considerable testimony from LHS and neighboring residents (from Fox Hills, Sequoia Ridge and Venetia subdivisions) about the July 12 version of the Development Agreement. The neighbors who testified were dissatisfied with the process and responses to the open houses and indicated their differences with issues and specifics in the proposed version of the development agreement. At the Council's suggestion, LHS agreed to participate in further discussions with representatives of neighboring residents to work on agreeable solutions to the issues raised and to propose the solutions for incorporation into the development agreement. The LHS DA agenda item and the PMA-09-03 public hearing were continued to September 13.
- Meetings attended by a group of residential property owners, LHS, individual City Council members and City staff to discuss the "Legacy Meridian Park Development Agreement" were held on July 27 and August 5. To incorporate the discussions among the parties in the two meetings and to allow time for additional meetings to finalize an acceptable version of the DA, LHS agreed to continue the September 13 hearing and the October 11 public hearings. The Council continued the PMA-09-03 public hearing to October 11 and continued that hearing to November 8. Minutes of the previous Council Public Hearings and Work Sessions for PMA-09-03 and the related LHS Development Agreement are included as Attachment N.
- Following a number of discussions among the various parties and within the residential neighborhood group through August, September and October, a third

meeting to finalize work on the DA was re-scheduled for October 27. The LHS DA will be on the November 8 agenda for the Council to consider.

- The applicant is Ms. Thomasina Gabriele of Gabriele Development Services on behalf of the property owner, Legacy Health System (LHS). Mr. Larry Hill represents Legacy Health System.
- The subject properties are two undeveloped parcels totaling 19.6 acres located at 6001, 6021, 6031, 6041 SW Borland Road in the RL (Low-Density Residential) Planning District (Clackamas County Assessors Map 21E 19C 1700 & 2000). The subject parcels have frontage on the north side of SW Borland Road and adjoin the east property line of the Legacy Meridian Park Medical Center (LMPMC) campus located in the MC Planning District. On the east property line, the subject properties are bordered by single-family residential development in the Fox Hills neighborhoods in the RL (Low Density Residential) Planning District. Staff recommends also changing the designation of the approximately 0.25 acres of abutting public ROW of SW Borland Road (RL changed to MC to the street centerline). A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B and C respectively. The applicant's materials are included as Attachment D.
- Legacy Health System purchased the subject property in 2004 for future expansion of the 46 acre Legacy Meridian Park Medical Center campus and facilities. LHS has not provided plans for buildings or other improvements on the property at this time.
- The subject property includes the former Grimitt farmhouse with outbuildings on the northern Parcel 2000. On Parcel 1700 adjoining SW Borland Road is a small vacant house identified as the "Minnie Skog House", listed in the City's Historic Preservation Chapter 68 as a historic landmark. No application for alteration, relocation or demolition of the historic structure has been submitted.
- The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use [TDC 40.020(1)] and allows a hospital or sanitarium as a conditional use [TDC 40.030(4)(h)]. The MC Planning District which currently encompasses the LMPMC campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.
- The MC Planning District was created from a joint Plan Text Amendment application by Legacy Meridian Park Hospital/Legacy Health System and the City (PTA-99-01) and approved by Council on March 5, 1991. The purpose of the amendment was to specify the medical, allied medical, and facility support uses common to a medical-health care facility and provide specific building setback, parking setback and building height setbacks for a medical facility. It was understood that the MC designation would be applied to the Legacy Health Systems site in an existing and future context of residential development. Plan Map Amendment PMA-91-01 applying the MC Planning District designation to the

48 acre LMP Hospital campus was approved on June 3, 1991. The MC Planning District Standards are provided as Attachment E.

- Legacy approached the City in early 2009 about their interest in the process for securing the correct zoning to allow a future expansion of the medical center campus onto the LHS property. At that time, City staff discussed the MC Planning District and made the following points about the designation:
  1. MC would provide Legacy with greater certainty for planning and constructing the medical and health services and facilities that Legacy may want to develop on the property;
  2. MC would be consistent with the adjacent LMPMC designation and the intent of the MC Planning District, and;
  3. MC would provide nearby residential neighborhoods and properties with greater certainty about the kinds of medical center uses allowed and specific standards for building and parking setbacks and building heights allowed that will buffer and separate the medical center to residential development.

Staff noted that taking the course of a conditional use permit for a Hospital under the existing RL designation would restrict Legacy to a limited list of uses under the definition of a "hospital", may require a new conditional use approval for each facility expansion on the Property and would not provide the neighbors, Legacy or the City with any specific standards for setbacks, buffers, and building height. It was discussed that the most certain and consistent approach for the neighbors, the City and Legacy would be a PMA to designate the property MC.

- Changing the designation on 19.6 acres to MC would allow the LMPMC campus to expand with buildings, parking and landscaping onto the subject properties in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District [TDC Chapter 56] and the Community Design Standards, Public Improvement Requirements & Access Management on Arterial Streets provisions in TDC Chapters 73, 74 & 75. LHS seeks the Map Amendment to change the designation to MC. Development and improvements on the property will be subject to Architectural Review. Alteration, relocation or demolition of the historic house will be subject to approval of a Historic Landmark Certificate of Appropriateness under TDC Chapter 68.
- The submitted traffic analysis (Attachment D, Transportation Planning Rule Analysis – Kittelson & Associates, Inc.) and Supplemental Information (Dated October 1, 2009) analyzes Reasonable Worst Case scenarios for existing RL and for changing the Planning District designation of the subject parcels from RL to MC for three scenarios: RL, single family homes; a Hospital Conditional Use in RL; and a Medical Offices/Hospital development in MC. The analysis assumes a new SW Borland Road access (see discussion in Attachment G, p. 11). The Engineering Division Memorandum (Attachment H, pp. 1-4) provides the following summary of Trip Generation figures comparing RL single family residential with MC medical office:

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

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

In regard to Oregon Statewide Planning Goal 12-Transportation and the Transportation Planning Rule (TPR) (OAR-660-012), the Kittelson Memorandums find that the proposed plan amendment will not “significantly effect” an existing or planned transportation facility and satisfies all of the requirements of the TPR. An October 27, 2009 comment from the Oregon Department of Transportation (ODOT) (Attachment I-ODOT Letter 1) requested additional information from the applicants regarding the I-5/Nyberg Street interchange. A January 14, 2010 letter from ODOT (Attachment I-ODOT Letter 2) questioned the Kittelson analysis and conclusion based on a “hospital” use as a “reasonable worst case” scenario, contending that as a conditional use in the existing RL Planning District a hospital is not an “outright” “allowed” use for purposes of evaluating TPR impacts on ODOT facilities. ODOT believes a conditional use is not suitable for a TPR analysis and would prefer that a permitted use under the RL designation (single-family residential) be used for evaluating the effect.

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

In regard to Criterion “8” and Level of Service (LOS), the Kittelson Supplemental Information states “...this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario”. The Engineering Memorandum (Attachment H) states: “The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results

(Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal." With today's RL designation on the subject property and with the existing development in the SW Borland and 65<sup>th</sup> Area and if the designation of the subject property is changed from RL is changed to MC, the SW 65<sup>th</sup>/Sagert intersection LOS remains "F". The Engineering Division Memorandum notes that there is not unanimous support among the City of Tualatin, LHS and residential neighbors for improving the SW 65<sup>th</sup> Avenue/SW Borland Road intersection. The memorandum suggests the Council can find that the Plan Map Amendment is in the best interest of the City of Tualatin without improvements to the SW 65<sup>th</sup> Avenue/SW Borland Road intersection.

- 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 G). TPAC Chairman Paul Sivley submitted a list of questions to be addressed at the October 8 TPAC meeting. Due to lack of a quorum, PMA-09-03 was not reviewed by TPAC and Mr. Sivley's questions were not addressed. A copy of Mr. Sivley's questions are included as Attachment J with responses to the questions by the Applicants and staff.
- The City has worked on a development agreement with the applicant (Legacy) that will ensure that if the MC Planning District designation is approved in PMA-09-03, future development on the Property and issues such as public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site & off-site public improvements including sanitary sewer, stormwater management & street improvements; and development standards including building & parking setbacks, building height, landscape buffers & lighting will be addressed in an agreed upon manner. The development issues listed are typically addressed in a land use process (such as Architectural Review) when a specific development or property improvement is proposed, but are not issues to mitigate or require as conditions of approval in a Plan Amendment process such as PMA-09-03. The agreement, known as the "Non-Statutory Development Agreement" was reviewed in revised forms by the Council in meetings and work sessions. It will be presented in a revised form to the City Council for consideration at the October 11, 2010 meeting.
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning District Objectives; TDC 8.050-Churches, Retirement Homes, Residential Facilities & Hospitals (Objectives); TDC Chapter 40-Low-Density Residential Planning District, and; Chapter 56 Medical Center Planning District. The Metro (Regional Government) Functional Plan Title III has policies for housing. The Statewide Land Use Planning Goals Goal 10-Housing (Metropolitan Housing Rule) and Goal 12 (Transportation Planning Rule) are applicable. The Analysis and Findings section of this report (Attachment G) considers the applicable policies and regulations.

- In a November 20, 2009 letter (Attachment L-Metro Letter 1), Metro requested information demonstrating that the proposed Plan Map Amendment will "...not reduce the city's dwelling unit capacity in Table 1." of the Urban Growth Management Functional Plan (UGMFP). Metro asked for an analysis that documents how the city will maintain the 1994-2017 housing capacity required in the UGMFP Title 1 Table 1. Information and analysis responding to the request from Metro is provided in Attachment G, pp 9-10 and 11-14. In a second letter (January 21, 2010) (Attachment L-Metro Letter 2), Metro noted that even though the PMA could reduce the City's Title I dwelling unit capacity, other projects such as the Town Center Plan and Hwy 99W Corridor Plan "...could accommodate higher density residential development to offset this potential reduction." Based on that, Metro will not object to PMA-09-03.
- Comments received at the various public hearings are included as Attachment M.
- The 120th day within which the City Council must make a decision in the quasi-judicial process was January 26, 2010. The scheduled January 25, 2010 public hearing before the City Council was on the 119<sup>th</sup> day and the February 8 hearing was on the 133<sup>rd</sup> day. Legacy submitted a waiver of the 120 day deadline for an additional 60 days (180 days total), extending it to March 27, 2010. Legacy submitted an extension of the waiver 120-day deadline for an additional 90 days (270 days total) extending it to August 23, 2010. At the request of Legacy, the July 12, 2010 hearing was continued to September 13 and the September 13 hearing was continued to October 11 which was continued to November 8. Legacy granted extensions of the 120-Day Rule to allow both continuances. The November 8, 2010 hearing is on the 357<sup>th</sup> 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 G) examines the application with respect to the criteria for a Plan Amendment.

#### **OUTCOMES OF DECISION:**

Approval of the PMA request will result in the following:

1. Changes the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (plus .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to MC. The MC Planning District allows a primary care hospital, medical offices, clinics and laboratories, limited supporting/on-site retail uses and congregate care, assisted living, nursing and convalescent homes residential facilities as permitted uses.
2. Allows the applicant to develop the property in the MC Planning District with the medical, health care and residential facilities consistent with the existing LMPMC campus. Architectural Review will be required for development on the site. If adopted, the proposed LHS Development Agreement will establish certain development standards for the property, access, buffering, Legacy constructing certain on & off-site public improvements, the Historic Landmark on the site and tree protection.

Denial of the PMA request will result in the following:

1. The current RL Planning District designation on Tax Lots 1700 & 2000 (and abutting public ROW) will remain unchanged.
2. The Applicant may choose to develop the property under the RL Planning District provisions.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for Council are:

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

**FINANCIAL IMPLICATIONS:**

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

**PUBLIC INVOLVEMENT:**

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

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

A number of persons submitted comments or testified at the November 9, 2009 public hearing and several persons have submitted email comments up to the January 25 hearing date (continued). A courtesy email was sent to the PMA-09-03 email list informing people of the request for a continuance of the January 25 hearing to the February 8 meeting. Copies of the written or emailed comments (collected through February 24) are provided in Attachment M.

In response to considerable testimony from neighboring property owners and residents living near the Property and the Legacy campus at the March 8, 2010 public hearing, the Council asked Legacy to provide additional opportunity for neighboring residential property owners to ask Legacy about their proposal, review the DA, and provide their comments on the issues that concern them. The hearing for PMA-09-03 was continued to July 12, 2010. Beginning in May, Legacy conducted a series of three Open House meetings with invitations to an expanded list of property owners in the vicinity of LMPH and interested persons in the community. There was also an open opportunity to review and comment on the DA and PMA documents thru the Community Development Department. Based on the Open Houses and collection of questions and comments about the DA and PMA, Legacy prepared a summary and response for the Council and interested neighbors (Attachment K). On July 6, TPAC reviewed the PMA and the Committee's discussion was provided to the Council at the July 12 public hearing.

At the July 12 meeting, the Council received a staff report, and considerable testimony from LHS and neighboring residents about the July 12 version of the Development Agreement. At the Council's suggestion, LHS agreed to participate in further discussions with representatives of neighboring residents to work on agreeable solutions to the issues raised and to propose the solutions for incorporation into the development agreement. The LHS DA agenda item and the PMA-09-03 public hearing were continued to September 13. Meetings attended by a group of residential property owners, LHS, individual City Council members and City staff to discuss the "Legacy Meridian Park Development Agreement" were held on July 27 and August 5. To incorporate the discussions among the parties in the two meetings and to allow time for additional meetings to finalize an acceptable version of the DA, LHS agreed to continue the September 13 hearing date to October 11 and again to November 8. Following a number of discussions among the various parties and within the residential neighborhood group through August, September and October, a third meeting to finalize work on the DA is being scheduled for October 27.

- Attachments:**
- A. Vicinity Map
  - B. Tax Map
  - C. Site Map showing Existing Buildings
  - D. Applicant's Materials and Supporting Information
  - E. MC Planning District Standards
  - F. Background Information
  - G. Analysis and Findings
  - H. Engineering Division Memorandum

STAFF REPORT: PMA-09-03 RL to MC on SW Borland Road

November 8, 2010

Page 10 of 10

- I. ODOT October 26, 2009 Letter 1  
ODOT January 14, 2010 Letter 2
- J. Paul Sivley Questions--October 6, 2009 Email
- K. Legacy Summary & Response Letter
- L. Metro November 20, 2009 Letter 1  
Metro January 21, 2010 Letter 2
- M. Public Comments
- N. Council Work Session/Meeting Minutes for PMA-09-03 & DA



# Site Plan

Scale 1" = 300'-0"

LEGACY MERIDIAN PARK MEDICAL CENTER  
Tualatin, OR

Attachment A  
Vicinity Map



TualMap: Area of Interest Map



Attachment C  
Site Map Showing Existing Buildings

APPLICATION FOR PLAN \*MAP\* AMENDMENT

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

Case No. PMA-09-03  
Fee Rec'd. \$2000<sup>00</sup>  
Receipt No. 739062  
Date Rec'd. 8-28-09  
By \_\_\_\_\_

PLEASE PRINT IN BLACK INK OR TYPE

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

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

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

Applicant's Signature Thomasina Gabriels

Applicant's Name THOMASINA GABRIELS Phone 503-612-8002  
GABRIELS DEVELOPMENT SERVICES 971-252-0363  
Applicant's address 2424 NW Northrup Portland OR 97210  
(street) (city) (state) (zip)

Applicant is: Owner \_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Developer \_\_\_\_\_ Agent \_\_\_\_\_

Other CONSULTANT

If the request is for a specific property:

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

Owner's Name LEGACY HEALTH SYSTEM

Owner's Address \_\_\_\_\_  
(street) (city) (state) (zip)

Owner recognition of application: \_\_\_\_\_

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

## WRITTEN STATEMENT

- A. **Is granting the plan map amendment in the public interest.**  
The plan map amendment will allow for expansion of the essential health care services provided by Meridian Park Hospital. The plan map amendment will add 20 acres to the existing campus providing room for additional buildings as they are needed to provide the complement of hospital and outpatient services to best serve the health care needs of the public. Expanding on the subject property, adjacent to the existing campus will promote orderly development located on existing arterials in a part of the city that is developed and has public infrastructure in place.
- B. **Is the public interest protected granting the plan map amendment at this time?**  
Legacy purchased the property 5 years ago with the intent to preserve land for anticipated expansion. While no buildings are proposed at this time, granting the plan map amendment will indicate an alignment of public planning with the intent of the hospital. This protects the public interest by making explicit future plans for the type of private growth anticipated and ensuring that public infrastructure is planned and financed appropriately. In addition, the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses. Granting the plan map amendment makes clear that uses such as medical office buildings integrated with hospital operations that support and complement the hospital will be permitted. As specified in the development code, future proposed buildings will undergo Architectural Review which will further protect the public interest by promoting good design, providing a process for public and agency input, and ensuring coordination of infrastructure.
- C. **Is the proposed plan map amendment in conformity with the applicable objectives of the Tualatin Community Plan.**  
The objectives for Hospitals are listed in Section 8.050 of Tualatin's Development Code. The proposed Plan Map amendment to change the designation to Medical Center brings the anticipated use of the property into conformance with the objectives for hospitals as follows:  
Location: the Plan says that hospitals should be located in Medical Center District as a permitted use or in commercial and residential zones as conditional uses. The current plan designation on the property is residential which would allow a hospital and its related uses as a conditional use but the level of certainty for the hospital and the neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to the adjacent subject property. The objectives also state that hospitals (in residential districts) should be located adjacent to arterial or collector streets and close to City's park areas. The land in question fronts Borland Road, designated as a major arterial. The objectives stipulate cooperation with government agencies to assess health care services for the area. While there is no longer a state government needs assessment process, amending the Plan Map supports the orderly

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

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

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

1. The various characteristics of the area.

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

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

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

3. Trends in land improvement and development.

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

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

4. Property values.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Statewide Planning Goals.**

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

**Goal 1 Citizen Involvement.**

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

**Goal 2 Land Use Planning.**

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

**Goal 3 Agricultural Lands.**

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

**Goal 4. Forest land.**

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

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

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

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

**Goal 6 Air, Water, and Land Resources Quality.**

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

Goal 7. Areas subject to natural hazards.

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

Goal 8. Recreational needs.

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

Goal 9. Economic development.

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

Goal 10. Housing.

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

Goal 11. Public facilities and services.

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

Goal 12. Transportation.

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

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

Goal 13. Energy Conservation.

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

Goal 14. Urbanization.

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

Goal 15. Willamette River Greenway

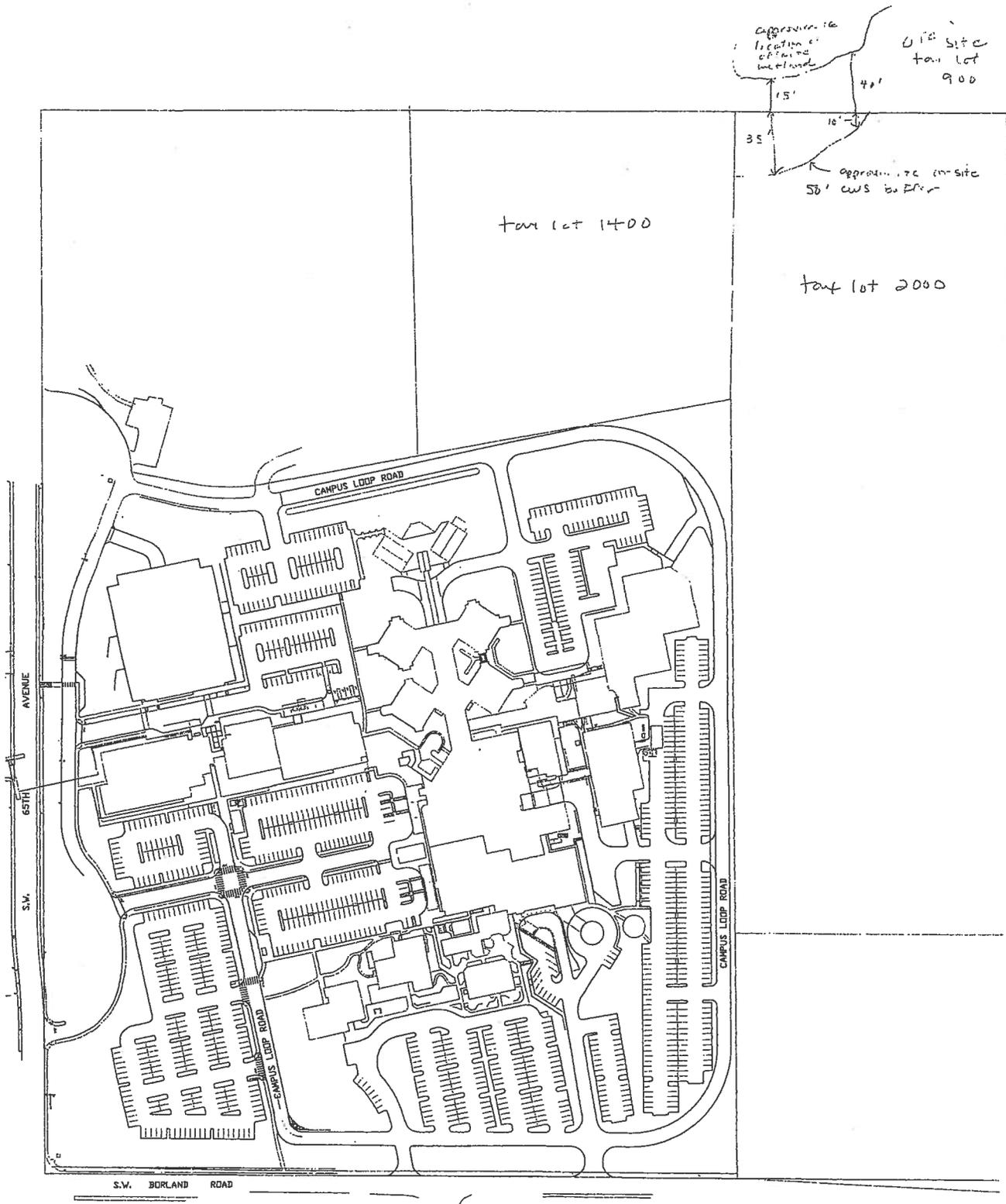
Goal 16. Estuarine Resources

Goal 17. Coastal Shoreline

Goal 18. Beaches and Dunes

Goal 19. Ocean Resource

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



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 1:2000  
 water



## MEMORANDUM

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**Date:** August 21, 2009 **Project #:** 9760.0

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

**From:** Mark A. Vandehey, P.E.

**Project:** Legacy Health System - Meridian Park Property Rezone

**Subject:** Transportation Planning Rule Analysis

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

### SUMMARY OF FINDINGS

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

### COMPARISON OF TRIP GENERATION POTENTIAL

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

### TRANSPORTATION PLANNING RULE COMPLIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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



## MEMORANDUM

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**Date:** October 1, 2009 **Project #:** 9760.0

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

**From:** Mark Vandehey, P.E.

**Project:** Legacy Meridian Park Plan Map Amendment

**Subject:** Transportation Analysis – Supplemental Information

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

### **Trip Generation Comparison**

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

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

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

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

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

**Table 1  
 Estimated Trip Generation**

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

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

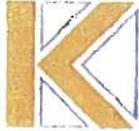
**Comparison of Year 2028 Traffic Conditions**

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

**Table 2 Comparison of Intersection LOS Results**

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

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



NOV 06 2009

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

## MEMORANDUM

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**Date:** November 9, 2009 Project #: 9760  
**To:** Will Harper, City of Tualatin  
**CC:** Seth Brumley, ODOT  
Larry Hill, Legacy  
  
**From:** Julia Kuhn, P.E. and Mark Vandehey, P.E.  
**Project:** Legacy Meridian Park Plan Map Amendment  
**Subject:** Transportation Planning Rule Supplemental Analysis

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This memorandum responds to issues raised in ODOT's letter dated October 26, 2009 (from Seth Brumley) related to the Transportation Planning Rule (TPR) analysis for the Legacy Meridian Park Plan Map Amendment. Per that letter, ODOT maintains that a conditional use should not be considered as a reasonable worse case for the TPR findings. As a result, they have requested analysis of the I-5/Nyberg ramp terminals assuming the development of a medical office building in order to address the TPR. The memorandum below responds to each of these items.

### Reasonable Worse Case Scenarios

The TPR requires a comparative analysis of the reasonable worse case development potential under both the existing and proposed zoning. Per our previous memorandum to you (dated October 1, 2009); the 20-acre subject site is currently zoned for low density residential (RL) which allows for hospitals and medical office uses integrated with a hospital as a conditional use.

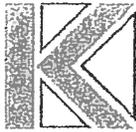
ODOT's memorandum states that they do not consider a conditional use as a reasonable worse case. It is important to note that for TPR analyses, the local agency (in this case the City of Tualatin) is responsible for determining the "reasonable worst case" scenario for existing and proposed zoning. Further, we do not find any language in the TPR that indicates conditional uses cannot be considered in the "reasonable worst case" determination. As indicated in our October 1, 2009 memorandum, based on discussion with City staff and a review of the City's RL zoning code, it was concluded that in this instance, a medical office development represents the reasonable worst case trip generation scenario for the site under both the current RL classification or the proposed Medical Center (MC) for the following reasons:

- Medical office is a permitted use (conditionally under the RL zone designation and outright under the proposed MC zone designation).

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

Finally, Conditional Use applications are not subject to TPR requirements, so it would be counterintuitive to assume they could not be considered as a possible "reasonable worst case" land use. In this situation, the "reasonable worst case" determination boils down to a simple question: Is it "reasonable" that 250,000 square feet of medical office could be developed with the existing zoning for the subject property? For the reasons stated above we believe the answer is clearly yes.

Please let us know if you need any additional information to prepare the TPR findings. We will be available at the November 9<sup>th</sup> hearing to answer any questions.



**KITTELSON & ASSOCIATES, INC.**  
TRANSPORTATION ENGINEERING / PLANNING  
610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

CITY OF TUALATIN  
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JAN 26 2010

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

## MEMORANDUM

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

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

**From:** Mark Vandehey, P.E.

**Project:** Legacy Meridian Park Plan Map Amendment

**Subject:** Transportation Analysis – Supplemental Information

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

### **Need for Borland Road Five Lane Improvement**

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

### **Need for SW 65<sup>th</sup> Avenue Five Lane Improvement**

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

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

**Table 1 Comparison of Intersection LOS Results**

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

**Recommended Improvements to SW 65<sup>th</sup> Avenue at SW Borland Road and SW Sagert Street**

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

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

**Table 2 Comparison of Intersection LOS Results**

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

**Recommended Phasing of Improvements for the Development Agreement**

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

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

**Chapter 56**

**Medical Center Planning District (MC)**

**Sections:**

- 56.010 Purpose.**
- 56.020 Permitted Uses.**
- 56.030 Conditional Uses.**
- 56.040 District Size.**
- 56.045 Lot Size for Conditional Uses.**
- 56.050 Distances From Structures to MC District Boundaries and Setbacks.**
- 56.070 Structure Height.**
- 56.080 Special Standards.**
- 56.090 Special Standards.**
- 56.100 Access.**
- 56.110 Off-Street Parking and Loading.**
- 56.120 Floodplain District.**
- 56.130 Greenway and Riverbank Protection District.**
- 56.140 Community Design Standards.**
- 56.150 Landscape Standards.**

**Section 56.010 Purpose.**

The purpose of this district is to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff.

**Section 56.020 Permitted Uses.**

No building, structure or land shall be used, except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

- (1) Medical center:
  - (a) hospital, including but not limited to diagnosis and treatment of sick and injured persons on an inpatient and outpatient basis; surgical, emergency, laboratory, imaging, pharmacy and physical therapy services; and facility maintenance, laundry, worship, food service and administrative functions,
  - (b) offices of physicians and dentists,

- (c) offices and clinics of allied health care providers, including but not limited to nurse practitioners; midwives; dietitians; psychologists; opticians; physical and occupational therapists; occupational health/safety specialists; substance abuse counselors; chiropractors; and wellness centers including physical fitness facilities, nutritional counseling, health maintenance and rehabilitation services,

- (d) durable medical goods sales and rentals,

- (e) nursing school and other medical training facilities,

- (f) nurses' and house staff physicians' housing,

- (g) medical and dental laboratories,

- (h) medical and dental related research laboratories and testing facilities,

- (i) medical and dental non-profit educational, charitable and research organizations and facilities,

- (j) congregate care facilities, assisted living facilities and residential facilities in accordance with §56.080,

- (k) nursing and convalescent homes,

- (l) community meeting facilities, and

- (m) parking lot, parking structure, or underground parking.

(2) Supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees, subject to the requirements of §56.090:

- (a) bank branch/automatic teller machine not greater than 1000 square feet of gross floor area,

- (b) barber/beauty shop not greater than 750 square feet of gross floor area,

- (c) child day care center not greater than 4000 square feet of gross floor area,

- (d) credit union not greater than 1000 square feet of gross floor area,

- (e) fitness center not greater than 15,000 square feet of gross floor area,

- (f) florist/gift shop not greater than 750 square feet of gross floor area,

## Tualatin Development Code

(g) pharmacy not greater than 2000 square feet of gross floor area, and

(h) restaurant/delicatessen/coffee shop not greater than 1500 square feet of gross floor area.

(3) Sewer and water pump stations, pressure reading stations. §30, passed Nov. 25, 1991; Ord. 920-94 §16, passed April 11, 1994;

(4) Wireless communication facility attached.

(5) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(6) Transportation facilities and improvements. [Amended by Ord. 849-91 §29 & Ord. 965-96 §63, passed Dec. 6, 1996; Ord. 1026-99 §71, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### Section 56.030 Conditional Uses.

The following uses are permitted as a conditional use when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

- (1) Helipad.
- (2) Electrical substation.
- (3) Natural gas pumping station.
- (4) Water reservoir.
- (5) Wireless communication facility. [Amended by

Ord. 965-96 §64, passed Dec. 6, 1996; Ord. 1026-99 §72, passed Aug. 9, 1999.]

### Section 56.040 District Size.

The minimum MC District size shall be 25 acres.

### Section 56.045 Lot Size for Conditional Uses.

Except as otherwise provided, the lot size for a conditional use under TDC 56.030 is as follows:

(1) The minimum lot area shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(2) The minimum average lot width shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(3) The minimum lot width at the street shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements contained in TDC 73.400(8) to (12), except as established through the Subdivision, Partition or Lot Line Adjustment process. [Added by Ord. 965-96, Sec. 65, passed Dec. 9, 1996.]

### Section 56.050 Distances From Structures to MC District Boundaries and Setbacks.

(1) The minimum distance from a property line which abuts a MC District Boundary to any structure in the MC District shall be no less than 50 feet.

(2) Setbacks from property lines within the MC District that do not abut a MC District Boundary shall be determined through the Architectural Review process.

(3) Off-street parking and vehicular circulation areas in the MC District shall be set back a minimum of 10 feet from any public right-of-way or property line which abuts a MC District boundary. Off-street parking and vehicular circulation areas shall be setback a minimum of 5 feet from any property line within the MC District that does not abut a MC District boundary, except as determined through the Architectural Review process.

(4) No fence shall be constructed within 5 feet of a public right-of-way.

(5) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider 73.510, shall be a minimum of 50 feet to a property line which abuts an MC District boundary, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 35, passed March 23, 1992; Ord. 904-93, Sec.

40, passed Sept. 13, 1993; Ord. 965-96, Sec. 66, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

Section 56.060 [Repealed by Ord. 862-92, Sec. 36, passed March 23, 1992.]

### Section 56.070 Structure Height.

(1) In accordance with TDC 56.050 no structures are permitted within 50 feet of a property line abutting a MC District Boundary.

(2) The maximum height for a structure within the area 50.01 to 100 feet of a property line abutting a MC District Boundary shall be no greater than 25 feet in height above grade.

(3) The maximum height for a structure within the area 100.01 to 300 feet of a property line abutting a MC District Boundary shall be no greater than 45 feet in height above grade.

(4) The maximum height for a structure within the area greater than 300 feet from a property line abutting a MC District Boundary shall be no greater than 95 feet in height above grade.

(5) Notwithstanding (1)-(4) above, flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, shall be no greater than 100 feet in height above grade, except in the area within 50 feet of a property line abutting a MC District Boundary where no flagpole shall be allowed.

(6) Notwithstanding (1)-(4) above the maximum structure height for a wireless communication support structure and antennas shall be no greater than 100 feet. [Amended by Ord. 965-96, Sec. 67, passed Dec. 9, 1996.]

### Section 56.080 Special Standards.

Special standards shall apply to congregate care, assisted living and residential facilities [56.020(1)(j)] as follows:

(1) Requirements of the Medical Center District shall be met unless specifically modified by this section.

(2) The building shall be designed or renovated specifically for use as a congregate care, assisted living or residential facility. All State required licenses shall be obtained.

(3) The facilities shall consist of living units with shared areas in accordance with State requirements.

(4) Outdoor walkways shall be paved and lighted and shall not exceed eight (8) percent in grade.

(5) Noise and lighting shall be buffered and screened.

(6) The residential density in the development area shall be no less than 16 and no more than 25 living units per acre. [Amended by Ord. 849-91, Sec. 31, passed Nov. 25, 1991.]

### Section 56.090 Special Standards.

Special standards shall apply to supporting retail and service uses [56.020(2)] as follows:

(1) Notwithstanding §56.020 which requires uses to be conducted wholly within a completely enclosed building, a restaurant, delicatessen or coffee shop may include an outdoor eating area, provided the outdoor area consists on an all-weather surface not greater than 900 square feet in gross floor area and screened from public rights-of-way and residential planning districts by a completely sight-obscuring evergreen hedge and/or fence as determined through the Architectural Review process.

(2) Drive-up windows and drive-through services shall not be permitted. Loading and unloading at the vehicle entrance to the emergency room is not a drive-through service.

(3) The use shall have pedestrian access only and, except for emergency access required by the Uniform Building Code and secondary access to outdoor eating areas, it shall be through an interior hall or lobby of the building in which the use is located.

(4) The floor area of one use, or a combination of uses, listed in §56.020(2) in any one building shall not exceed ten (10) percent of the gross floor area of the building.

### Section 56.100 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master

56.110

## Tualatin Development Code

Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 1026-99 §73, passed Aug. 9, 1999.]

### **Section 56.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

### **Section 56.120 Floodplain District.**

Refer to Chapter 70.

### **Section 56.130 Greenway and Riverbank Protection District.**

Refer to Chapter 72.

### **Section 56.140 Community Design Standards.**

Refer to Chapter 73.

### **Section 56.150 Landscape Standards.**

Refer to Chapter 73.

## ATTACHMENT F

### PMA-09-03: BACKGROUND INFORMATION

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

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

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

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

## ATTACHMENT G

### PMA-09-03: ANALYSIS AND FINDINGS

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

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

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

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

As identified by staff, the public interest is to:

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

The applicant's public interest statements and the first three (#1-#3) public interests listed in this analysis are associated with the importance of the LMPMC medical center to the community as a local hospital facility and provider of a full range of medical and health care services. The LMPMC facility benefits the community with its locally available medical and

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

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

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

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

The LHS property is currently in the RL Planning District that is primarily for single-family detached residential housing (up to 100 single family homes on the 19.6 acre subject property net 20% for required public streets and water quality facilities) as well as limited-size residential facilities. As addressed under Statewide Planning Goal 10 (Attachment G, pp 9-10), removing the 19.6 acres (+.25 acre ROW) from the RL residential designation, leaves the

City's overall housing density and single-family/multi-family housing mix in compliance with the Oregon Metro Housing Rule standards. An adequate supply of residential housing land is retained if the RL designation is replaced with an MC designation. The MC Planning District allows assisted living, congregate care and residential facilities as permitted uses [TDC 56.020(j)]. The proposed MC designation will reduce the available land for single family detached housing but will provide some opportunity for congregate care/assisted living facilities. Metro Functional Plan Housing Targets are discussed on (Attachment F) pp. 11-14. The public interest for adequate residential land supply listed in #5 above is satisfied.

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

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

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

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

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

The LHS is moving forward with its investments and improvements on the LMPMC campus and needs to have the 19.6 acre suitably zoned and available as they proceed. The MC Planning District allows the various medical and health care uses that are anticipated as the LMPMC facilities grow while providing appropriate standards for site planning, building height, and landscaping. It is in the public interest to change the Planning District designation to MC, thus laying the groundwork for development of the site as part of the LMPMC campus.

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

Criterion "2" is met.

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

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

**General Growth Objectives:**

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

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

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

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

**Semi-Public Land Uses--Objectives:**

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

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

The applicant states "The plan says that hospitals should be located in a Medical Center District as a permitted use or in commercial and residential zones as conditional uses. The current plan designation on the property is residential which would allow and its related uses as a conditional use but the level of certainty for the hospital and the neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to adjacent subject property." (Attachment D, pp. 1-2)

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

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

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

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

Criterion "3" is met.

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

**The various characteristics of areas in the City.**

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

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

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

The Applicant states: “The most important characteristic of the area is that the property in question abuts the existing Meridian Park Hospital (Medical Center) campus and so is ideally

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

### **Trends in land improvement and development.**

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

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

### **Property values.**

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

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

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

The Applicant states: “Appropriately sized and located medical services support current and future development of residential and commercial uses.” “...with the addition of the 20 acres of the subject property, the campus will total 75 acres, close to the ideal size to service the size and type of population in its patient base.” (Attachment D, pg. 3)

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

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

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

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

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

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

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

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

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

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

**Proof of a change in a neighborhood or area.**

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

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

**A mistake in the plan map or text.**

No mistake is alleged or found.

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

Criterion "4" is met.

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

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

Criterion "5" was considered.

**F. Criterion 6-Oregon Statewide Planning Goals**

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

The Applicant addresses these Goals as follows:

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

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

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

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

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

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

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

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

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

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

**Table 2A**

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

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

**Table 2B**

**PMA-09-02 Metro Housing Rule New Construction Mix**

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

10/2/2009

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

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

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

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

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

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

The Engineering Division Memorandum (Attachment H, pp. 1-4) indicates the TPR analysis information resulting determinations will be provided for the Council's public hearing as soon as it is available.

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

Staff reviewed the PMA in terms of the Metropolitan Service District's Urban Growth Management Functional Plan as provided in Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan. The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the Residential Planning District areas bordering SW Borland Road east of the current LMPMC campus as "IN Inner Neighborhood". The proposed amendment revising

the Planning District from RL to MC can be accounted for in a periodic revision of Design Types with Metro.

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

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

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

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

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

AHR 11-23-09

Under the current RL Planning District designation, the 19.6 acre subject property is eligible for a conditional use permit (a quasi-judicial land use decision) to construct a "hospital" [TDC 40.030(h)] with a range of medical facilities including inpatient care, laboratories, clinics, outpatient clinics and medical offices that would function in a manner that is similar to the adjoining LMPMC facilities. As a "hospital" conditional use, development on the LHS 19.6 acre property may or may not include housing. Evaluating the housing capacity of the subject property under the existing RL Planning District designation and considering a residential or hospital use on the property leads to a range of housing density from 0 (hospital use with no residential component) to the maximum 6.4 du/acre (RL single family detached residential).

The current UGMFP Title I Table 1 capacity of the 19.6 acre property (17.6 acres Net Developable) under the existing RL designation is **0 dwelling units to 112 dwelling units**.

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

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

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

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

The City of Tualatin's Community Plan, Planning District standards and residential land capacity were deemed to meet (or exceed) the Title 1 Table 1 Housing Capacity target at the time it was established in the year 2000. This was based on the potential for housing units that Tualatin's zoning and the supply of residentially developable land provided at the time. The target capacity and an evaluation of the City's ability to meet that capacity are not based on individual development proposals and as in this case, are not changed when residential or non-residential uses allowed by a particular zoning are retained (both RL and MC allow non-residential and residential uses). Whether the 19.6 acres LHS property is changed to MC or remains RL, **the housing potential (and in this specific case, the capacity) of the property is not reduced** because it could be all "hospital" as conditional use in RL (0 dwelling units) or could be all residential as a permitted use in MC (up to 439 dwelling units).

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

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

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

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

The Engineering Division Memorandum (Attachment H) notes that the City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F (Attachment H, pp. 2-3). The TSP also identifies the intersection for a future traffic signal. With today's RL designation on the subject property and with the existing development in the SW Borland and 65th Area and if the designation of the subject property is changed from RL is changed to MC, the SW 65th/Sagert intersection LOS remains "F".

The Engineering Memorandum states "Based on the discussions between Legacy Meridian Park Hospital, the City of Tualatin, and the neighbors since July 12, 2010, it appears that there is not unanimous support for improving the SW 65th/SW Borland and SW 65th/SW Sagert intersections. This results in the SW 65th/SW Sagert intersection performing at LOS F before and after the proposed Plan Map Amendment. This does not meet Criteria 8 which requires that the amendment is consistent with LOS E/E for the p.m. peak hour and one half hour before and after the p.m. peak hour."

The Engineering Division Memorandum notes that there is not unanimous support among the City of Tualatin, LHS and residential neighbors for improving the SW 65th Avenue/SW Borland Road intersection. The memorandum suggests the Council can find that the Plan Map Amendment is in the best interest of the City of Tualatin without improvements to the SW 65th Avenue/SW Borland Road intersection.

# MEMORANDUM

DATE: June 28, 2010 Revised September 29, 2010

TO: Will Harper, AICP  
Associate Planner

FROM: Dayna Webb, PE  
Project Engineer **DN**

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

---

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

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

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

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

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

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

SW Borland Road

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

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

SW 65<sup>th</sup> Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on the discussions between Legacy Meridian Park Hospital, the City of Tualatin, and the neighbors since July 12, 2010, it appears that there is not unanimous support for improving the SW 65<sup>th</sup>/SW Borland and SW 65<sup>th</sup>/SW Sagert intersections. This results in the SW 65<sup>th</sup>/SW Sagert intersection performing at LOS F before and after the proposed Plan Map Amendment. This does not meet Criteria 8 which requires that the amendment is consistent with LOS E/E for the p.m. peak hour and one half hour before and after the p.m. peak hour.

To approve the Plan Map Amendment without improvements to the SW 65<sup>th</sup>/SW Sagert intersection, the City Council could find that approving the Plan Map Amendment is in the best interest of Tualatin based on the following:

- As Tualatin and the areas around Tualatin grow there will be more people that will need access to high-quality health care.
- Legacy Meridian Park Hospital is known as a provider of high-quality health care to Tualatin residents and residents in the metro area.
- Allowing Legacy Meridian Park Hospital to expand assures that Tualatin residents, as well as residents of the metro area, will have access to high-quality health care in the future.
- It provides the opportunity for Legacy Meridian Park Hospital to plan for expansions of service with the certainty of knowing what the zoning requirements are.
- The benefits to Tualatin residents and residents of the metro area, having additional access to high-quality health care outweigh the impacts of congestion at the SW 65<sup>th</sup>/SW Sagert intersection.
- The benefits of having the support of the neighbors in allowing Legacy Meridian Park Hospital to expand outweigh the impacts of congestion at the SW 65<sup>th</sup>/SW Sagert intersection.

**Comments Received:**

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

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

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

We also received a third comment letter from ODOT on March 8, 2010 regarding Employee Commute Options Program and the opportunity to reduce commute trips for the interchange peak hours.

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



Oregon

Theodore R. Kulongoski, Governor

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

ODOT Case No: 1284

October 26, 2009

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

Attn: Will Harper, Associate Planner

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

Dear Mr. Will Harper,

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

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

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

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

Attachments:  
ODOT October 26, 2009-Letter  
ODOT January 14, 2010-Letter

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

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

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

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

Sincerely,



Seth Brumley  
Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation  
CITY OF TUALATIN  
RECEIVED

Region 1  
123 NW Flanders Street  
Portland, OR 97209-4037  
503.731.8200  
FAX 503.731.8259

JAN 14 2010

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

January 14, 2010

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

ATTN: Will Harper, Associate Planner

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

Dear Mr. Harper,

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

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

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

ODOT Case No:

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

Seth Brumley

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

Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic

ODOT Case No:



# Oregon

Theodore R. Kulongoski, Governor

## Oregon Department of Transportation

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

ODOT Case No: 3339

March 8, 2010

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

**CITY OF TUALATIN  
RECEIVED**

**MAR 08 2010**

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

Attn: Will Harper, Associate Planner

Re: PMA-09-03: Legacy Meridian Hospital Zone Change (RL to MC)  
I-5 / SW Nyberg St Interchange

Dear Mr. Will Harper,

In previous comments on the proposed zone change, ODOT requested the City require the applicant to prepare a traffic impact analysis (TIA) in order for ODOT to evaluate whether or not the proposed change would have a significant effect on the I-5/Nyberg Rd interchange per Transportation Planning Rule 060. This request was made based on previous zone change applications in the vicinity of the interchange that presented analysis indicating that the southbound ramp terminal was approaching the Oregon Highway Plan mobility standard of .85 volume to capacity ratio for the peak hours. The previous analyses indicate that additional trips in the peak hours could potentially significantly effect the southbound interchange ramp terminal intersection. Therefore, reducing peak hour trips to the interchange would alleviate the potential for a significant effect at the interchange.

The existing hospital development should be in compliance with the Employee Commute Options Program OAR 340-242-0010-0290 administered by Oregon DEQ. The DEQ website states: "The ECO rules (OAR 340-242-0010 through 0290), affect employers in the Portland area with more than 100 employees reporting to a work site. Affected employers must provide incentives for employee use of alternative commute options. The incentives must have the potential to reduce commute trips to the work site by ten percent from an established baseline." The target auto trip reduction rate established through the approved "Auto Trip Reduction Plan" for the existing hospital must be maintained for the proposed hospital expansion.

The applicant's narrative addressing Goal 13: Energy Conservation, explains that by allowing the hospital expansion efficiencies of scale can be obtained by concentrating employees at a larger facility creating a benefit for an effective employee commute program. An effective employee commute program in the interchange peak hours would be an effective mechanism to address Goal 12: Transportation and the Transportation Planning Rule 060. ODOT recommends the City work with the applicant and the department to develop conditions for the zone change that include trip reduction strategies for the interchange peak hours resulting in a finding of no significant effect on the interchange.

Sincerely,

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

Seth Brumley  
Development Review Planner

C: Mark Vandehey P.E., Kittelson & Associates, Inc  
Elaine Smith, ODOT Region 1 Planning Manager  
Marah Danielson, ODOT Region 1 Planning

## ATTACHMENT J

### PMA-09-03

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Legacy Meridian Park Medical Center

As one of Tualatin's largest employers and the only hospital in the community, Legacy Meridian Park Medical Center wants to plan for future growth to provide the highest level of medical care available as well as to bring quality jobs to the community.

The 20 acres to the east of the current campus is currently zoned for Low Density Residential development. Legacy has applied to have the City of Tualatin change the zoning to Medical Center development in order to match the current campus zoning.

There are no imminent building plans for the property and Legacy is seeking the medical zone designation at this time to allow predictability for both the hospital and the neighborhood on how the property will be used in the future.

Legacy Meridian Park Medical Center has and will continue to make every effort to protect the integrity of the adjacent neighborhood as it enters into any future building plans for the property.

The Tualatin City Council wants to hear from the community before their vote on July 12, 2010. If you support Legacy Meridian Park Medical Center's efforts to plan for the future, please use the attached comment card to express your views. The cards can be dropped off in the Community Health Information Center.

Thank you for your continued support.



# Save the Date

## Plan to attend for questions about rezoning

Neighbors and those in the community are invited to come by an open house at Legacy Meridian Park Medical Center.

Come learn the details of the proposed rezoning of part of the Legacy Meridian Park Medical Center campus. More importantly, come ask your questions and give us your feedback about the rezoning proposal.

We will hold additional open house meetings in May and June; we will announce those dates when they are finalized.

*We look forward to hearing from you.*



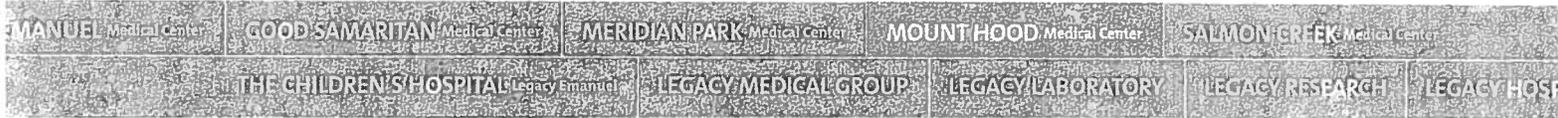
### Save the Date Open House

**Tuesday, April 27, 2010**

Drop by anytime from 6 to 8 p.m.  
Community Health Education Center  
Legacy Meridian Park Medical Center

For more information about the open house, please call the Community Relations office at Legacy Meridian Park, 503-692-2193.

[www.legacyhealth.org](http://www.legacyhealth.org)



Legacy Meridian Park Hospital  
19300 S.W. 65th Ave.  
Tualatin, OR 97062

## **Learn More, Ask Questions, Tell Us What You Think We're Listening**

Proposed Rezoning Open House  
Legacy Meridian Park Medical Center

Come learn about the details of the proposed rezoning of part of the Legacy Meridian Park Medical Center campus. More importantly, come ask your questions and give us your feedback about the rezoning proposal.

**Tuesday, May 25, 2010  
1:00 pm to 3:00 pm  
Community Health Education Center  
Legacy Meridian Park Medical Center**

If you can not attend this Open House, we will be doing an additional open house on Tuesday, June 8 from 6:00 pm to 8:00 pm in the Community Health Education Center. We look forward to hearing from you.

For more information about the Open House, please call the Legacy Meridian Park Medical Center Community Relations office at **503-692-2193**.



## **FACT SHEET**

The rezoning of the 20-acre site from residential to medical center zoning creates consistent zoning with the entire Legacy Meridian Park Medical Center campus.

While there will likely be growth in the future, Legacy Meridian Park Medical Center has no plans to develop the property at this time, and no funding has been earmarked for expansion or growth on the property being rezoned.

Having the property rezoned now allows both Legacy Meridian Park Medical Center and the adjoining neighbors to have predictability for any future development.

While there are no plans for development at this time, it is likely that any future development will be medical office buildings, which are typically open during normal business hours and closed at night and on weekends.

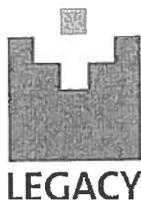
When the first building is developed on the property, earthen berms with dense evergreen tree and shrub landscaping will be placed along the east perimeter of the property in order to create a buffer with adjoining residential developments.

Any buildings developed on the site will be subject to certain setback and height restrictions. For example buildings at the maximum setback will be limited to a 75 foot height.

Any buildings will be subject to the City's architectural review in order to ensure that the design and materials are compatible with the neighborhood and current campus.

Legacy Meridian Park Medical Center will provide a minimum 20 foot setback from the property line to any parking area, and a minimum 50 foot buffer zone on the south and east boundaries in order to protect the existing stand of mature trees.

Legacy Meridian Park Medical Center will provide adequate on-site parking away from city streets.

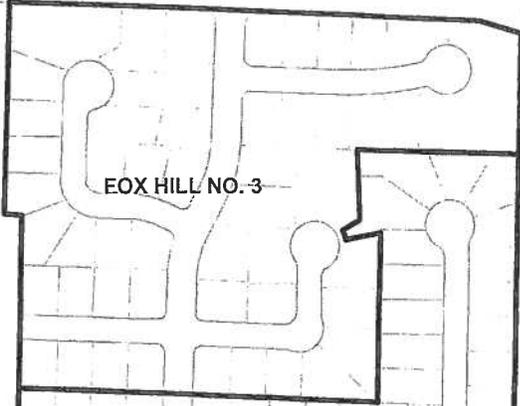
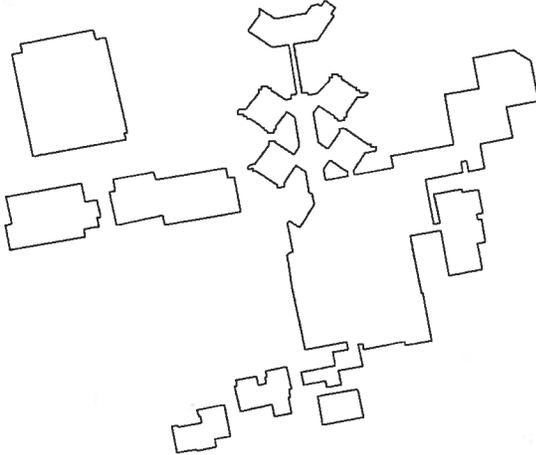


Access to buildings developed in the future will be from any of the four current Legacy Meridian Park Medical Center access points, as well as a new access point on SW Borland Road.

Legacy Meridian Park Medical Center does not plan to allow through traffic onto adjacent streets on the eastern perimeter of the property unless required by the City. Tualatin Valley Fire and Rescue may require emergency access, depending on the type and design of buildings on the site.

Legacy Meridian Park Medical Center will create pedestrian access on the eastern perimeter to allow neighbors to use future paths and trails connecting to the Nyberg Creek wetlands.

# Legacy Meridian Park Hospital



OWNERADDR	OWNERCITY	OWNERSTA	OWNERZIP	SUBDIVISION NAME
5719 SW CALUSA LOOP	TUALATIN	OR	97062-9758	FOX HILL NO. 1
5716 SW CALUSA LOOP	TUALATIN	OR	97062-9757	FOX HILL NO. 1
5712 SW CALUSA LOOP	TUALATIN	OR	97062-9757	FOX HILL NO. 1
5670 SW POWHATAN AVE	TUALATIN	OR	97062-9759	KAITLIN PARK
19800 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19780 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19770 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19750 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19740 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19730 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19720 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19710 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	KAITLIN PARK
5733 SW NATCHEZ ST	TUALATIN	OR	97062-9770	FOX HILL NO. 2
5740 SW NATCHEZ ST	TUALATIN	OR	97062-9769	FOX HILL NO. 2
5736 SW NATCHEZ ST	TUALATIN	OR	97062-9769	FOX HILL NO. 2
5714 SW NATCHEZ ST	TUALATIN	OR	97062-9769	FOX HILL NO. 2
5705 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5719 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5727 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5753 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5769 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5722 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5716 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5704 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
5630 SW WICHITA ST	TUALATIN	OR	97062-8790	FOX HILL NO. 3
19260 SW 56TH PL	TUALATIN	OR	97062-6727	FOX HILL NO. 3
19240 SW 56TH PL	TUALATIN	OR	97062-6727	FOX HILL NO. 3
19120 SW 56TH PL	TUALATIN	OR	97062-6728	FOX HILL NO. 3
5645 SW WICHITA ST	TUALATIN	OR	97062-8790	FOX HILL NO. 3
19220 SW 57TH AVE	TUALATIN	OR	97062-8797	FOX HILL NO. 3
19110 SW 57TH AVE	TUALATIN	OR	97062-8796	FOX HILL NO. 3
5488 SW JOSHUA ST	TUALATIN	OR	97062-9771	FOX HILL NO. 2
5511 SW JOSHUA ST	TUALATIN	OR	97062-9773	FOX HILL NO. 2
5545 SW JOSHUA ST	TUALATIN	OR	97062-9773	FOX HILL NO. 2
5604 SW NATCHEZ ST	TUALATIN	OR	97062-9767	FOX HILL NO. 2
5566 SW NATCHEZ ST	TUALATIN	OR	97062-9767	FOX HILL NO. 2
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19242 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19198 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19150 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19181 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19205 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19227 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2

19259 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
5531 SW NATCHEZ ST	TUALATIN	OR	97062-6705	FOX HILL NO. 2
5599 SW NATCHEZ ST	TUALATIN	OR	97062-6705	FOX HILL NO. 2
5615 SW NATCHEZ ST	TUALATIN	OR	97062-6704	FOX HILL NO. 2
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19577 SW 56TH CT	TUALATIN	OR	97062-9705	FOX HILL NO. 1
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19683 SW 57TH AVE	TUALATIN	OR	97062-9756	FOX HILL NO. 1
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6 OAK CT	SUNNYVALE	CA	94086-5159	FOX HILL NO. 1
5743 SW CALUSA LOOP	TUALATIN	OR	97062-9758	FOX HILL NO. 1
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PO BOX 1606	TUALATIN	OR	97062-1606	FOX HILL NO. 3
5885 SW WICHITA ST	TUALATIN	OR	97062-7701	FOX HILL NO. 3
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15200 BANGY RD	LAKE OSWEGO	OR	97035-3204	FOX HILL NO. 1
19776 SW 57TH AVE	TUALATIN	OR	97062-6701	FOX HILL NO. 1
19752 SW 57TH AVE	TUALATIN	OR	97062-6701	FOX HILL NO. 1
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5567 SW JOSHUA ST	TUALATIN	OR	97062-9773	FOX HILL NO. 2
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5738 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
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19715 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
0836 SW CURRY ST UNIT 1500	PORTLAND	OR	97239-4529	KAITLIN PARK
5756 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
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18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	KAITLIN PARK
5741 SW JOSHUA ST	TUALATIN	OR	97062-9774	FOX HILL NO. 2
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5631 SW NATCHEZ ST	TUALATIN	OR	97062-6704	FOX HILL NO. 2
5734 SW CALUSA LOOP	TUALATIN	OR	97062-9757	FOX HILL NO. 1
19095 SW MOBILE PL	TUALATIN	OR	97062-7736	FOX HILL NO. 3
19656 SW 57TH AVE	TUALATIN	OR	97062-6703	FOX HILL NO. 1
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5552 SW JOSHUA ST	TUALATIN	OR	97062-9772	FOX HILL NO. 2
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19169 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
9700 SW IOWA DR	TUALATIN	OR	97062-7350	FOX HILL NO. 1
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19795 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
5477 SW JOSHUA ST	TUALATIN	OR	97062-9785	FOX HILL NO. 2
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19565 SW 57TH AVE	TUALATIN	OR	97062-7733	FOX HILL NO. 1
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5650 SW OMAHA CT	TUALATIN	OR	97062-7737	FOX HILL NO. 3
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5615 SW OMAHA CT	TUALATIN	OR	97062-8792	FOX HILL NO. 3
19275 SW MOBILE PL	TUALATIN	OR	97062-8793	FOX HILL NO. 3
19760 SW 56TH CT	TUALATIN	OR	97062-9706	KAITLIN PARK
19650 SW 56TH CT	TUALATIN	OR	97062-9730	KAITLIN PARK
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5630 SW POWHATAN AVE	TUALATIN	OR	97062-9759	KAITLIN PARK
5523 SW JOSHUA ST	TUALATIN	OR	97062-9773	FOX HILL NO. 2
5790 SW CALUSA LOOP	TUALATIN	OR	97062-9757	FOX HILL NO. 1
PO BOX 36	TUALATIN	OR	97062-0036	KAITLIN PARK
19270 SW 57TH AVE	TUALATIN	OR	97062-8797	FOX HILL NO. 3
19150 SW 57TH AVE	TUALATIN	OR	97062-8796	FOX HILL NO. 3
19304 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
5573 SW NATCHEZ ST	TUALATIN	OR	97062-6705	FOX HILL NO. 2
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PO BOX 1925	WILSONVILLE	OR	97070-1925	KAITLIN PARK
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5870 SW WICHITA ST	TUALATIN	OR	97062-7701	FOX HILL NO. 3

5680 SW WICHITA ST	TUALATIN	OR	97062-8790	FOX HILL NO. 3
19174 SW 55TH CT	TUALATIN	OR	97062-9763	FOX HILL NO. 2
19065 SW MOBILE PL	TUALATIN	OR	97062-7736	FOX HILL NO. 3
19220 SW MOBILE PL	TUALATIN	OR	97062-8793	FOX HILL NO. 3
5670 SW OMAHA CT	TUALATIN	OR	97062-7737	FOX HILL NO. 3
5737 SW CALUSA LOOP	TUALATIN	OR	97062-9758	FOX HILL NO. 1
5525 SW OMAHA CT	TUALATIN	OR	97062-8792	FOX HILL NO. 3
19025 SW 57TH AVE	TUALATIN	OR	97062-8795	FOX HILL NO. 3
6005 SW SEQUOIA DR	TUALATIN	OR	97062-6836	SEQUOIA RIDGE
6015 SW SEQUOIA DR	TUALATIN	OR	97062-6836	SEQUOIA RIDGE
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6065 SW SEQUOIA DR	TUALATIN	OR	97062-6833	SEQUOIA RIDGE
4525 SW NATCHEZ CT	TUALATIN	OR	97062-8769	SEQUOIA RIDGE
6083 SW SEQUOIA DR	TUALATIN	OR	97062-6833	SEQUOIA RIDGE
6085 SW SEQUOIA DR	TUALATIN	OR	97062-6833	SEQUOIA RIDGE
6070 SW PORT ORFORD ST	TUALATIN	OR	97062-6837	SEQUOIA RIDGE
6050 SW PORT ORFORD ST	TUALATIN	OR	97062-6837	SEQUOIA RIDGE
6058 SW SEQUOIA DR	TUALATIN	OR	97062-6836	SEQUOIA RIDGE
6050 SW SEQUOIA DR	TUALATIN	OR	97062-6836	SEQUOIA RIDGE
19975 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
19985 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
20035 SW 60TH AVE	TUALATIN	OR	97062-6839	SEQUOIA RIDGE
20095 SW 60TH AVE	TUALATIN	OR	97062-6839	SEQUOIA RIDGE
20080 SW 60TH AVE	TUALATIN	OR	97062-6839	SEQUOIA RIDGE
20050 SW 60TH AVE	TUALATIN	OR	97062-6839	SEQUOIA RIDGE
19980 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
19970 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
19960 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
5980 SW SEQUOIA DR	TUALATIN	OR	97062-6852	SEQUOIA RIDGE
19995 SW 59TH TER	TUALATIN	OR	97062-6840	SEQUOIA RIDGE
20020 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
20000 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
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19910 SW 59TH TER	TUALATIN	OR	97062-6840	SEQUOIA RIDGE
19955 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
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20025 SW 58TH TER	TUALATIN	OR	97062-6848	SEQUOIA RIDGE
20075 SW 58TH TER	TUALATIN	OR	97062-6843	SEQUOIA RIDGE
5860 SW PORT ORFORD ST	TUALATIN	OR	97062-6842	SEQUOIA RIDGE
5820 SW PORT ORFORD ST	TUALATIN	OR	97062-6842	SEQUOIA RIDGE
5800 SW PORT ORFORD ST	TUALATIN	OR	97062-6842	SEQUOIA RIDGE
20080 SW 58TH TER	TUALATIN	OR	97062-6843	SEQUOIA RIDGE
20050 SW 58TH TER	TUALATIN	OR	97062-6843	SEQUOIA RIDGE
19980 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE

5775 SW SEQUOIA DR	TUALATIN	OR	97062-6853	SEQUOIA RIDGE
5825 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
5865 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
5915 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
5955 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	SEQUOIA RIDGE
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	SEQUOIA RIDGE
6090 SW PORT ORFORD ST	TUALATIN	OR	97062-6837	SEQUOIA RIDGE
6070 SW SEQUOIA DR	TUALATIN	OR	97062-6833	SEQUOIA RIDGE
20015 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
20035 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
20070 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
6060 SW SEQUOIA DR	TUALATIN	OR	97062-6833	SEQUOIA RIDGE
19905 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
19935 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
5995 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	SEQUOIA RIDGE
19975 SW 59TH TER	TUALATIN	OR	97062-6840	SEQUOIA RIDGE
20045 SW 58TH TER	TUALATIN	OR	97062-6843	SEQUOIA RIDGE
5840 SW PORT ORFORD ST	TUALATIN	OR	97062-6842	SEQUOIA RIDGE
19925 SW 60TH AVE	TUALATIN	OR	97062-6838	SEQUOIA RIDGE
3 MONROE PKWY STE P429	LAKE OSWEGO	OR	97035-1486	SEQUOIA RIDGE
19930 SW 59TH TER	TUALATIN	OR	97062-6840	SEQUOIA RIDGE
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	SEQUOIA RIDGE
11044 SW 113TH TER	TIGARD	OR	97223-4262	SEQUOIA RIDGE
20040 SW 59TH TER	TUALATIN	OR	97062-6841	SEQUOIA RIDGE
19965 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
20130 SW 58TH TER	TUALATIN	OR	97062-6845	SEQUOIA RIDGE
20065 SW 60TH AVE	TUALATIN	OR	97062-6839	SEQUOIA RIDGE
19940 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
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9549 SW IOWA DR	TUALATIN	OR	97062-7367	SEQUOIA RIDGE
5795 SW SEQUOIA DR	TUALATIN	OR	97062-6853	SEQUOIA RIDGE
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10709 SW LONDON LN	WILSONVILLE	OR	97070-3029	SEQUOIA RIDGE
19945 SW 59TH TER	TUALATIN	OR	97062-6840	SEQUOIA RIDGE
5805 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
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19920 SW 58TH TER	TUALATIN	OR	97062-6844	SEQUOIA RIDGE
5845 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
20030 SW 58TH TER	TUALATIN	OR	97062-6848	SEQUOIA RIDGE

5885 SW SEQUOIA DR	TUALATIN	OR	97062-6854	SEQUOIA RIDGE
5707 SW SEQUOIA DR	TUALATIN	OR	97062-6865	VENETIA NO. 1
5689 SW SEQUOIA DR	TUALATIN	OR	97062-6864	VENETIA NO. 1
6030 FROST LN	LAKE OSWEGO	OR	97035-4587	VENETIA NO. 1
5643 SW SEQUOIA DR	TUALATIN	OR	97062-6864	VENETIA NO. 1
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5523 SW SEQUOIA DR	TUALATIN	OR	97062-9734	VENETIA NO. 1
20062 SW 56TH AVE	TUALATIN	OR	97062-6869	VENETIA NO. 1
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5649 SW LEE ST	TUALATIN	OR	97062-6867	VENETIA NO. 1
5682 SW LEE ST	TUALATIN	OR	97062-6867	VENETIA NO. 1
5700 SW LEE ST	TUALATIN	OR	97062-6870	VENETIA NO. 1
20083 SW 57TH TER	TUALATIN	OR	97062-6866	VENETIA NO. 1
20067 SW 57TH TER	TUALATIN	OR	97062-6866	VENETIA NO. 1
5671 SW SEQUOIA DR	TUALATIN	OR	97062-6864	VENETIA NO. 1
5664 SW SEQUOIA DR	TUALATIN	OR	97062-6864	VENETIA NO. 1
173 PLAIN RD	WAYLAND	MA	01778-2424	VENETIA NO. 1
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	VENETIA NO. 1
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5741 SW SEQUOIA DR	TUALATIN	OR	97062-6865	VENETIA NO. 1
20029 SW 57TH TER	TUALATIN	OR	97062-6866	VENETIA NO. 1
5639 SW SEQUOIA DR	TUALATIN	OR	97062-6864	VENETIA NO. 1
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18880 SW MARTINAZZI AVE	TUALATIN	OR	97062-7092	VENETIA NO. 1
5696 SW LEE ST	TUALATIN	OR	97062-6867	VENETIA NO. 1
20041 SW 57TH TER	TUALATIN	OR	97062-6866	VENETIA NO. 1



# CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

(PLEASE PRINT CLEARLY)							
Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments			
1. Mike Hefley	19730 SW 56th CT	Mcheffley@gmail.com	---				
2. Debi Lawrence	Tigard, OR	debi@mithcharter school.org	Mitch Charter	Mith Charter School			
3. Shaina Hildreth	9355 SW Grinnault	shildreth@ reason.net	Mitch Charter	Mith Charter School			
4. Joel Smith	Tualatin	joel@lakebible.org	Mitch Charter	Mith Charter School			
5. Colleen DeAchey	11	KathyRwall@reachinc		There are 2 they share			
6. <del>Dale Strotz</del>	<del>8655 SW Grinnault</del>						
7. Kathy Neenan			North Tualatin Fire	Urban Renewal Buck's Park			
8. BRIAN KILIN	Tualatin			Hospital Zone			



# CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1. Barbara Franczak	19135 SUDSD2nd Court	gfranz2@earthlink.net	Hospital	
2. Lori Kellogg	10425 SW Kinross Trail	lori_kellogg@ohiohospital.com	MTHS	
3. David Lillard	5728 SW Natchez St	davidlillard@yahoo.com	Hospital	
4. Cathy Holland	10740 SW Kinross Dr	c.holland73@gmail.com	Urban Renewal -	Carnacasd.net Bridge

- 5.
- 6.
- 7.
- 8.



# CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

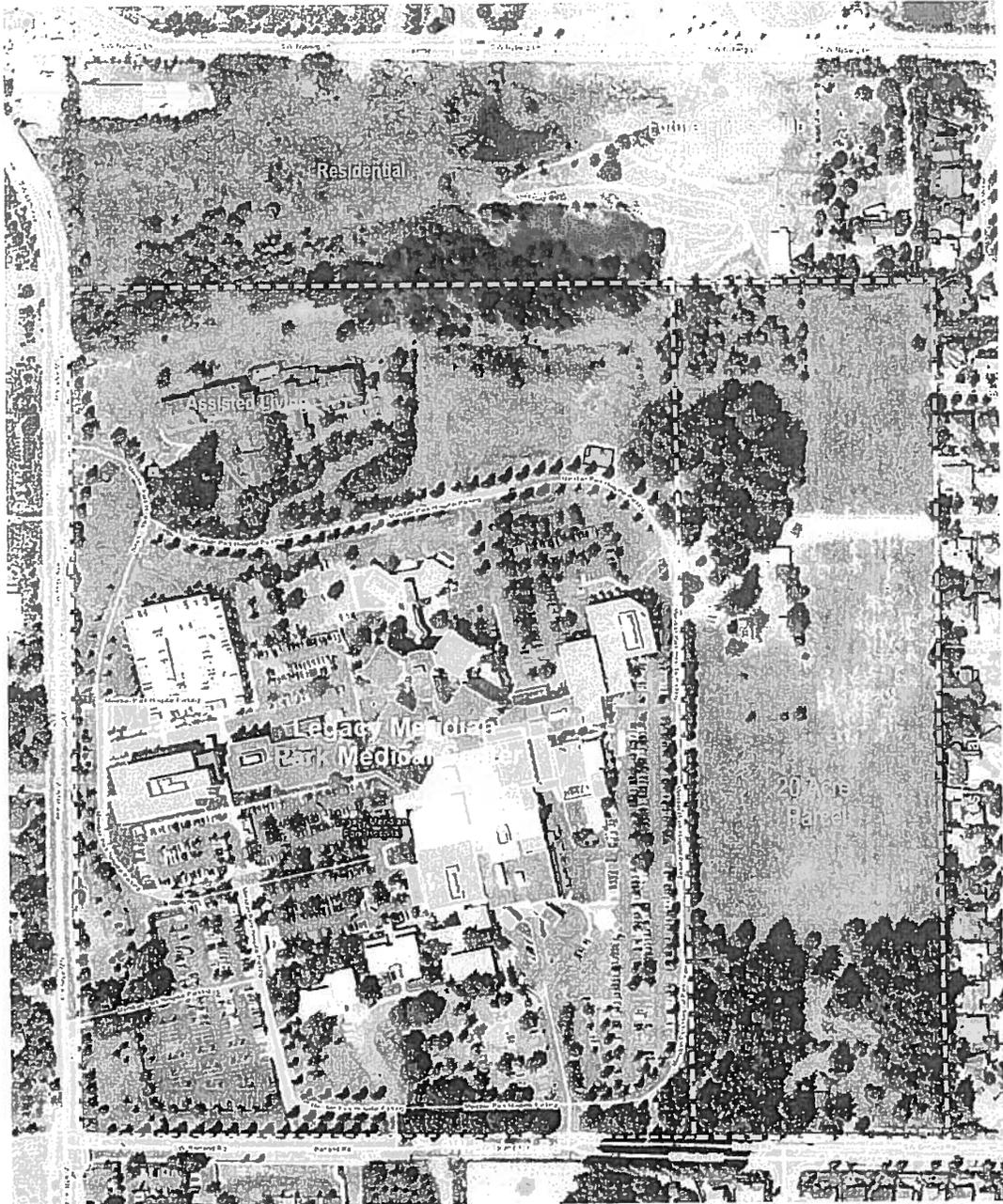
LIMIT TESTIMONY TO THREE MINUTES

(PLEASE PRINT CLEARLY)					
Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments	
1. Stephen Titus	10170 SW SEDLAK CT			Citizen Comments	
2. Ed Bartlett	10200 SW Anderson Ct			Tuesday Day Council Citizen comments Tual. David. Comm.	
3. JOEY SMITH	2233S SW MANDAN		M.I.T.C.H. CHARTER SCHOOL BOARD	F. 2.	
4. <del>TIA</del> Allison	5753 SW Joshua St			Zone Change	
5. Nancy Gerries	19910 SW 56 <sup>th</sup> Ct			ZONE CHANGE	
6. <del>JOEY SMITH</del>					
7. TIM THROSBURG	19291 SW CHESTERMERE	Tim Throsburg @ Comcast.net		Zone Change	
8. Paul Peterson	19338 SW 55 <sup>th</sup> Ct				

## Community Sign In Sheet

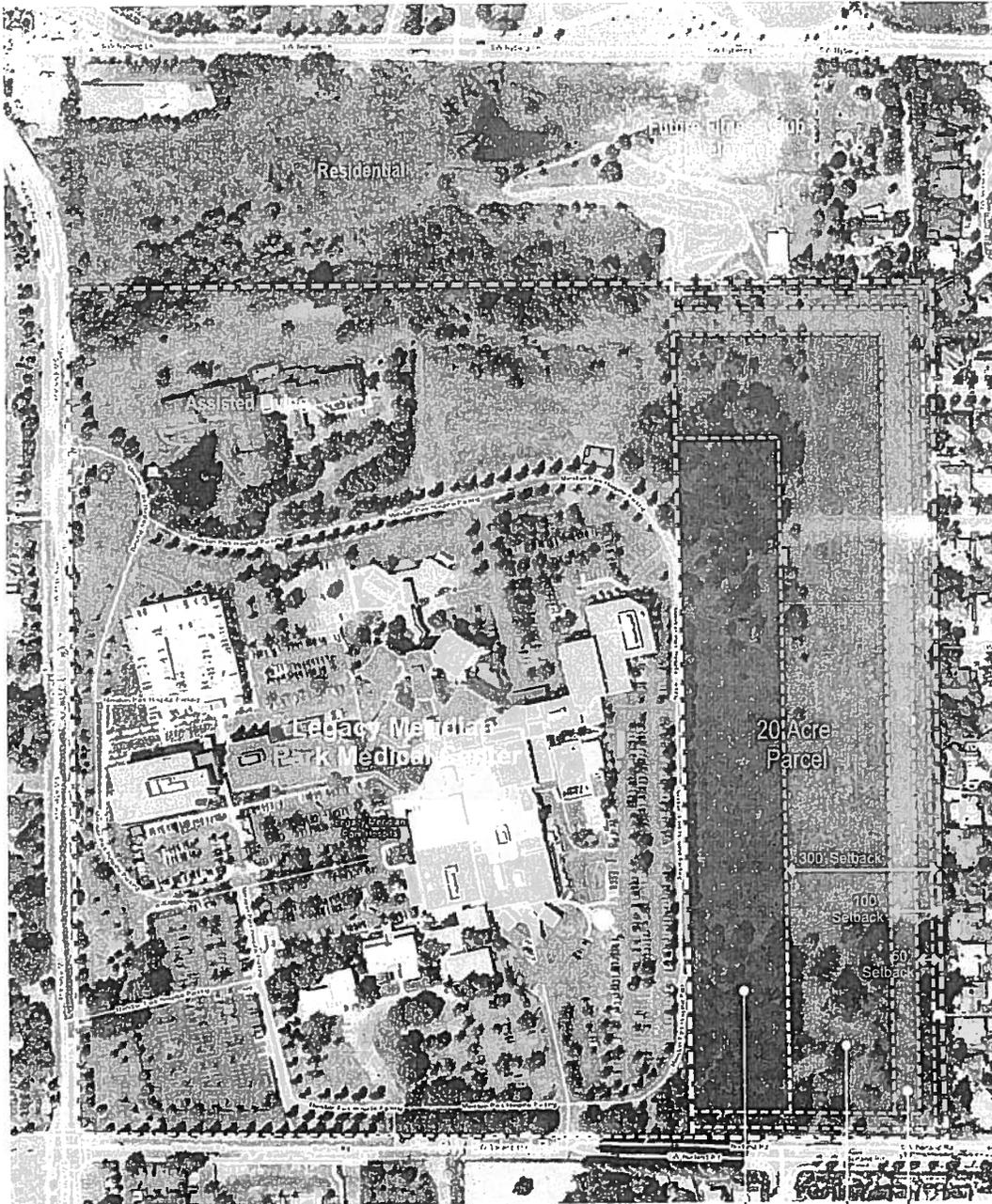
Please check below  
to be added to mailing list

Name	Address	Phone Number	Email Address	
Mike Monahan	2743 SW Calusa, Tualatin, OR 97062	503-819-3338	katkwik@aol.com	✓
Tim Thornburg	19291 SW Chesapeake, Tualatin, OR 97062	503-612-9493	timthornburg@comcast.net	✓
Steve Wheeler	5326 SW Natchez St., Tualatin, OR 97062	503-691-1077	spiewheeler@comcast.net	✓
Paul Sivley	5190 SW Whichita, Tualatin, OR 97062	503-502-3385	p.sivley@comcast.net	✓
Bjorn S. G	5716 SW Joshua Street, Tualatin, OR 97062	503-692-4210	bigall@gmail.com	✓
J. Waldron			Marylee16@hotmail.com	✓
John and Mary Grammel	19565 SW 57 <sup>th</sup> Ave, Tualatin, OR 97062	503-692-0670	Jandm.grammel@verizon.net	✓
Eric Barber				✓
Paul and Vanita Pedersen	19338 SW 55 <sup>th</sup> Court, Tualatin, OR 97062	503-454-0819	Vtpedersen@comcast.net	✓
Jim Zupancic	5335 Meadows, #161, Lake Oswego, OR	503-968-8200	jim@zupgroup.com	✓
Nancy Grimes	19710 SW 56 <sup>th</sup> Court, Tualatin, OR 97062	503-454-0272	sandngrimes@excite.com	✓
Doug Bowen	5695 SW Powhatan Ave, Tualatin, OR 97062	503-691-2148	dbowen@lcmnsn.com	✓
Kathe Monroe	6025 SW Sequoia Drive, Tualatin, OR 97062	503-803-5555	kathermonroe@gmail.com	✓
Mark Coolican	19050 SW Mobile Place		Coolicanm1@aol.com	✓
Angela Wrantz	19155 SW Mobile Place	503-692-5123	Angela.wrantz@comcas.net	✓
Steve and Renee Balsiger	5885 SW Whichita Street	503-691-2665	Renee.balsiger@mercer.com	✓
Kaitlan Monroe	6025 Sequoia Drive, Tualatin, OR 97062			
Mike Reiss	19185 SW Mobile Place	503-692-3911	mikereiss@owens-minor.com	
Linda Mobelt	19181 SW 55 <sup>th</sup> Court	503-692-9621		
Mike and Karen Riley	8720 SW Tualatin Road, #233	503-691-9848	Jmyke2000@comcast.net	✓
Bob Grable	4980 SW Bortland			
Cheri Benson	5915 SW Sequoia Drive	503-885-0243		
Joseph Herzig	5758 SW Calusa Loop	503-516-8292	qizreh@att.net	✓
Todd Allison	5753 SW Joshua		Todd-Allison@IDEM.com	
Mary Lee Tolley				
Sherilyn Lombos	City of Tualatin	503-691-3010		
Doug Rux	City of Tualatin			
Will Harper	City of Tualatin			
Chris Barhyte	Tualatin City Council		chris@barhyte.com	
Ed Truax	Tualatin City Council		edtruax@gmail.com	



Site Plan  
 Scale - 1" = 100'-0"





SW Wichita St.  
 SW Joshua St.  
 SW Natchez St.

20-Acre Parcel

300' Setback  
 100' Setback  
 60' Setback

20' Minimum Setback to Parking Agreed to by LMPC (10' Minimum allowed by MC Zone).

Site Plan - MC Zoning  
 Scale - 1" = 100'-0"



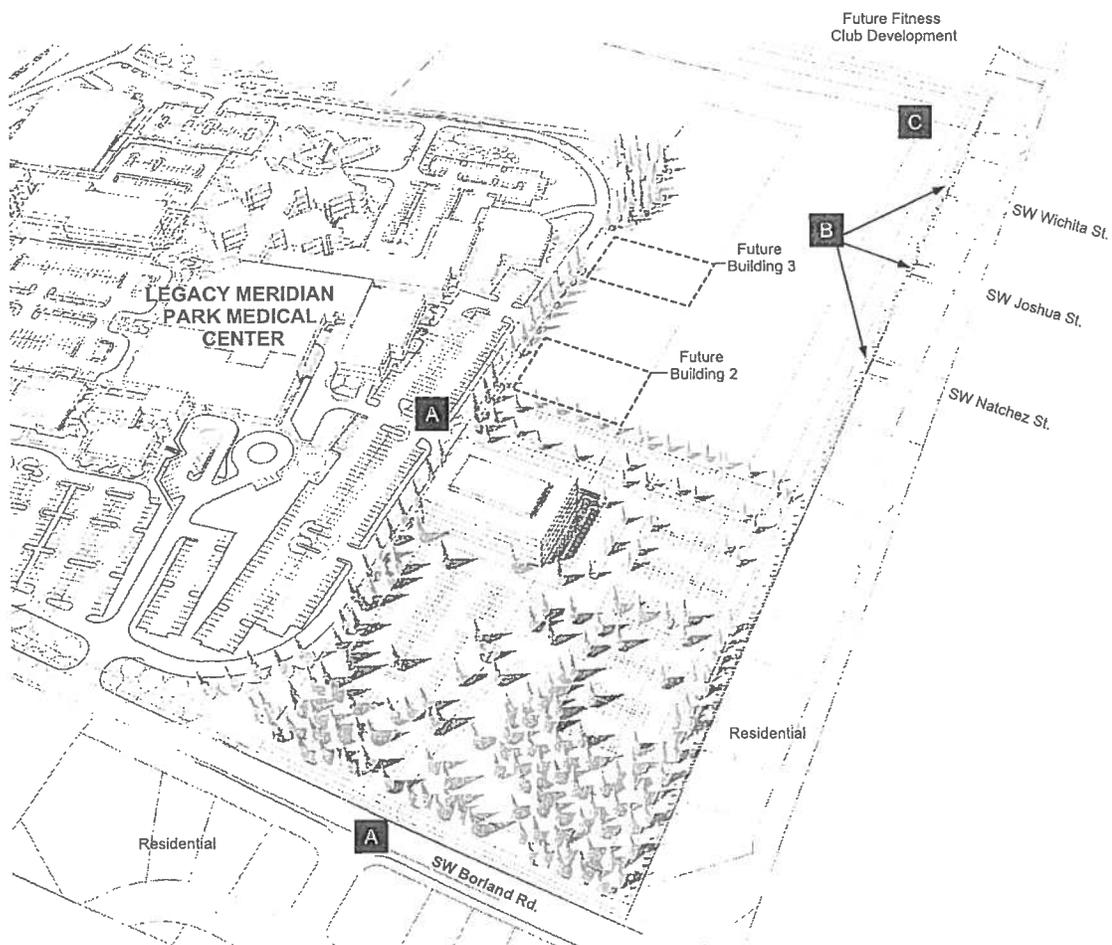
75' Max. at 300' Setback.  
 Height Agreed to by LMPMC.  
 (95' Maximum Height at 300'  
 Setback allowed by MC Zone.)

45' Maximum Height  
 at 100' Setback

25' Maximum Height  
 at 50' Setback

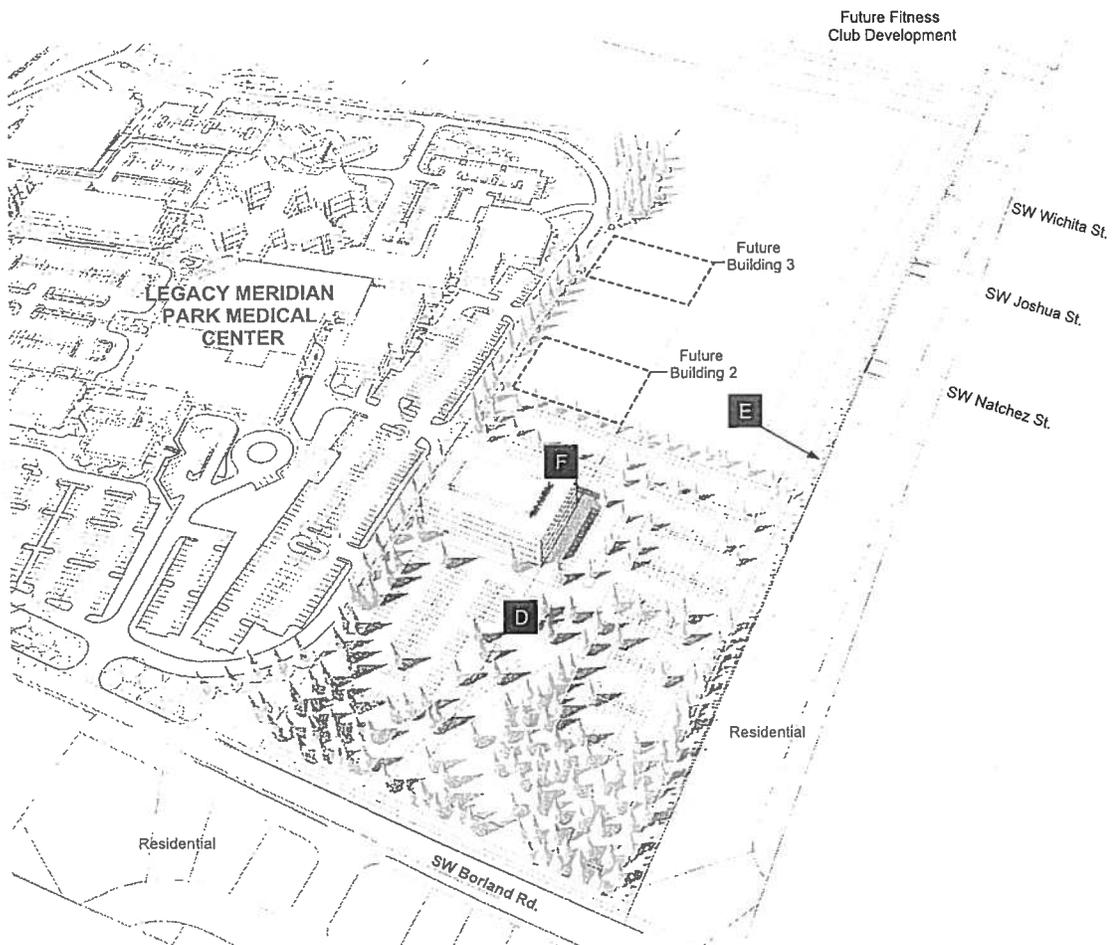
## MEMORANDUM ITEMS

- A** Access may be obtained from one new public street access on SW Borland Road and shared access with existing LMPMC access on SW Borland Rd. and SW 65th Avenue
- B** Restrict direct motor vehicle ingress/egress access to the adjoining SW Joshua, SW Natchez & SW Wichita residential streets on east except for emergency access as required.
- C** Provide pedestrian access between the Legacy property and LMPMC to adjoining public streets and encourage connections to a future path or trail system on the nearby Stafford Hills Racquet & Fitness Club and Nyberg Creek wetlands (located to the north)



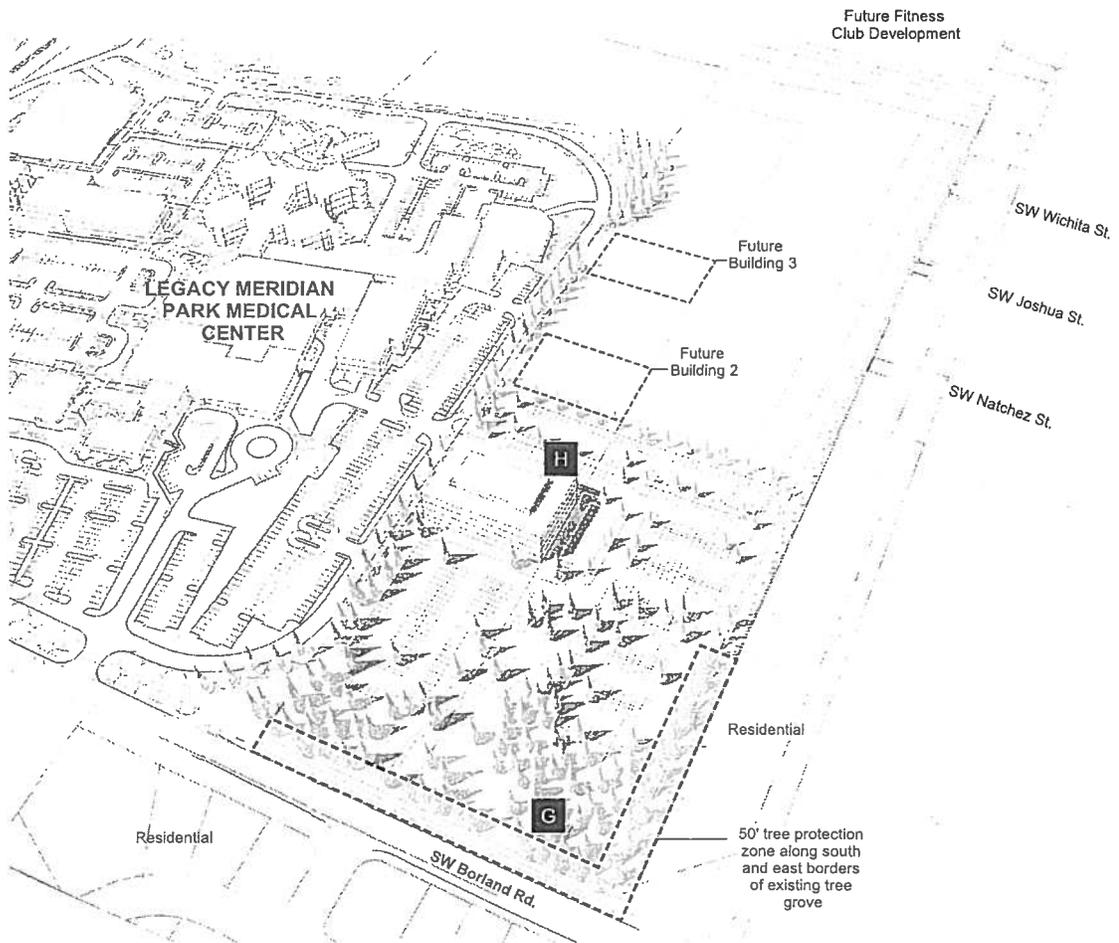
## MEMORANDUM ITEMS

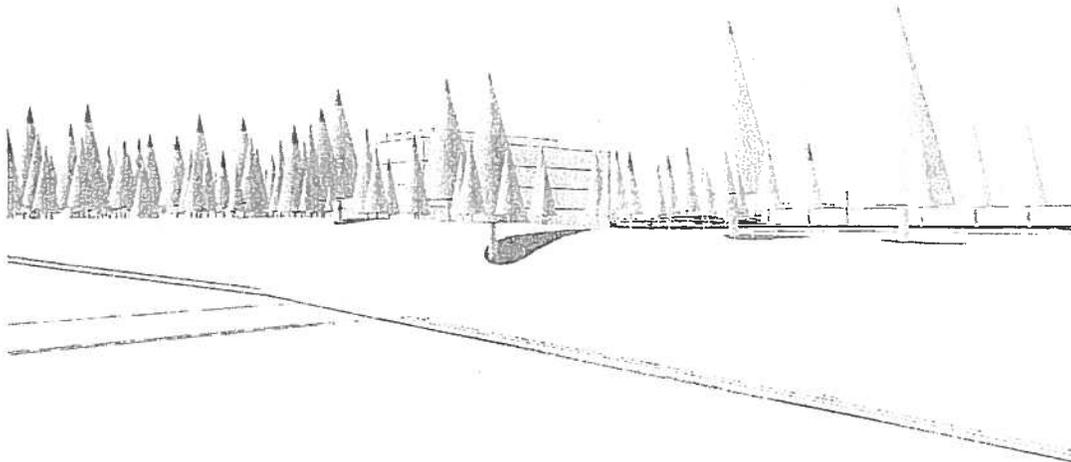
- D** Provide adequate on-site parking and place parking away from public streets.
- E** When the first building is developed on the Property, provide landscape berms with dense evergreen tree & shrub landscaping on the property's east perimeter to create a buffer to adjoining residential development.
- F** Building design compatible with nearby residential and medical center development.



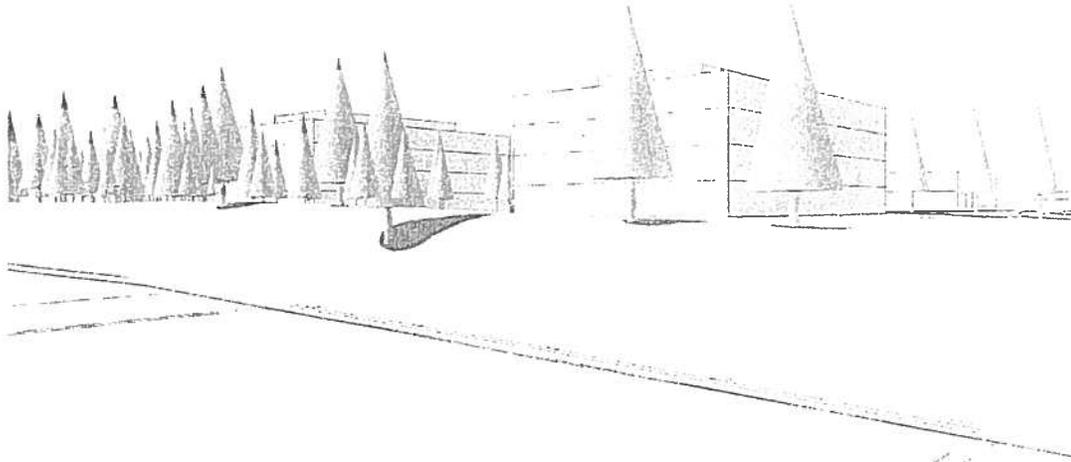
## MEMORANDUM ITEMS

- G** Provide a minimum of 20 foot setback from property line to parking area (10' Minimum permitted under MC Zone) and minimum 50 ft for tree protection on the south and east boundaries, in the tree grove adjoining SW Borland Road.
- H** Limit maximum building height to 75' in the 20-acre parcel. (95' Maximum Height at 300' Setback permitted under MC Zone.)

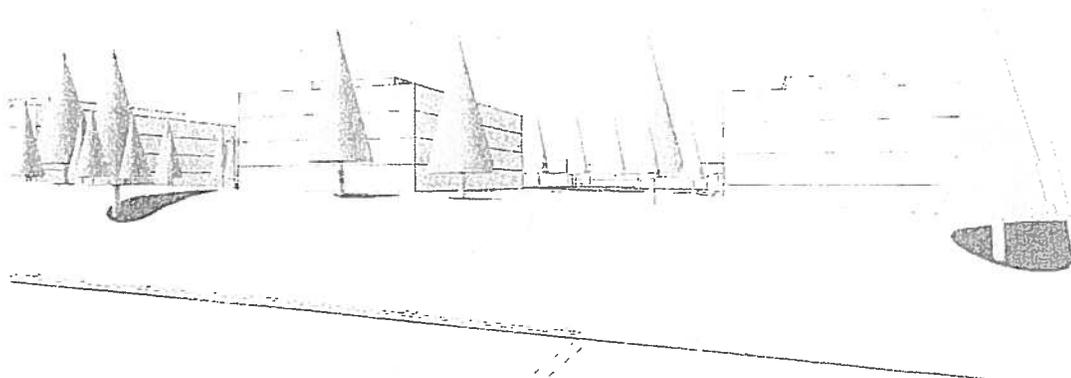




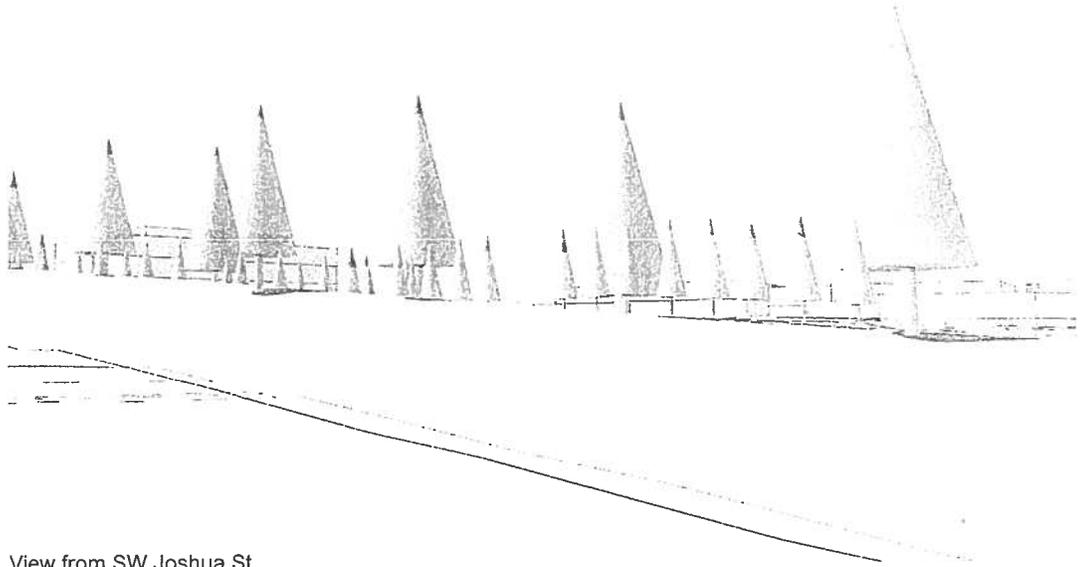
View from SW Natchez St.  
Initial Build-Out.



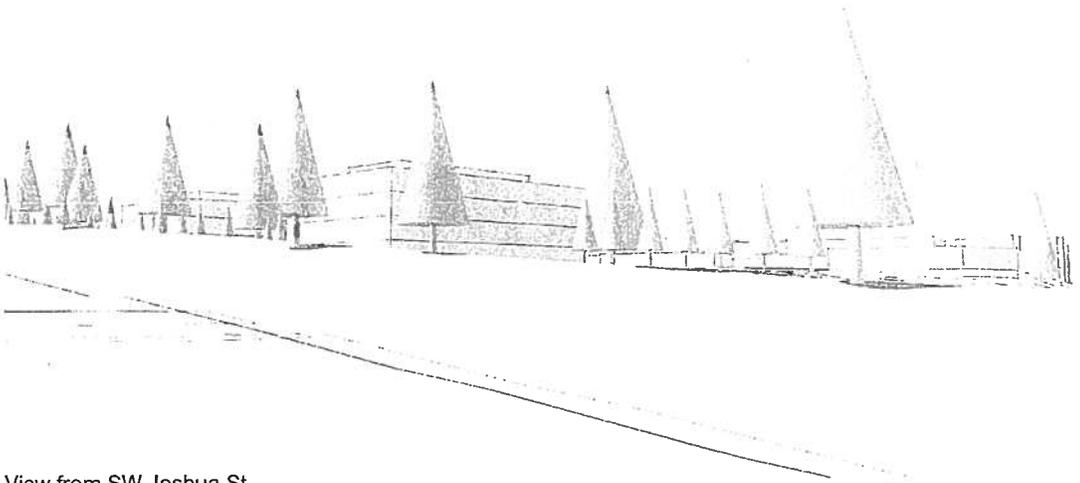
View from SW Natchez St.  
Initial + Building 2



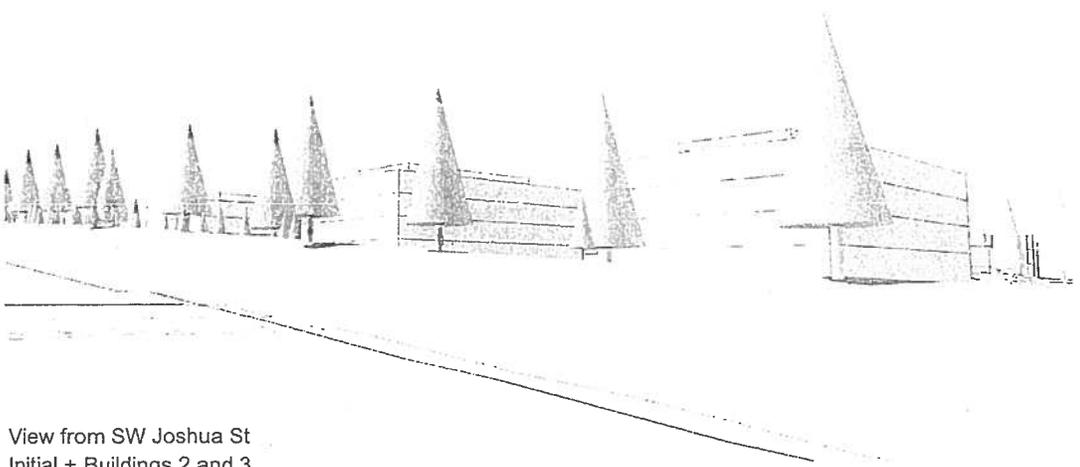
View from SW Natchez St.  
Initial + Buildings 2 and 3



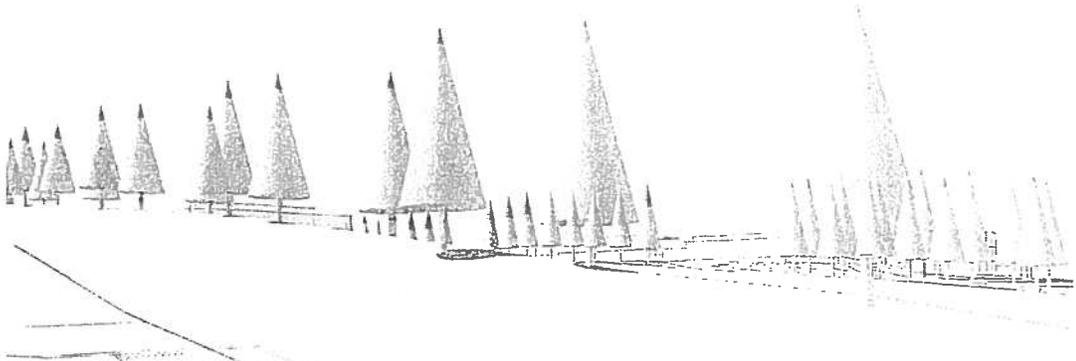
View from SW Joshua St  
Initial Build-Out



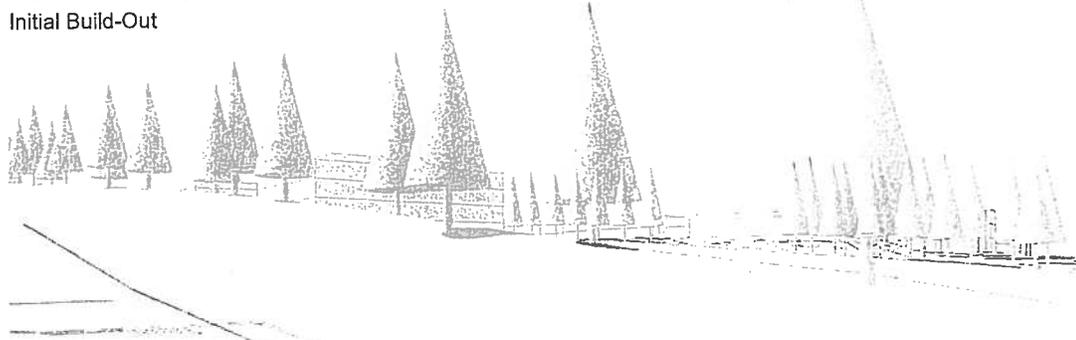
View from SW Joshua St  
Initial + Building 2



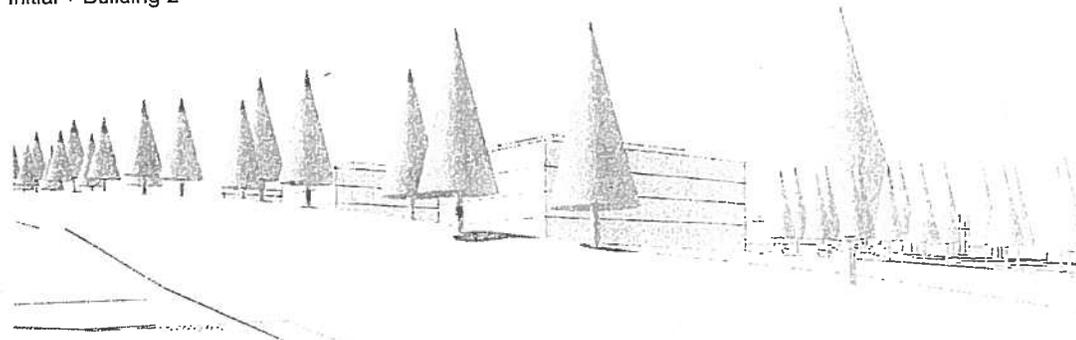
View from SW Joshua St  
Initial + Buildings 2 and 3



View from SW Wichita St  
Initial Build-Out



View from SW Wichita St  
Initial + Building 2



View from SW Wichita St  
Initial + Buildings 2 and 3

## Questions from Community Open-House

*Tuesday, April 27th*

- Can Legacy work with ODOT to direct hospital traffic off I-205 (from Stafford) to I-5?
- Why now?
- Consider showing campus zones so community can have assurance of what Legacy won't do
- What assurance do we have that Legacy will preserve trees and keep skyline?
- What limitations are there to widen Borland?
- Can you ensure that the developer agreements will continue to exist if the hospital sells the land? Can that caveat be added to the development agreement?
- How long should the term of the development agreement be?
- Can we consider including berm and/or further expanding green space (visual)?
- Will there be a traffic light on Borland and 60th?
- Can there be no access off of Borland Road?
- Does Borland need to be widened? We don't want it widened.
- Can the area along the east be widened to 60'-80' for open space and maintained by the City?
- How do you measure building height on a sloped site?
- Can the development agreement restrict access over the length of the term of the agreement from the local residential streets?
- Can the trees at the southeast corner be protected as shown on the drawings?
- Is a development agreement binding on subsequent owners if the property is sold? Will include
- How high is the berm? Can it be higher?
- Can legacy build a trail along the wetlands to the north of their property?

### Comments:

We do not approve of an entrance on Borland Road. Put a light on 65th and enter on the road that is already there. Borland Rd is residential and there are many school children who use it.  
([jandm.grammel@verizon.net](mailto:jandm.grammel@verizon.net))

Traffic will be increased at 60th & Borland. Right now it is extremely difficult to turn left from 60th & Borland. Vision is poor and multiple cars both directions. Request a traffic light. It is also difficult to cross Borland there. Set back from Borland should be greater than 50'. Name: M. Waldron

***Tuesday, May 25<sup>th</sup>***

- Will the new intersection be signalized?
- Does the height of the building including HVAC units on top of the building or is it measured from the top of the last floor?
- Is the 4 foot berm high enough to create visual barrier? What types of trees can be grown on the berm? Will they grow high enough?
- Will the parking lot lighting create light pollution?
- We were told that the traffic impact for any new construction would be 8,000 trips a day? That seems like a lot of new traffic on nearby streets.

Comments:

Legacy has been a good neighbor for many years. Thank you for the community education person, the trail around the site and neighborhood support. I support the planned expansion of the medical center. Bob Gerber.

***Tuesday, June 8<sup>th</sup>***

- Is it possible to build wall on berm? Would Legacy consider a taller berm (example – Novellus)
  - Preference for physical wall/barrier vs. berm
- Can Legacy confirm with Tualatin Valley Fire and Rescue their requirement for access?
- How do the draft development agreement restrictions compare with low den residential?
  - 15 ft from property vs. 300 ft (hospital proposal)
  - 45 ft height house and houses 5 ft apart

Comments:

None

**Tell Us What You Think, Ask Questions...We're Listening**

As a resident of the city of Tualatin I find it important to have quality health care in my community. I am also an employee of MPHC and am proud to support the measures necessary to grow this facility

Yes, please add me to your mailing list for future meetings or events.

Name Beth Hall

Mail/E-mail address bhall@LHS.org



MERIDIAN PARK MEDICAL CENTER

**Tell Us What You Think, Ask Questions...We're Listening**

I feel that Legacy Meridian Park plays a vital role in my community. Allowing for a zoning change to occur on the parcel of land East of the hospital will enable Legacy to continue to plan for future services necessary to provide the quality of care we all have become accustomed to.

Yes, please add me to your mailing list for future meetings or events.

Name Dave Angles

Mail/E-mail address \_\_\_\_\_



MERIDIAN PARK MEDICAL CENTER

## Tell Us What You Think, Ask Questions...We're Listening

I support the zoning change. I live in  
Bridgeway Ridge and would rather see the  
park lot expand rather than more residential  
housing. I trust the hospital to provide some  
type of "landscaping" to the area that would  
current residents.

Yes, please add me to your mailing list for future meetings or events.

Name

Laura H. Lohr

Mail/E-mail address



MERIDIAN PARK  
MEDICAL CENTER

## Tell Us What You Think, Ask Questions...We're Listening

We have lived in Foxhill I for 24 years. Both  
the grade school and hospital have been good  
neighbors.

The plan for the use of our neighboring land  
looks good, especially with the homes and trees.  
However, we see no need for another entrance/  
exit off Boulevard Rd. Please use the entrance  
you already have & consider putting a traffic  
light there. Boulevard can be a very busy road and  
we often have problems exiting 57th at Boulevard.

Yes, please add me to your mailing list for future meetings or events.

Name

already listed with you

Mail/E-mail address



MERIDIAN PARK  
MEDICAL CENTER

**Tell Us What You Think, Ask Questions...We're Listening**

I think rezoning the area would be a great opportunity for legacy to expand its services to the community and employees, with a competitive environment that our hospital is surrounded by. I think that offering more services advanced, technology, space would greatly favor us.

Yes, please add me to your mailing list for future meetings or events.

Name \_\_\_\_\_

Mail/E-mail address \_\_\_\_\_



**MERIDIAN PARK**  
MEDICAL CENTER

**Tell Us What You Think, Ask Questions...We're Listening**

I agree with Legacy's plan for re-zoning of their 20 acres east of campus. As Tualatin's largest employer, Legacy's expansion would only help to create more quality jobs.

Yes, please add me to your mailing list for future meetings or events.

Name \_\_\_\_\_

Mail/E-mail address \_\_\_\_\_



**MERIDIAN PARK**  
MEDICAL CENTER

## Tell Us What You Think, Ask Questions...We're Listening

As a member of the Meridian Park staff, I can definitely see the need to secure this land for future development. The only way to support our growing community is to be able to grow alongside its population. As a resident of Tuakahi, I also can appreciate the concerns of the adjacent neighborhood. I'm confident that Meridian Park will respect these boundaries and work hard to minimize the impact of the surrounding areas.

Yes, please add me to your mailing list for future meetings or events.

Name

Chip Allen - supervisor / rehab sucs

Mail/E-mail address



MERIDIAN PARK  
MEDICAL CENTER

## **Frequently Asked Questions – April 27, 2010**

Here are a number of questions that have already been asked about Legacy Meridian Park Medical Center's rezoning effort. We hope you find these helpful in understanding more about this effort.

### **Why is Legacy Meridian Park Medical Center trying to rezone the 20 acres?**

Currently the property is zoned for residential development, while the rest of the campus is zoned for medical services. Since growth will likely occur at some point in the future, and since Legacy Health is not in the business of building residential developments, we felt it would be best to have consistent medical services zoning throughout the property.

### **Most people apply for rezoning when they plan on doing something with their property. Is Legacy Meridian Park Medical Center planning on building on the 20 acres now?**

At some point in the future Legacy Meridian Park Medical Center will need to grow. When that need will arise, we really don't know. Right now there are no plans to build on the property, and no funds have been earmarked by Legacy Health to grow or expand on the 20 acres.

### **When Legacy Meridian Park Medical Center does develop the property, what will be built?**

Legacy Meridian Park Medical Center has already developed its core hospital, so any development will most likely be medical office buildings. Any development on the property would be linked to the delivery of medical care to the community.

### **What would the size of a building be when development does occur?**

As a part of a draft agreement with the City of Tualatin, Legacy Meridian Park Medical Center has agreed to a set of standards for the property. No building will be any taller than 75 feet. Parking areas and a minimum 20 foot setback will separate any building from the closest homes.

### **Would buildings be open 24-hours a day, seven days a week?**

An overwhelming majority of medical office buildings are only open during normal business hours, and closed at night and on weekends. That means buildings and adjacent parking areas would not be used during off hours, which reduces and minimizes any light or noise that would come from the building.



**I would feel better knowing what is going on the property right now. Will we be able to raise concerns about whether a future building fits into the neighborhood?**

While we don't know what will go on the property right now, Legacy Meridian Park Medical Center has agreed that any development will match the character of the neighborhood and the medical campus. In addition, when we decide to develop the property there are processes in place for people to know what will be built and to offer comments on the design, including the architectural review process.

**What else will Legacy Meridian Park Medical Center do to separate its development from nearby residential neighbors?**

Legacy Meridian Park Medical Center has also agreed to install an earthen berm, along with dense evergreen tree and shrub landscaping to minimize the visual impact of any development. We also have agreed to protect the mature stand of trees that already exist on the property with a 50 foot buffer zone.

**Traffic is always a concern. What kind of traffic impact will new development have on the neighborhood?**

Since we don't know what we will build on the property, we don't know what the traffic impact would be. Any future development does require a traffic study prior to final approval of a project. In addition, we have agreed to provide adequate parking so there will be no need for people coming to the property to park on neighborhood streets.

**Will future development mean new through streets into the Fox Hill neighborhood?**

Legacy Meridian Park Medical Center does not plan to connect to SW Joshua, SW Natchez or SW Wichita, unless we are required to by the City of Tualatin. Our preference is to leave those connections closed. Tualatin Valley Fire and Rescue may require some type of emergency access, depending on the type and design of buildings on the site, but it does not appear it would need to be a through street.

**If traffic will not be coming onto the property from the Fox Hills neighborhood, then how will they access the property?**

Access to the 20 acres could be from any of the four existing entrances off of SW 65<sup>th</sup> and SW Borland Road. An additional access point to any new development will be required off of SW Borland Road.

**The flyer I received said you will hold additional meetings in May and June. When will these be held and will they be the same format?**

Legacy Meridian Park Medical Center will hold two additional Open House meetings. One will be held on Tuesday, May 18<sup>th</sup> from 1:00 pm to 3:00 pm, and one on Thursday, June 10<sup>th</sup> from 6:00 pm to 8:00 pm. These will also be an Open House format with information available to anyone who attends. We will also send out answers to questions that are raised at any of the Open House meetings to people who ask to be added to our contact list.

## **Frequently Asked Questions – May 25, 2010**

Here are a number of questions that have already been asked about Legacy Meridian Park Medical Center's rezoning effort. We hope you find these helpful in understanding more about this effort.

### **Why is Legacy Meridian Park Medical Center trying to rezone the 20 acres?**

Currently the property is zoned for residential development, while the rest of the campus is zoned for medical services. Since growth will likely occur at some point in the future, and since Legacy Health is not in the business of building residential developments, we felt it would be best to have consistent medical services zoning throughout the property.

### **Most people apply for rezoning when they plan on doing something with their property. Is Legacy Meridian Park Medical Center planning on building on the 20 acres now?**

At some point in the future Legacy Meridian Park Medical Center will need to grow. When that need will arise, we really don't know. Right now there are no plans to build on the property, and no funds have been earmarked by Legacy Health to grow or expand on the 20 acres.

### **Why is Legacy Meridian Park Medical Center seeking the rezoning now?**

The answer is simple: predictability, certainty and reduced costs. This rezoning effort will allow the hospital to accurately predict what it can do with the 20 acres in the future when growth is likely to occur. It also allows a certainty about what will go on that land for the hospital for patient care, the City of Tualatin in planning its growth, and for the neighborhood to know what will happen with that acreage.

Most importantly, rezoning the land can help reduce the cost of future development by minimizing costly delays from long, drawn-out land use debates. It is important to understand that every month a project does not move forward means high material and labor costs due to inflation. Knowing what the zoning is now means that building in the future can be done using predictable costs.

### **When Legacy Meridian Park Medical Center does develop the property, what will be built?**

Legacy Meridian Park Medical Center has already developed its core hospital, so any development will most likely be medical office buildings. Any development on the property would be linked to the delivery of medical care to the community.



**What would the size of a building be when development does occur?**

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An overwhelming majority of medical office buildings are only open during normal business hours, and closed at night and on weekends. That means buildings and adjacent parking areas would not be used during off hours, which reduces and minimizes any light or noise that would come from the building.

**How do you measure building height on a sloped site?**

We will measure building heights using the formula used by the City of Tualatin.

**Is there a way to ensure that the development agreement stays in effect if Legacy Meridian Park Medical Center sells the land?**

We can add a provision to the development agreement that ensures any current or future property owner is required to follow the terms laid out in the agreement.

**How long will the draft development agreement be in effect?**

The draft development agreement has a term of 30 years

**I would feel better knowing what is going on the property right now. Will we be able to raise concerns about whether a future building fits into the neighborhood?**

While we don't know what will go on the property right now, Legacy Meridian Park Medical Center has agreed that any development will match the character of the neighborhood and the medical campus. In addition, when we decide to develop the property there are processes in place for people to know what will be built and to offer comments on the design, including the architectural review process.

**What else will Legacy Meridian Park Medical Center do to separate its development from nearby residential neighbors?**

Legacy Meridian Park Medical Center has also agreed to install an earthen berm, along with dense evergreen tree and shrub landscaping to minimize the visual impact of any development. We also have agreed to protect the mature stand of trees that already exist on the property with a 50 foot buffer zone.

**Can you assure your neighbors that you will preserve the existing stand of trees and keep the skyline?**

The draft development agreement includes both a buffer zone to protect much of the existing tree stand and a limitation on the height of any buildings, which will help meet these needs.

**Would Legacy Meridian Park Medical Center consider including a berm in the draft development agreement or further expanding green space?**

There is a four-foot berm included in the current draft agreement, considerable landscaping within the berm, and a significant setback to the edge of any building. The City of Tualatin's Architectural Review process will ensure these conditions are met.

**How high is the berm and can it be higher?**

Under the current draft development agreement, the berm will be a minimum of four feet in height. There will also be trees and shrubs planted in the berm to increase the shielding of any buildings from the neighborhood. Given these trees and shrubs, having it any higher would be impractical.

**Can the trees at the southeast corner of the property be protected as shown on the drawings?**

The current draft development agreement already includes a 50-foot protection zone for those trees.

**Can the area along the east be widened 60 to 80 feet for open space and maintained by the City?**

Having a 60 to 80 foot open space area would essentially prevent Legacy Meridian Park Medical Center from using the land by eliminating any property for the parking required by the City of Tualatin. While it is not open space, we have agreed to a set back that pushes any new buildings more than 80 feet back from the eastern property line.

**Traffic is always a concern. What kind of traffic impact will new development have on the neighborhood?**

Since we don't know what we will build on the property, we don't know what the traffic impact would be. Any future development does require a traffic study prior to final approval of a project. In addition, we have agreed to provide adequate parking so there will be no need for people coming to the property to park on neighborhood streets.

**I have a number of questions about Borland Road. Are there limitations on whether Borland Road will be widened? Will there be a traffic light on Borland and 60th? Can Legacy Health eliminate the access point to the 20 acres off of Borland Road?**

Unfortunately, Legacy Meridian Park Medical Center has no control over a publicly-owned right-of-way, so all of these questions can only be answered by the City of Tualatin. As for the new entrance, city development codes require the new entrance to be included in the plan so only the City of Tualatin can remove the requirement.

**Can signs be installed along I-205 to direct hospital traffic off of Stafford and onto I-5?**

Signage directing motorists to hospitals is handled by the Oregon Department of Transportation, so Legacy Health has no direct control over where those signs are installed or the criteria used to identify the location of those signs.

**Will future development mean new through streets into the Fox Hill neighborhood?**

Legacy Meridian Park Medical Center does not plan to connect to SW Joshua, SW Natchez or SW Wichita, unless we are required to by the City of Tualatin. Our preference is to leave those connections closed. Tualatin Valley Fire and Rescue may require some type of emergency access, depending on the type and design of buildings on the site, but it does not appear it would need to be a through street.

**If traffic will not be coming onto the property from the Fox Hills neighborhood, then how will they access the property?**

Access to the 20 acres could be from any of the four existing entrances off of SW 65<sup>th</sup> and SW Borland Road. An additional access point to any new development will be required off of SW Borland Road.

**Can the development agreement restrict access to local residential streets over the term of the agreement?**

It is our preference not to have direct access from the 20 acres to the three adjoining streets. The only exception would be for emergency vehicle access, which would be a requirement established by the Tualatin Valley Fire and Rescue District. We are willing to work with our neighbors and TVF&R to design access that meets all of our needs.

**Can Legacy build a trail along the wetlands to the north of their property?**

Neighbors are already using the 20-acres to access the nearby wetlands, so Legacy Meridian Park Medical Center would certainly consider developing a formal trail system. In fact, a formal trail that goes all the way around the property could be designed to help encourage people to walk for fitness, and stay healthy.

**The flyer I received said you will hold additional meetings in June. When will that be held and will they be the same format?**

Legacy Meridian Park Medical Center will hold an additional Open House meeting on Tuesday, June 8<sup>th</sup> from 6:00 pm to 8:00 pm. This will also be an Open House format with information available to anyone who attends. We will also send out answers to questions that are raised at any of the previous Open House meetings to people who ask to be added to our contact list.

## **Frequently Asked Questions – June 8, 2010**

Here are a number of questions that have already been asked about Legacy Meridian Park Medical Center's rezoning effort. We hope you find these helpful in understanding more about this effort.

### **Why is Legacy Meridian Park Medical Center trying to rezone the 20 acres?**

Currently the property is zoned for residential development, while the rest of the campus is zoned for medical services. Since growth will likely occur at some point in the future, and since Legacy Health is not in the business of building residential developments, we felt it would be best to have consistent medical services zoning throughout the property.

### **Most people apply for rezoning when they plan on doing something with their property. Is Legacy Meridian Park Medical Center planning on building on the 20 acres now?**

At some point in the future Legacy Meridian Park Medical Center will need to grow. When that need will arise, we really don't know. Right now there are no plans to build on the property, and no funds have been earmarked by Legacy Health to grow or expand on the 20 acres.

### **Why is Legacy Meridian Park Medical Center seeking the rezoning now?**

The answer is simple: predictability, certainty and reduced costs. This rezoning effort will allow the hospital to accurately predict what it can do with the 20 acres in the future when growth is likely to occur. It also allows a certainty about what will go on that land for the hospital for patient care, the City of Tualatin in planning its growth, and for the neighborhood to know what will happen with that acreage.

Most importantly, rezoning the land can help reduce the cost of future development by minimizing costly delays from long, drawn-out land use debates. It is important to understand that every month a project does not move forward means high material and labor costs due to inflation. Knowing what the zoning is now means that building in the future can be done using predictable costs.

### **When Legacy Meridian Park Medical Center does develop the property, what will be built?**

Legacy Meridian Park Medical Center has already developed its core hospital, so any development will most likely be medical office buildings. Any development on the property would be linked to the delivery of medical care to the community.



**What would the size of a building be when development does occur?**

As a part of a draft agreement with the City of Tualatin, Legacy Meridian Park Medical Center has agreed to a set of standards for the property. No building will be any taller than 75 feet. Parking areas and a minimum 20 foot setback will separate any building from the closest homes.

**Does the height of the building including HVAC units on top of the building or is it measured from the top of the last floor?**

According to the City of Tualatin's building codes, the 75 foot height limit does not include HVAC units on the top of commercial buildings.

**How do you measure building height on a sloped site?**

We will measure building heights using the formula used by the City of Tualatin.

**Would buildings be open 24-hours a day, seven days a week?**

An overwhelming majority of medical office buildings are only open during normal business hours, and closed at night and on weekends. That means buildings and adjacent parking areas would not be used during off hours, which reduces and minimizes any light or noise that would come from the building.

**Will the parking lot lighting create light pollution?**

Light pollution is a concern for us as much as it is for our neighbors. Old-style lighting, the kind that produces light pollution, is very inefficient, and wastes resources and money. New style lighting that focuses light down into the desired area is more cost effective, lasts longer and significantly reduces light pollution.

**Is there a way to ensure that the development agreement stays in effect if Legacy Meridian Park Medical Center sells the land?**

We can add a provision to the development agreement that ensures any current or future property owner is required to follow the terms laid out in the agreement.

**How long will the draft development agreement be in effect?**

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**Would Legacy Meridian Park Medical Center consider including a berm in the draft development agreement or further expanding green space?**

There is a four-foot berm included in the current draft agreement, considerable landscaping within the berm, and a significant setback to the edge of any building. The City of Tualatin's Architectural Review process will ensure these conditions are met.

**Is the 4-foot berm high enough to create visual barrier? What types of trees can be grown on the berm? Will they grow high enough?**

Rather than serve as a visual barrier, the berm designed to create a buffer between the Legacy Meridian Park Medical Center property and the neighborhood. The trees and shrubs that will be planted on the berm are the components designed to create a visual screen. No decision has been made about the type of trees and shrubs, but since they will be chosen to serve as the screen, our expectation is they will grow high enough.

**How high is the berm and can it be higher?**

Under the current draft development agreement, the berm will be a minimum of four feet in height. There will also be trees and shrubs planted in the berm to increase the shielding of any buildings from the neighborhood. Given these trees and shrubs, having it any higher would be impractical.

**Can the trees at the southeast corner of the property be protected as shown on the drawings?**

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**Can signs be installed along I-205 to direct hospital traffic off of Stafford and onto I-5?**

Signage directing motorists to hospitals is handled by the Oregon Department of Transportation, so Legacy Health has no direct control over where those signs are installed or the criteria used to identify the location of those signs.

**Will the new intersection be signalized?**

Any decisions about streets, signals or signage is managed by the City of Tualatin, so Legacy Meridian Park Medical Center has no control over whether any intersection is signalized or not.

**Will future development mean new through streets into the Fox Hill neighborhood?**

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**Contact:** Lisa Wood  
Public Relations  
Legacy Health  
503-415-5770  
liwood@lhs.org

## **Open House at Legacy Meridian Park Medical Center to Showcase Medical Zone Proposal**

**WHAT: Open House – Learn About the Proposed Medical Rezoning on 20 acres of the Legacy Meridian Park Medical Center Campus**

**WHEN: Tuesday, May 18, 2010**  
1:00 - 3:00 p.m.

**WHERE: Legacy Meridian Park Medical Center**  
Community Health Education Center  
19300 SW 65th Avenue, Tualatin, Ore.

Join us at an Open House at Legacy Meridian Park Medical Center where you can learn more about the details of the proposed rezoning of 20 acres on the hospital's campus. Drop by between 1:00 and 3:00 p.m. to ask your questions about the medical zone proposal and have the opportunity to provide feedback about the hospital's plans.

For more information about the Open House, please call the Legacy Meridian Park Medical Center Community Relations office at 503-692-2193.

# # #

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## Meridian Park zoning proposal will be subject of open house

BY ED JOHNSON  
*The Times*, Apr 15, 2010

**Community members looking to learn more about the proposed zoning change for 20 acres of land next to Legacy Meridian Park Medical Center will have a chance this month when the hospital hosts an open house on the topic.**

The meeting will take place on Tuesday, April 27 from 6 p.m. to 8 p.m. at the hospital's Community Health Education Center, 19300 S.W. 65th Ave., in Tualatin

The open house will give neighborhood residents the opportunity to talk with hospital staff about the project, and to provide feedback on the zoning-change plans as the city of Tualatin works to establish a development agreement governing the possible change.

The zoning change would switch the land owned by the hospital from residential zoning to medical center zoning, allowing Meridian Park to build medical facilities on the property.

In early March, the city council pushed off a decision on the change and development agreement after an outpouring of negative testimony made clear neighborhood residents were not happy with the idea. The council postponed the decision in the hopes that meetings between residents and hospital officials could bring some agreement to the issue.

For more information about the open house, call the Legacy Meridian Park Medical Center Community Relations office at 503-692-2193.

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For more information about the open house, call the Legacy Meridian Park Medical Center Community Relations office at 503-692-2193.

# Neighbors, hospital can settle differences

**D**evelopment proposed near residential homes is rarely an easy process.

That's why it was with little surprise that we noted that many dozen neighbors in the Fox Hill neighborhood are raising concern over a proposed zoning change for land that lies between their homes and Legacy Meridian Park Medical Center.

The 20-acre grass-covered site has been owned by Legacy since 2003, and hospital officials now imagine that the land would best meet their needs if used for expanded hospital and medical office services, which requires a zone change from the land's current residential classification.

Oftentimes in Oregon — a state that guards its land-use planning tightly — major zone changes come with applicants having much work to do and opponents raising significant concerns. In a smaller community such as Tualatin, which recently completed a contentious process to allow the controversial construction of a major athletic facility along Southwest Nyberg Lane, land-use and development processes sometimes get even more complicated and tense.

That's why we suggest a personal touch is the best approach to communicate, understand and resolve any disagreement over Meridian Park's proposed land use change and future plans.

Neighbors deserve that up-front, complete and personal communication. And in return, Meridian Park deserves a fully informed, unemotional response from nearby citizens.

That's the way that people should invest in and treat each other. But that's also how great communities such as Tualatin do things: by investing in and enhancing assets such as their quality neighborhoods. And by investing in valued community features such as Meridian Park, which has been an important part of the community since the early 1970s, providing essential health services, education, community service and employment. Even nervous nearby neighbors need the kind of a neighbor that Meridian Park has been.

Between now and July 12, when the Tualatin City Council will consider this matter again, Meridian Park will hold a number of meetings with nearby neighbors. Those meetings need to be held as community conversations with hospital officials and neighbors getting to know each other better — and then learning about each others' aspirations, future plans, concerns, needs and opportunities for success and partnership.

But simply holding meetings is not enough. We encourage everyone involved not to simply attend a meeting with their minds already made up. Learn. Listen. Ask questions. Seek understanding. Propose trade-offs. Seek compromise. In other words, don't go to one of these meetings simply to say "no, this is the way it will be." By genuinely engaging in partnership, both sides may achieve even better outcomes than originally anticipated.

We believe with good neighbors getting together and openly communicating, the matter over Meridian Park's future will be resolved. The hospital and its administrator, Allyson Anderson, have been extraordinary assets to the community. We think that the hospital and its residential neighbors — with some help from the city — can sit down and figure things out.

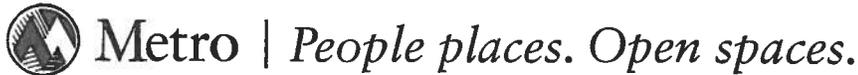


**THE TIMES' EDITORIAL VIEWS** — Editorials (written by President and Publisher Steve Clark, Associate Publisher Kevin Hohnbaum and Editorial Page Editor Nick Peterson) appear in the space above and represent the opinion of the newspaper's management. To discuss those views, call Clark at 503-546-0714 (sclark@comm-newspapers.com), Hohnbaum at 503-546-9811 (khohnbaum@commnewspapers.com), Peterson at 503-546-0730 (npeterson@commnewspapers.com) or write Times Newspapers, P.O. Box 22109, Portland, OR 97269.

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November 20, 2009

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COMMUNITY DEVELOPMENT  
PLANNING DIVISION

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

Dear Mr. Rux:

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

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

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

Sincerely,

Sherry Oeser  
Principal Regional Planner

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

Attachment L  
Metro November 20, 2009-Letter 1  
Metro January 21, 2010-Letter 2

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

[www.oregonmetro.gov](http://www.oregonmetro.gov)



**Metro** | *People places. Open spaces.*

January 21, 2010

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

Dear Mr. Harper:

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

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

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

Sincerely,

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

Sherry Oeser  
Principal Regional Planner

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

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

I received this comment.

Stacy

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

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

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

From: STACY CRAWFORD <SCRAWFORD@ci.tualatin.or.us>  
Subject: Meridian Park Hospital Plan Map Amendment Courtesy Notice  
To: "Adam Pettitt" <tallperson23@yahoo.com>, "Agnela and Philip Hansen" <AHAN618@aol.com>, "Alan Somervell" <somervell@Verizon.net>, "Alice Gydesen" <gydesenfamily@comcast.net>, "Alisha Coppedge" <alishadyan@gmail.com>, "Angela Wrahtz" <angela.wrahtz@comcast.net>, "Anthony Caflen" <webmaster@foxhillsoregon.com>, "Anthony Laflen" <anthony@cnwre.com>, "Barbara Archer" <barcher1@email.phoenix.edu>, "Becky Luther" <becky.luther@comcast.net>, "Bev Marlett" <bevmarlett@verizon.net>, "Bill and Joy Wilson" <williamewilson@comcast.net>, "Bob Dove" <Bob\_dove@mentor.com>, "Brad Helm" <brad.helm.77@comcast.net>, "Brian" <stephenson5635@comcast.net>, "Briana Currey" <bkcurrey2002@yahoo.com>, "Bryan and Dianne Yates" <banddy8s@comcast.net>, "Burton Silverman" <burtonsilverman@comcast.net>, "Chad Sourthards" <scourthards@hotmail.com>, "Charles Brod" <cubrod@gmail.com>, "Cheri Collins" <collinscsk@msn.com>, "Cheri Emahiser" <cemahise@earthlink.net>, "Chris Pries" <jetmoney737@gmail.com>, "Christen Depweg" <cjkdepweg@verizon.net>, cindy.oubre@verizon.net, "Dana Terhune" <dmterhune@verizon.net>, "Danielle Ricca" <danielle@cincodeign.com>, "Dave and Diane Burnette" <BBdaveburnette@cs.com>, "Derek Plank" <dplank@meacon.com>, "Diana Gowen"

## Will Harper

---

**From:** Will Harper  
**Sent:** Wednesday, January 13, 2010 11:27 AM  
**To:** Dayna Webb; Kaaren Hofmann  
**Cc:** Doug Rux; Brenda Braden  
**Subject:** Legacy Development Impacts on SW 65th Ave.

Tuesday afternoon, the Mayor & Councilor Harris requested information on the following LMPMC and LHS Grimitt Property MC development scenarios:

1. LMPMC full build-out impacts on SW 65<sup>th</sup> Avenue. Would LMPMC development trigger SW 65<sup>th</sup>, SW Nyberg & SW Borland improvements?
2. Add Grimitt/LHS Property Full Build-out. What are added impacts to SW 65<sup>th</sup> and are improvements triggered?

Please help us respond ASAP. We will either reply to LO and JH directly or incorporate the info into the Development Agreement and staff report. If this leads to SW 65<sup>th</sup> dedication & improvement provisions in the LHS DA, we will have to continue to update Larry Hill and Kittelson.

Also, Councilor Barhyte continues to ask about making SW 65<sup>th</sup> Avenue as the primary ingress/egress access for the LMPMC + Grimitt campus with corresponding improvements to SW 65<sup>th</sup> to accommodate the traffic volumes from I-5 and the turning movements into LMPMC. We need to be able to provide information about the transportation system implementation and physical street & intersection improvements that become necessary with this scenario.

All of this is pinching the Development Agreement and may make it difficult to have the DA ready for the 1-25 Council meeting to go with the PMA.

William Harper, AICP  
Associate Planner  
Community Development Department  
Planning Division  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Direct 503-691-3027 FAX 503-692-0147  
Email [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us)

## Will Harper

---

**From:** Mark Vandehey [MVANDEHEY@kittelsohn.com]  
**Sent:** Friday, January 15, 2010 3:42 PM  
**To:** Will Harper  
**Cc:** Dayna Webb  
**Subject:** RE: Meet to discuss LHS PMA and DAgreement

That will work Will. We will bring us much information as we can.

Mark

---

**From:** Will Harper [mailto:WHARPER@ci.tualatin.or.us]  
**Sent:** Friday, January 15, 2010 3:38 PM  
**To:** Mark Vandehey  
**Cc:** Dayna Webb  
**Subject:** Meet to discuss LHS PMA and DAgreement

Mark: can you or Julia meet with COT Engineering & CDD on Tuesday 11am to

1. Comparison of SW Borland Rd ½ street (5 lanes), SW65/Sagert Intersection & SW 65<sup>th</sup> Avenue improvement costs. TDT eligibility.
2. Discuss SW 65<sup>th</sup> improvement constraints and the minimum improvements needed to improve capacity and operation of street (2 more lanes, additional ROW, new bridge, steep bank on east with retaining walls, multiple turn lanes & signal at LMPMC north access, impacts on existing development including 7-11, CWS Pump Station, Whitney Bldg parking & access, Residential access).
3. Discuss ODOT position on TPR analysis and responses.

Your traffic numbers and costs from the TSP on SW 65<sup>th</sup> and cost estimates on SW Borland and SW65th/Sagert will be helpful.

William Harper, AICP  
Associate Planner  
Community Development Department  
Planning Division  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092  
Direct 503-691-3027 FAX 503-692-0147  
Email [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us)



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## Will Harper

**From:** STACY CRAWFORD  
**Sent:** Wednesday, October 21, 2009 8:20 AM  
**To:** Adam Pettitt; Agnela and Philip Hansen; Alan Somervell; Alice Gydesen; Alisha Coppedge; Angela Wrahtz; 'Anthony Cafien'; Anthony Lafien; Barbara Archer; Becky Luther; Bev Marlett; Bill and Joy Wilson; 'Bob Dove'; Brad Helm; Brian; Briana Currey; Bryan and Dianne Yates; Burton Silverman; Chad Sourthards; Charles Brod; Cheri Collins; Cheri Emahiser; Chris Pries; Christen Depweg; 'cindy.oubre@verizon.net'; 'Dana Terhune'; Danielle Ricca; Dave and Diane Burnette; Derek Plank; Diana Gowen; Don Fromme; Donna Barton; 'Doug and Marjene Freiley'; 'Doug Rassmussen'; Gail Patterson; Heidi Bowen; 'Hilary Bissell'; 'Janice Dove'; Jeffrey McCulloch; Jessica Wilson; Jim and Julie Fisher; Jim Belan; John Biniewski; John Gardner; Jon Hinrichs; Julie Park; 'Julie Sepp'; Karen Faus; Kathy McCulloch; 'Kevin'; Kevin Miskimins; Kimberly Hultgren; Kimberly Williams; 'Kip Aszman'; 'Kristi Allen'; 'Laurel Aszman'; Lee Williamson; 'LuAnne WELLS'; Mann Tong; Marie Fromme; Michelle Stevens; Miriam Pinoli; Molly Schray; Nancy Heck; Randy Johnson; Randy Leonard; Renee Balsiger; Robert Spadling; Robin Monahan; Roger Nilsen; Ronn Rhodes; Roy Hanash; Sally Ackley; Sharon Erkson; 'Sherri Hauke'; Shirley O'Neil; Staci Ball; Stecy James; Steve Balsiger; Steve Bourque; Steve Otos; Steve Stewart; 'suewilcock@gmail.com'; Susan James; Susanne Nelson; 'tallie@macadamsbarandgrill.com'; 'Teri Smith'; 'Terrie Petersen'; 'the5blocks@yahoo.com'; Thor and Judy Thorson; Tim Thornburg; 'Tobi O'Neil'; Todd Graves; 'Tom and Debra Conchuratt'; Tony Ricca; Tori Alderman; Tyler Brown; 'Valeri Cottrell'; 'waltw51@comcast.net'; 'wanalawn@verizon.net'  
**Cc:** gabdevs@teleport.com; Sherilyn Lombos; Doug Rux; Will Harper  
**Subject:** Meridian Park Hospital Plan Map Amendment Courtesy Notice  
**Attachments:** Legacy MPH Vicinity Aerial.pdf; PMA-09-03 Notice of Hearing.pdf

*101 addresses  
w/ 10-26-09*

Tualatin Residents:

This email message is from the City of Tualatin Community Development Department regarding Plan Map Amendment PMA-09-03. This message is being provided as a courtesy notice to residents in the east Tualatin area in addition to the City's required notification of property owners within 300 ft. of the proposed land use action.

On November 9, 2009, the Tualatin City Council will hold a public hearing to consider a request by Legacy Health Systems to change the Planning District designation (zoning) of the undeveloped 19.6 acre property east of Legacy Meridian Park Hospital from Low-Density Residential (RL) to Medical Center (MC). The addresses of the property are 6001, 6021, 6031, 6041 SW Borland Road. A pdf format copy of the Notice of Hearing for Plan Map Amendment PMA-09-03 and a Vicinity Map are attached to this message.

The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use and allows a hospital as a conditional use (subject to City Council approval). The MC Planning District which currently encompasses the Meridian Park Hospital campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

Changing the designation on 19.6 acres to MC would allow the Meridian Park Hospital campus to expand with buildings, parking and landscaping onto the Legacy Health Systems property in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District.

## Doug Rux

---

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

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

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

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

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

No determination can be made regarding this criteria.

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

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

Sincerely,

Mark Coolican  
19050 SW Mobile Pl  
Tualatin, OR

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

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

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

Thank you for considering these concerns.

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 3:05 PM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Legacy Health Systems Zone Proposal

Sherilyn Lombos  
City Manager | Administration



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**From:** timthornburg@comcast.net [mailto:timthornburg@comcast.net]  
**Sent:** Monday, March 08, 2010 1:45 PM  
**To:** lou.ogden@juno.com; chris@barhyte.com; smbekman@verizon.net; Joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com  
**Cc:** Sherilyn Lombos  
**Subject:** Legacy Health Systems Zone Proposal

Mayor and members of the Tualatin City Council:

Prior to the City Council meeting this evening, I would like to state in writing my opposition to the proposed hospital zone change. As the owner of the property, I certainly understand and can appreciate that Legacy Health System would like to develop this property. I am not opposed to development of the property. I am, however, opposed to development of the property with a zone change as it has been designated low density residential for many years. I believe that changing the zone goes against what residents of Tualatin believe and understood what the property could and would be used for. Let me be more specific on why I am strongly opposed to this change.

1. The City council recently completed the approval of a conditional use permit for the Stafford Hills Tennis and Fitness facility. While attending city council meetings on this proposed development, it was clear to me that the council was open and willing to discuss impacts (natural, traffic, parking, impact to home value etc) this development would have on the surrounding community. In my mind, why would the hospital property not follow the same conditional use permit process. This would insure a ARB process, involvement of the community and surrounding neighborhoods. I see a zone change of the hospital property restricting everyone, but the hospital.
2. I am concerned that the council could vote in favor of a zone change without fully understanding future impacts the tennis center may have on the surrounding community and neighborhoods. Given that the administrator of Legacy Meridian Park stated at a recent meeting that Legacy does not have current development plans, does it not make since to know and understand the future impact the tennis center will have on the City and surrounding area prior to approval for increased development adjacent to that property. I believe this is the right decision given the size of property currently considered for development.
3. Is the City of Tualatin obligated to approve the zone change? I understand they are not.

4. If a zone change was granted, I believe that people in Fox Holl will be negatively impacted without having benefits that a conditional use permit may allow. Why would it be appropriate to identify conditional uses for the tennis center but not for the proposed hospital development. Furthermore, I would expect that given a zone change, the tennis center ownership and management would strike a deal with the hospital that would allow the tennis center to "work around" the conditional uses associated with parking.

5. I believe it is disingenuous that the hospital would open their doors for meetings to discuss the tennis center but not properly communicate their development proposal to neighbors. This is especially frustrating given that they were able to communicate to the community that they were now a "smoke free" campus but cannot in "good faith" communicate their plans for development.

To summarize: What would be the downside to approving development based on conditional uses of this property? In my mind, it would be a win/win for the City, Neighboring Communities and Legacy. Alternatively, a rezone of the property restricts everyone but Legacy Health Systems.

I urge you to vote no on a rezoning of this property.

Regards,

Tim Thornburg  
19291 SW Chesapeake Drive

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 3:08 PM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Proposed zoning change Meridian Park Hospital

Sherilyn Lombos  
City Manager | Administration



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**From:** David Arndorfer [mailto:darndorfer@msn.com]  
**Sent:** Monday, March 08, 2010 1:10 PM  
**To:** lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; joelle.d.davis@gmail.com; Sherilyn Lombos  
**Subject:** Proposed zoning change Meridian Park Hospital

Dear Mayor and City Councilors,

Debby and I are citizens of Tualatin and have resided here for 20 years in the Fox Hill neighborhood. We were extremely disappointed the City Council approved the CUP for the Stafford Hills Tennis Club but understand this was arguably a permitted use under the conditional uses allowed in Low Density Residential zoning. We understand the Hospital is requesting a zoning change to Medical Complex for the property they own between the hospital and Fox Hills neighborhood.

We are completely against the City Council voting to approve this zoning change. This change is totally out of character for the existing neighborhood and will irreparable damage property values and will add unreasonable traffic, noise and non residential activities.

Enough is enough. We demand you deny this request for change in zoning.

Sincerely,

David and Debby Arndorfer  
19339 SW Chesapeake Dr  
Tualatin, OR 97062  
503-691-1735

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 10:14 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Proposed Rezoning 57th Ave & Nachez

Sherilyn Lombos  
City Manager | Administration



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**From:** Mike Fernandez [mailto:mwfernandez@comcast.net]  
**Sent:** Monday, March 08, 2010 9:35 AM  
**To:** Chris Barhyte; Donna Maddux; Ed Truax; Jay Harris; Joelle Davis; Lou Ogden; Monique Beikman; Sherilyn Lombos  
**Cc:** Sara Fernandez  
**Subject:** Proposed Rezoning 57th Ave & Nachez

Dear Council:

We own a home in Fox Hills, but I will not be able to attend the meeting Monday night when you consider the request for rezoning property at 57<sup>th</sup> Ave & Nachez. I want to make my concerns known to you:

1. First that the building designs be in character with the Fox Hills residential neighborhood. The hospital presents a different impression from 65<sup>th</sup> Avenue or Borlan Road than that from residential streets. But the hospital has little to loose from being next to our neighborhood (the quiet neighborhood is probably a benefit to the hospital) while the bucolic residences have everything to loose with the location of a busy enterprise in our viewscape. This may mean the developer may have to forgo maximum square footage and plant a natural buffer zone.
2. Second, the traffic patterns could be very disrupting to the residential use and dangerous, especially for walking children. It is important that the developer be required to make improvements connecting the property to main arterials of I-5, I-205, 65<sup>th</sup> Ave, and Borland Road. Measures must be implemented to prevent traffic from taking shortcuts along Nyberg Lane and the residential streets.

Thank You

Mike Fernandez  
19480 SW 51<sup>st</sup> Avenue  
Tualatin, OR 97062  
Res Phone: 503-486-5640

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 10:22 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Meridian Park Hospital Zone Change Meeting 3/8/10

**Importance:** High

Sherilyn Lombos  
City Manager | Administration



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**From:** Faus, Karen [mailto:KFaus@columbia.com]  
**Sent:** Monday, March 08, 2010 9:57 AM  
**To:** lou.ogden@juno.com; chris@barhtye.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos  
**Cc:** Faus, Karen  
**Subject:** Meridian Park Hospital Zone Change Meeting 3/8/10  
**Importance:** High

Hi:

I am a resident in Fox Hill, living on the dead end street on Natchez. I am not sure I will be able to make the zone change meeting tonight and wanted to express my opposition to allowing the zone change from low-density residential to medical. We do not need our street to be a thoroughfare for traffic from the hospital, nor do we want to look at office buildings when we are in our yard and driving to our homes. It has been mentioned the potential for thousands of additional cars per day and using Natchez as a through street will not work.

You let us down by allowing the tennis club to be built even though when we built our house in 1986 and checked with the city, we were told in no uncertain terms that nothing could ever be built on that land as it is 100 year flood plain – PERIOD. In your quest for more money, you do not seem to care. This club will be bringing in more traffic also and the congestion will be unlivable.

I also hope you realize that if you allow the zoning change, property values will decline immensely as no one will want to buy homes in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> phases of Fox Hill when they have to look at large hospital buildings everyday and put up the noise and pollution from all the cars. We already deal with car alarms going off at all hours of the night.

Karen Faus  
5752 S.W. Natchez St.  
Tualatin, OR 97062

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:44 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: MC Zoning

Sherilyn Lombos  
City Manager | Administration



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**From:** Lou Ogden [mailto:lou.ogden@juno.com]  
**Sent:** Monday, March 08, 2010 12:58 AM  
**To:** exploredave@comcast.net  
**Cc:** chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbekman@verizon.net  
**Subject:** RE: MC Zoning

I understand your feelings about the project and I assure all who attend Monday night will be able to voice their concerns and observe how the council attempts to work through the issues. We are very concerned about the impacts to the neighborhood and again, will work very hard to mitigate those if there is a zone change, and will work very hard to mitigate those if there is not a zone change. If the zone is not changed, the hospital will then need to come back to council for a conditional use permit if they choose to build anything. In either event, I would imagine the council's scrutiny to those impacts and required mitigations would be similar.

However, I do need to set the record straight regarding the athletic club. I am not sure who you suggest rammed it through, as we did not have the authority to tell them to take it to another city, in my opinion. I do know that was disappointing to you and many people.

If you refer to the council as "the inner circle of our Tualatin government" it is completely inaccurate as well as unfair to say we don't care about the voice of the community and that we make "done deals" outside the public forum. If that were the case we wouldn't spend the countless hours we do working and reworking and trying to balance all the issues, we would simply "ram them thru" as you put it. You are certainly free to call us political, but I tell you sir, your accusations are inaccurate. We do work for you even when you don't believe it and when acrimony pervades your email. Your statement that we have a "desire to build", and the planners have something to gain by this is not only in error, but puzzling to me. We do work for you and we do it hour upon hour as volunteers, not as people who "want to degrade" neighborhoods. We do not "play games" and even in spite of your terse accusations of this being "already a done deal -- how about keeping the building scaled down, keep it as far away from the Fox Hills neighborhoods as possible, consider ways to shield the neighborhood from commercial buildings." Those issues as well as the increased traffic, are exactly what we have been working for weeks with the hospital toward a development agreement, and will continue to work on this Monday night at the hearing.

Mr. Hagan, if you honestly want to discuss the Urban Renewal concept and the ROI to the tax payers that we are proposing I would be very pleased to give you all the facts and the anticipated outcomes. If you simply want to toss barbs based upon your assumptions of what that debt is, that is your right, but hardly an objective analysis.

I have lived here for 29 years. When I moved here there was no Fox Hill, no Comanche Woods, no Hedges Creek 1, 2, or 3, no Victoria Woods, no Tualatin High School, no Tualatin Commons, no Hedges Green Shopping Center, etc, and you sir were not taking up the capacity of our streets. I could drive from my house by Byrom to the freeway in less than 5 minutes. And 30 years ago, my house wasn't looking down the hill upon my neighbors to the north and I wasn't taking up space on their streets. Everything that has been built since you and I moved here, has been built on land that was legally

zoned for the purpose, it just hadn't been built yet. However it was already zoned and parceled waiting to build. So for you to come in and now say we caused all that is frankly ignorant of the facts.

As I said, everyone on the council struggles with the impacts of people like the developer of your neighborhood, who own land and have a legal right to build upon it so folks like you and I can move here, work here, shop here. Those decisions were made some 40-45 years ago. So our efforts today are to do everything we can to try to manage and mitigate the impacts of that development. So you may not believe that, you certainly do not appreciate that, and you clearly are unhappy about that. I understand that, and you truly have every right to your emotions. I would ask that you not falsely accuse us of being insensitive to those concerns at best, or at worst, delighting in the effects of that development on all our neighborhoods.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** [exploredave@comcast.net](mailto:exploredave@comcast.net) [mailto:[exploredave@comcast.net](mailto:exploredave@comcast.net)]  
**Sent:** Sunday, March 07, 2010 12:03 PM  
**To:** [lou.ogden@juno.com](mailto:lou.ogden@juno.com); [etruax@royalaa.com](mailto:etruax@royalaa.com)  
**Subject:** Fwd: MC Zoning

resend

----- Forwarded Message -----

From: [exploredave@comcast.net](mailto:exploredave@comcast.net)  
To: "lou ogde" <[lou.ogde@juno.com](mailto:lou.ogde@juno.com)>, [Jay@h-mc.com](mailto:Jay@h-mc.com), [Chris@barthe.com](mailto:Chris@barthe.com), [maddux01@verizo.net](mailto:maddux01@verizo.net), [etraux@royalaa.com](mailto:etraux@royalaa.com), [sambeikman@verizon.net](mailto:sambeikman@verizon.net), "joelle d davis" <[joelle.d.davis@gmail.com](mailto:joelle.d.davis@gmail.com)>, [slombos@ci.tualatin.or.us](mailto:slombos@ci.tualatin.or.us)  
Sent: Sunday, March 7, 2010 11:59:34 AM GMT -08:00 US/Canada Pacific  
Subject: MC Zoning

To my Tualatin city government team

I'm sending you this note to advise you of my continued dissatisfaction with your zoning / building decisions as it relates to the Fox Hills area. First it was the athletic club that was rammed through while there were several other options in the Beaverton / Tigard areas... and now it appears your going for the grand slam -- at multi story building parked right next to a our neighborhood. What's next in your agenda for our neighborhood.

I've been to the meetings, and sad to say but I have come to realize the inner circle of our Tualatin government doesn't seem to care about it constituency's voice -- that appears to be the nature of politics these days...

So for the record I am opposed the the new " Medical building" parked at the end of 57th and Nachez. I am unable to attend the meeting due to business travel... in the past my presense in the meetings has not seemed to matter.... If you have to do this and knowing how you folks play the game its surely already a done deal -- how about keeping the building scaled down, keep it as far away form the Fox Hills neighbor hoods as possible, consider ways to shield the neighborhood from commercial buildings.

Ask yourself the question -- would you want this in your backyard or at the end of your street??? Any one of you that answers yes to the question -- please send me an honest response advising why you would want this in your backyard.

Please let me remind you, that you work for us, its time that you listen to the people, other than the contractors, accountants, city planners and those few who benefit from your decisions. Once upon a time I recall Mayor Lou walking around the Tualatin neighborhoods talking to the people and sharing his desire to be the voice of Tualatin...I have not seen Mayor Lou for many years in my neighborhood, the very one (Fox Hills) that he and his associates seem to want to degrade with the continuing decisions to turn suburbs to urban areas.

I've lived here for 15 years and raised my famiy in the once very nice area....Your decisions, your continued desire to build when there are many vacancies in commercial buildings and alternative options now has me considering where I will move in the future.

One last input on the matter of increasing Tualatin's debt to fund programs -- I think its a huge mistake to increase the debit by nearly a factor of 5 during these times. This is the time to be fiscally conservative in accumulating more debt.

Please listen to the people you represent. Please check you conscience when you make these decisons.

Responses welcome -- however I am not interested in political speak, I'd like honest answers.

Tualatin / Fox Hills resident

John Dave Hagan

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:44 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: MC Zoning

Sherilyn Lombos  
City Manager | Administration



Please consider the environment before printing this email.

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---

**From:** Lou Ogden [mailto:lou.ogden@juno.com]  
**Sent:** Monday, March 08, 2010 12:58 AM  
**To:** exploredave@comcast.net  
**Cc:** chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbeikman@verizon.net  
**Subject:** RE: MC Zoning

I understand your feelings about the project and I assure all who attend Monday night will be able to voice their concerns and observe how the council attempts to work through the issues. We are very concerned about the impacts to the neighborhood and again, will work very hard to mitigate those if there is a zone change, and will work very hard to mitigate those if there is not a zone change. If the zone is not changed, the hospital will then need to come back to council for a conditional use permit if they choose to build anything. In either event, I would imagine the council's scrutiny to those impacts and required mitigations would be similar.

However, I do need to set the record straight regarding the athletic club. I am not sure who you suggest rammed it through, as we did not have the authority to tell them to take it to another city, in my opinion. I do know that was disappointing to you and many people.

If you refer to the council as "the inner circle of our Tualatin government" it is completely inaccurate as well as unfair to say we don't care about the voice of the community and that we make "done deals" outside the public forum. If that were the case we wouldn't spend the countless hours we do working and reworking and trying to balance all the issues, we would simply "ram them thru" as you put it. You are certainly free to call us political, but I tell you sir, your accusations are inaccurate. We do work for you even when you don't believe it and when acrimony pervades your email. Your statement that we have a "desire to build", and the planners have something to gain by this is not only in error, but puzzling to me. We do work for you and we do it hour upon hour as volunteers, not as people who "want to degrade" neighborhoods. We do not "play games" and even in spite of your terse accusations of this being "already a done deal -- how about keeping the building scaled down, keep it as far away from the Fox Hills neighborhoods as possible, consider ways to shield the neighborhood from commercial buildings." Those issues as well as the increased traffic, are exactly what we have been working for weeks with the hospital toward a development agreement, and will continue to work on this Monday night at the hearing.

Mr. Hagan, if you honestly want to discuss the Urban Renewal concept and the ROI to the tax payers that we are proposing I would be very pleased to give you all the facts and the anticipated outcomes. If you simply want to toss barbs based upon your assumptions of what that debt is, that is your right, but hardly an objective analysis.

I have lived here for 29 years. When I moved here there was no Fox Hill, no Comanche Woods, no Hedges Creek 1, 2, or 3, no Victoria Woods, no Tualatin High School, no Tualatin Commons, no Hedges Green Shopping Center, etc, and you sir were not taking up the capacity of our streets. I could drive from my house by Byrom to the freeway in less than 5 minutes. And 30 years ago, my house wasn't looking down the hill upon my neighbors to the north and I wasn't taking up space on their streets. Everything that has been built since you and I moved here, has been built on land that was legally

zoned for the purpose, it just hadn't been built yet. However it was already zoned and parceled waiting to build. So for you to come in and now say we caused all that is frankly ignorant of the facts.

As I said, everyone on the council struggles with the impacts of people like the developer of your neighborhood, who own land and have a legal right to build upon it so folks like you and I can move here, work here, shop here. Those decisions were made some 40-45 years ago. So our efforts today are to do everything we can to try to manage and mitigate the impacts of that development. So you may not believe that, you certainly do not appreciate that, and you clearly are unhappy about that. I understand that, and you truly have every right to your emotions. I would ask that you not falsely accuse us of being insensitive to those concerns at best, or at worst, delighting in the effects of that development on all our neighborhoods.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** [exploredave@comcast.net](mailto:exploredave@comcast.net) [mailto:[exploredave@comcast.net](mailto:exploredave@comcast.net)]  
**Sent:** Sunday, March 07, 2010 12:03 PM  
**To:** [lou.ogden@juno.com](mailto:lou.ogden@juno.com); [etruax@royalaa.com](mailto:etruax@royalaa.com)  
**Subject:** Fwd: MC Zoning

resend

----- Forwarded Message -----

From: [exploredave@comcast.net](mailto:exploredave@comcast.net)  
To: "lou ogde" <[lou.ogde@juno.com](mailto:lou.ogde@juno.com)>, [Jay@h-mc.com](mailto:Jay@h-mc.com), [Chris@barthe.com](mailto:Chris@barthe.com), [maddux01@verizo.net](mailto:maddux01@verizo.net), [etraux@royalaa.com](mailto:etraux@royalaa.com), [sambeikman@verizon.net](mailto:sambeikman@verizon.net), "joelle d davis" <[joelle.d.davis@gmail.com](mailto:joelle.d.davis@gmail.com)>, [slombos@ci.tualatin.or.us](mailto:slombos@ci.tualatin.or.us)  
Sent: Sunday, March 7, 2010 11:59:34 AM GMT -08:00 US/Canada Pacific  
Subject: MC Zoning

To my Tualatin city government team

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So for the record I am opposed the the new " Medical building" parked at the end of 57th and Nachez. I am unable to attend the meeting due to business travel... in the past my presence in the meetings has not seemed to matter.... If you have to do this and knowing how you folks play the game its surely already a done deal -- how about keeping the building scaled down, keep it as far away from the Fox Hills neighborhood as possible, consider ways to shield the neighborhood from commercial buildings.

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Please let me remind you, that you work for us, its time that you listen to the people, other than the contractors, accountants, city planners and those few who benefit from your decisions. Once upon a time I recall Mayor Lou walking around the Tualatin neighborhoods talking to the people and sharing his desire to be the voice of Tualatin...I have not seen Mayor Lou for many years in my neighborhood, the very one (Fox Hills) that he and his associates seem to want to degrade with the continuing decisions to turn suburbs to urban areas.

I've lived here for 15 years and raised my family in the once very nice area....Your decisions, your continued desire to build when there are many vacancies in commercial buildings and alternative options now has me considering where I will move in the future.

One last input on the matter of increasing Tualatin's debt to fund programs -- I think its a huge mistake to increase the debit by nearly a factor of 5 during these times. This is the time to be fiscally conservative in accumulating more debt.

Please listen to the people you represent. Please check your conscience when you make these decisions.

Responses welcome -- however I am not interested in political speak, I'd like honest answers.

Tualatin / Fox Hills resident

John Dave Hagan

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:43 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Hospital zone change

Sherilyn Lombos  
City Manager | Administration



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**From:** Lou Ogden [mailto:[lou.ogden@juno.com](mailto:lou.ogden@juno.com)]  
**Sent:** Monday, March 08, 2010 1:03 AM  
**To:** 'Hinrichs Family'; [chris@barhyte.com](mailto:chris@barhyte.com); [smbeikman@verizon.net](mailto:smbeikman@verizon.net); [Joelle.d.davis@gmail.com](mailto:Joelle.d.davis@gmail.com); [jay@h-mc.com](mailto:jay@h-mc.com); [maddux01@verizon.net](mailto:maddux01@verizon.net); [etruax@royalaa.com](mailto:etruax@royalaa.com); Sherilyn Lombos  
**Subject:** RE: Hospital zone change

Jon,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** Hinrichs Family [mailto:[hinrichs1230@verizon.net](mailto:hinrichs1230@verizon.net)]  
**Sent:** Sunday, March 07, 2010 9:05 PM  
**To:** [lou.ogden@juno.com](mailto:lou.ogden@juno.com); [chris@barhyte.com](mailto:chris@barhyte.com); [smbeikman@verizon.net](mailto:smbeikman@verizon.net); [Joelle.d.davis@gmail.com](mailto:Joelle.d.davis@gmail.com); [jay@h-mc.com](mailto:jay@h-mc.com); [maddux01@verizon.net](mailto:maddux01@verizon.net); [etruax@royalaa.com](mailto:etruax@royalaa.com); [slombos@ci.tualatin.or.us](mailto:slombos@ci.tualatin.or.us)  
**Subject:** Hospital zone change  
**Importance:** High

Hello-

My name is Jon Hinrichs and I have lived in Tualatin for over 7 years and I moved into the Fox Hills neighborhood because of the truly neighborhood feeling, the low traffic, and the safety. Now I hear that the Hospital is asking the city council to change the zoning of the area of land between the Hospital and the Fox Hill neighborhood. This deeply concerns me because with a zone change the hospital will basically have a blank check to build whatever they want on that land; this could be anything from a huge parking lot to a very large office building and would also require access

from the streets Joshua and Nachez within the Fox Hills neighborhood. This would drastically increase the traffic that will be driving through our wonderful neighborhood, and would lower the safety of all the children that walk to and from Bridgeport Elementary or walk to and from the bus stops on a daily basis. Also the property values of the homes in all of Fox Hills would be reduced significantly.

I understand that the hospital owns that land and obviously bought it with expansion in mind and I am not against the hospital building on that land, however the city council SHOULD NOT change the zoning and let the hospital decide what to build on it because the hospital will not care about the impact to the neighborhood. They are a business and will make decisions based on their bottom line, not on what is best for the Fox Hills neighborhood. If the hospital wants to build on the land, the city council should leave the current zoning the way it is and just add conditions to the zoning in order to keep the expansion under control (i.e. limit the height of any new buildings to be no taller than 2 stories and/or a visual buffer (trees) need to be planted between the Fox Hills neighborhood and any new buildings, etc.)

We already are going to have to deal with the new monstrosity tennis center bordering Fox Hills and the increased traffic as all the people from Wilsonville/West Linn will be using 57<sup>th</sup> Avenue to cut through the Fox Hills neighborhood to access the club. By adding a large scale Hospital expansion (without conditions) on top of this new tennis center, you will be causing a HUGE increase in traffic, thus lowering the safety of the neighborhood and completely eroding away the truly unique Fox Hills neighborhood feeling.

I will be very disappointed in any city council members that vote "yes" to the hospital's proposed zone change.

Thank you  
Jon Hinrichs  
Fox Hills Resident

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:43 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: Rezoning

Sherilyn Lombos  
City Manager | Administration



Please consider the environment before printing this email.

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---

**From:** Lou Ogden [mailto:[lou.ogden@juno.com](mailto:lou.ogden@juno.com)]  
**Sent:** Monday, March 08, 2010 1:07 AM  
**To:** 'Paul Pedersen'  
**Cc:** [chris@mustardpeople.com](mailto:chris@mustardpeople.com); [etruax@royalaa.com](mailto:etruax@royalaa.com); [jay@h-mc.com](mailto:jay@h-mc.com); [joelle.d.davis@gmail.com](mailto:joelle.d.davis@gmail.com); [maddux01@verizon.net](mailto:maddux01@verizon.net); Sherilyn Lombos; [smbeikman@verizon.net](mailto:smbeikman@verizon.net)  
**Subject:** RE: Rezoning

Mr. & Mrs. Pederson,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** Paul Pedersen [mailto:[ppedersen@azambulance.com](mailto:ppedersen@azambulance.com)]  
**Sent:** Sunday, March 07, 2010 2:20 PM  
**To:** [lou.ogden@juno.com](mailto:lou.ogden@juno.com)  
**Subject:** Rezoning

Dear Mayor Ogden:

As Fox Hill residents we urge you to vote NO on rezoning the property between our neighborhood and Meridian Park Hospital. Thank you for your consideration.

Paul and Vanita Pedersen

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:43 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: MC zoning

Sherilyn Lombos  
City Manager | Administration



Please consider the environment before printing this email.

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---

**From:** Lou Ogden [mailto:lou.ogden@juno.com]  
**Sent:** Monday, March 08, 2010 1:08 AM  
**To:** 'Linda Reid'  
**Cc:** chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbeikman@verizon.net  
**Subject:** RE: MC zoning

Mr. & Mrs. Reid,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** Linda Reid [mailto:lreid7@verizon.net]  
**Sent:** Sunday, March 07, 2010 10:27 AM  
**To:** lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com  
**Subject:** Re: MC zoning

Dear City Council,  
WE are a resident on S. W. Natchez St. in Tualatin, Oregon.  
Just to voice our opinion:  
We would be AGAINST the zoning proposed to build office buildings in the space owned by Meridian Park Hospital  
Dave and Linda Reid  
5399 S. W. Natchez St.  
Tualatin, Oregon 97062

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:43 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: MERICIAN PARK HOSPITAL ZONE CHANGE

Sherilyn Lombos  
City Manager | Administration



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**From:** Lou Ogden [mailto:lou.ogden@juno.com]  
**Sent:** Monday, March 08, 2010 1:10 AM  
**To:** 'MOLLY SCHRAY'; CHRIS@BARHYTE.COM; SMBEIKMAN@VERIZON.NET; JOELLE.D.DAVIS@QMAIL.COM; JAY@H-MC.COM; MADDUX01@VERIZON.NET; Sherilyn Lombos; ETRUAX@ROYALAA.COM  
**Subject:** RE: MERICIAN PARK HOSPITAL ZONE CHANGE

Ms. Schray,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden  
Resource Strategies Planning Group  
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals  
21040 SW 90th Ave.  
Tualatin, OR 97062  
Phone 503.692.0163; Fax 503.914.1699  
[lou.ogden@juno.com](mailto:lou.ogden@juno.com)

---

**From:** MOLLY SCHRAY [mailto:mollyschrays@verizon.net]  
**Sent:** Saturday, March 06, 2010 3:08 PM  
**To:** LOU.OGDEN@JUNO.COM; CHRIS@BARHYTE.COM; SMBEIKMAN@VERIZON.NET; JOELLE.D.DAVIS@QMAIL.COM; JAY@H-MC.COM; MADDUX01@VERIZON.NET; SLOMBOS@CI.TUALATIN.OR.US; ETRUAX@ROYALAA.COM  
**Subject:** MERICIAN PARK HOSPITAL ZONE CHANGE

My name is Molly Schray and my address is 5402 SW Natchez St, Tualatin, Oregon, 97062.

I oppose the Zone change requested by Meridian Park Hospital. I feel that this change would cause a loss of neighborhood livability, decrease property values, and increased traffic. We still do not know the effect on our neighborhood from the tennis court, although increased traffic 57th is a no brainer

I am urging you to vote against the proposed zone change

Thank you so much for your thoughtful consideration of this matter.

Sincerely, Molly Schray

## Will Harper

---

**From:** Sherilyn Lombos  
**Sent:** Monday, March 08, 2010 8:41 AM  
**To:** Doug Rux; Will Harper  
**Subject:** FW: ZONING CHANGE

Sherilyn Lombos  
City Manager | Administration



Please consider the environment before printing this email.

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---

**From:** Greg Shelby [mailto:shelbys5@verizon.net]  
**Sent:** Monday, March 08, 2010 8:33 AM  
**To:** lou.ogden@juno.com; chris@barhyte.com; smgeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; Sherilyn Lombos  
**Subject:** ZONING CHANGE

Ladies and Gentlemen.....

We will not be able to attend tonight's council meeting.....therefore allow us this e-mail communication.

We have lived on Calusa Loop since 1987. Our property backs onto the property in question. We selected our home because of the beautiful wooded area we look upon each day. Now we face the potential of looking at a 95 foot building!

My fellow citizen of Tualatin....Livability and property values are at stake here. You have all worked hard for those values here in Tualatin. I'm now urging you to do so again....

PLEASE **vote NO** on the request to change the zoning to allow my precious view to become a stark and imposing medical complex.

Thank you for keeping Tualatin livable for ALL of US.

Greg and Cheryl Shelby  
5731 SW Calusa Loop

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

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

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

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

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

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

#### PROPONENTS

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

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

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

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

#### OPPONENTS

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

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

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

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

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

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

#### REBUTTAL

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

#### COUNCIL DISCUSSION

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

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

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

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

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

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

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

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

#### **G. GENERAL BUSINESS**

*None.*

#### **H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

#### **I. EXECUTIVE SESSION**

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

#### **J. COMMUNICATIONS FROM COUNCILORS**

*None.*



# City of Tualatin

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Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 11, 2010

**PRESENT:** Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

**ABSENT:** None.

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

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

Mayor Ogden called the work session to order at 4:30 p.m. and immediately went into executive session pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

Mayor Ogden continued with the Work Session at 5:10 p.m. and immediately recessed the Work Session and called to order the Development Commission Work Session at 5:10 p.m.

***Mayor Ogden reopened the Council work session at 6:15 p.m.***

*Council reviewed the Consent Agenda with no changes.*

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

- Draft Development Agreement Between the City of Tualatin and Legacy Health Systems***  
Associate Planner Will Harper gave a review of what has taken place to date. Staff has been working with Legacy Health Systems on a draft Non-Statutory Development Agreement (DA) that addresses development issues associated with future expansion of the Meridian Park Medical Center. Legacy owns approximately 19+ unimproved acres of property, with plans to expand the property in the future with buildings and site improvements in compliance with the standards and allowed uses within the MC Planning District. Legacy requested a plan map amendment (PMA-09-03) to change the planning district designation from RL (Low-Density Residential) to MC (Medical Center). A hearing was held on November 9, 2009 and continued to January 25, 2010, with Legacy's agreement. During the hearing Council asked about establishing a DA with Legacy. Staff has been working with Legacy on a draft DA as presented at this meeting.

Larry Keogh, director of Real Estate and Construction of Legacy Health Systems was introduced by Mr. Harper. Mr. Harper said one issue with Legacy is public street improvements which have been worked on as late as today. For the most part Legacy is in agreement with the draft DA.

Considerable discussion followed about traffic concerns, particularly at 65<sup>th</sup> and Borland. Discussion on the possibility of expanding lanes, and pedestrian connections. It was asked and answered by City Attorney Brenda Braden about statutory agreement language, and that it is a 20-year agreement, whereas statutory is only a 10-year. It was asked and answered by City Attorney Braden that if the Council were to pass a zone change, the agreement goes into effect. Mr. Keogh explained what may take place on the property and Legacy actually is in need of office space. It was asked about the timing of the buffer, and Mr. Keogh said that could be addressed in the DA. Discussion followed.

Discussion concluded and staff will be back with further revisions. Mayor Ogden said he wanted to make sure everything is out there to be able to address this at the next Council meeting. He said he wanted to be able to look at the whole site. Traffic issues continue to be a concern of Council's. City Manager Lombos pointed out there is not an issue before Council on the *existing property* and Mr. Rux explained it would be reaching to include the entire property.

3. *Update on Annexation into the Library District of Clackamas County*  
Community Development Services Director Paul Hennon said there is really nothing new to add at this point other than what has been already reviewed by Council. City Manager Lombos said staff is proceeding with placement on the ballot, etc.

**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**  
*None.*

**J. EXECUTIVE SESSION**

City Engineer McKillip moved on to a discussion of Sherwood's waterline. Sherwood ended up coming in at half the cost than what was projected and are looking to other jurisdictions to buy a piece of the pipe. It would cost approximately \$45 million for Tualatin's share. Discussion on the costs and whether to go for the \$45 million option with Sherwood, and City Engineer McKillip said Tualatin could build a system at \$60 million option.

Councilor Davis expressed concern about water quality, and commented by doing this, spending \$45 million, would still require a vote of the people to be able to use Willamette River water. Discussion followed on various options for water. It was asked about the financial part of why Tualatin would take up Sherwood's offer for \$45 million instead of doing a \$60 million option in the future. Discussion followed. City Engineer McKillip said it is more of an opportunity that was presented to us, and if we want to have two water sources and not be totally depended on one source of water.

Mayor Ogden said, along with Councilors Beikman and Maddux that they haven't heard a good reason to split pipe and share, water quality issue aside. Councilor Harris noted there wasn't any information about the Clackamas River and City Engineer McKillip said it wasn't considered, and noted the further away the higher the cost. Councilor Harris said he didn't want to address this at this discussion, but asked if staff could provide information about the Clackamas River. It was noted there should be some public involvement as it is a big decision on what will residents want for Tualatin's future water sources.

City Manager Lombos said staff will come back to Council with the next steps with the Portland water agreement and provide Clackamas River information.

## 2. *Legacy Health Systems Development Agreement*

City Manager Sherilyn Lombos began the discussion and noted Alyson Anderson, CEO of Legacy Meridian Park Medical Center, and Larry Hill of Legacy Health Systems were present.

Associate Planner Will Harper explained some of the changes that have been done in the Development Agreement (DA). He also reviewed five additional questions and ideas Council had of the DA. Mr. Harper reviewed (page 3) what those additions were, as stated in the staff memorandum.

Mayor Ogden said of what the scale is today and what the expansion would be in the future what is the impact of Legacy in the future, with or without the expansion. The concern is how Legacy handles that. Mayor Ogden said he wants to be upfront about what is the long term goal of the city. Mr. Hill said he understands the dilemma, when the Medical Center (MC) planning district was set ten years ago or so, trying to project what would an MC district look like.

Mr. Hill said the idea is predicated on how big will Tualatin get in the surrounding area and be able to provide medical services. Legacy Good Samaritan and Emanuel hospitals do not have much land to expand. Legacy Meridian wants to be able to provide a range of services and do all they can, which will require some additional buildings. Mr. Hill said their capital is tight and it is hard to predict what will happen, and they cannot necessarily take into consideration what traffic issues would be when it is not known what Legacy will be building. It was asked about the current site and how tall could a building be. Councilor Barhyte said he doesn't believe that constructing as high as a 95 foot building fits the character of the neighborhood. Mr. Hill replied that building a 45 foot building wouldn't make sense for them, although he's not saying 95 feet is right answer. Asked and answered the height of one of currently buildings. Mr. Hill said Emanuel and Meridian Park are the only two in the state that have an MC planning district zone. Discussion followed on

what the building heights might or could be on the site. There will be a setback of 300 feet, which is a little more than half into the property.

Ms. Anderson said it is difficult, what with not with knowing what they actually plan for the site. They want it to be good for the hospital and the community. Councilor Barhyte said the issue remains that whether a 95 foot building would be compatible with the neighborhood.

Discussion followed. Council set the MC district designation and put the hospital in the position. Mayor Ogden said if there had been development on the 20 acres residentially, as the rest of Fox Hills, we probably would have had these types of discussion then. Councilor Truax said we need to decide what kind of hearing to have and have it. Councilor Maddux said she is with Councilor Truax on this. Mayor Ogden said it is worth the effort to try and get there. Mr. Hill said it seems there are four or five issues that are big and with no specifics, he can't alleviate the concerns. At the end of the day Tualatin has a community hospital that's been there for 40 years, and while they can't know now what they will be building, Legacy wants to work with the neighborhood.

Discussion followed, and City Attorney Braden interrupted and noted Council is moving away from the DA discussion, and there is an ongoing public hearing. Councilor Beikman suggested bringing the DA to the next meeting as it is presented tonight, and take a vote on it at that meeting. Council quickly reviewed the five suggestions and Mr. Hill said Legacy is fine with Nos. 2-3, but it isn't sure about Nos. 1, 4 and 5.

Mayor Ogden asked how in the purview of the process, without being ex parte, if there is a methodology to have a Council subcommittee, and City Attorney Braden said it couldn't be done without being ex parte. Staff will bring back on March 8, 2010, and add Nos. 2 and 3 to the DA.

**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**  
*None.*

**C. CITIZEN COMMENTS**

None.

**D. CONSENT CALENDAR**

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

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

MOTION CARRIED.

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

None.

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

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

[CONTINUED from February 8, 2010]

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

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

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

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

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

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

Mayor Ogden reiterated the procedures of the hearing.

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

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

#### APPLICANT

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

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

#### OPPONENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### APPLICANT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion on Motion

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

Councilor Beikman called for the QUESTION.

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

**G. GENERAL BUSINESS** *(moved to this portion of agenda)*

1. Resolution No. \_\_\_\_\_ Approving a Development Agreement Between the City of  
Tualatin and Legacy Health Systems

Associate Planner Will Harper presented the staff report and entered the entire staff report, including additional items received, into the record. Mr. Harper gave a brief background on the Development Agreement (DA) process leading up to this discussion, and cited the issues that are addressed in the proposed DA. Also noted is a separate version of a proposed DA submitted by Fox Hills resident Todd Allison.

Associate Planner Harper said staff recommends Council consider the attached resolution and DA material and provide direction. Mike Riley, Tualatin Planning Advisory Committee (TPAC) member will be providing information. Also present representing Legacy Health Systems (LHS) is Allyson Anderson, Chief Administrative Officer (CAO) of Legacy Meridian Park Medical Center, and Brian Terrett, Director of Public Relations.

Mayor Ogden clarified the Development Agreement issue is *separate* from the public hearing on the Plan Map Amendment (PMA).

*Mike Riley, representing Tualatin Planning Advisory Committee (TPAC)*, noted they did not have a quorum at their meeting, but did hold a discussion. TPAC members that were present, all agreed by consensus, and individually approved the DA presented in the Council packet. TPAC felt that LHS was reasonable, fair, and made several accommodations to the proposed DA.

LHS representative Allyson Anderson gave an update on what has taken place to date. At the Council's May 8, 2010 meeting, the City Council asked that Legacy "reach out" to the community, and Ms. Anderson believes they have exceeded that goal, having held several open houses. Ms. Anderson noted they have said all along they are "good neighbors" and will continue to be good neighbors. With the late submittal of the proposed DA from Fox Hills resident Todd Allison, LHS is requesting a continuance to September 13, 2010, to be able to adequately review the proposed amended DA.

**CITIZEN COMMENTS**

*Sherry Benson, 5915 SW Sequoia Drive, Tualatin, OR*, lives across Borland Road and Meridian Park Hospital has always been an excellent neighbor and respectful of the community and area. When the rezoning arose her concern was about trees and she attended the various open houses and was impressed with LHS, however she could not say that about some of the neighbors and their lack of respect. Ms. Benson said she totally supports the hospital's plan, and said there are many others that are also in support.

*Jim Zupancic, 5916 SW Nyberg Lane, Tualatin, OR, neighboring landowner on behalf of Stafford Hills Racquet Club*, believes good land use planning involves the needs of the overall community. In support of LHS of expanding its medical capability. Medical care is needed in this region and LHS has given quality care. Mr. Zupancic said he doesn't expect the DA will take care of everything, but the process will allow for more specifics as they are put on the table. He is in support of the hospital and believe they will be good neighbors.

*Harold Brazier, 5744 SW Joshua Street, Tualatin, OR*, said if understands the changes to the DA, Joshua, Natchez and Wichita Streets will be kept as dead-ends, and said he appreciated LHS keeping them as dead ends.

*Todd Allison, 5753 SW Joshua Street, Tualatin, OR*, commented for the record he appreciates LHS's willingness to take a look at the proposed DA he submitted. Mr. Allison said the communication with three open houses that were held did not allow for community discussion, and he believes LHS was not forthcoming with information and how it was presented. Council gave clear direction on working with the neighborhood and LHS, and Mr. Allison said he wants Council to understand there are concerns that remain by the residents.

Mayor Ogden asked Mr. Allison explained what changes he proposes to the current proposed DA. The major concern is the amount of traffic that will be created. Mr. Allison said the adjustments he's made are not that extensive, but make sure there is a sufficient flow of traffic. Residential needs to stay residential, according to Mr. Allison, and noted that Tualatin Valley Fire & Rescue (TVFR) has asked one of the dead-ends to go through, although can be angled. Other changes include changes to the berm, and building heights. Mr. Allison said he recognized LHS's willingness to keep the 75 foot building height at 75 feet, but it is not in writing. He also proposed looking at the number of trees, and providing more protection for them.

*Linda Webster, 5200 SW Joshua Street, Tualatin, OR*, has lived in Tualatin for 32 years, and her complaint is there is not a fire station nearby, and asked how the fire department would even be able to get to the area. Ms. Webster said there is plenty of land at LHS to build a fire substation. There is only one access road from Nyberg to I-5, and Ms. Webster said she would appreciate if Council would give serious consideration to a fire substation on this side of the freeway.

Mayor Ogden noted that Tualatin Valley Fire & Rescue (TVFR) is a *regional* fire district, separate from the City.

*Phil Chizum, 19650 SW 56<sup>th</sup> Court, Tualatin, OR*, said he is in support of the changes to DA as submitted by Mr. Allison. He is in support of the rezoning, but his concerns are with traffic issues, and hopes that LHS will continue to work with the neighbors.

*Barbara Fronczak, 19135 SW 65<sup>th</sup> Court, Tualatin OR*, said she has been before Council before, and asked why vacant office space in Tualatin couldn't be used. She is still uncertain about the Stafford Hills development, and said there are 700 homes in the area. She chose Tualatin because of the vision of developing the City.

*Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR*, said her group have been working with the residents to see how the process works and believes there is an opportunity to have an exchange of information and encouraged Council not to look to outside consultants, but to look to the neighbors. Not wanting to stop growth but want to be able to work better. Would work better if there was a neighborhood association, and recognized there is a process that is moving forward on addressing this.

*Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR*, has lived here 25 years on Joshua Street. After LHS acquired the property, it changed how the property would be developed by LHS. He was concerned about the opening of one of the streets could create problems.

*Renee Balsiger, 5885 SW Wichita Street, Tualatin, OR*, important to her is transportation and the amount of cars able to handle it. The berm and concrete wall is also important. The access for emergency vehicles hasn't been a problem, and she said Meridian Park Hospital has been a good neighbor, and wants LHS to work with the neighbors.

*Gillian Nelson, 5704 SW Joshua Street, Tualatin, OR*, said she is a new resident to the subdivision. Her biggest concern is the potential of having increased traffic down their dead end street. Ms. Nelson also thanked LHS for extending the negotiations.

*Nancy Grimes, 19710 SW 56<sup>th</sup> Court, Tualatin, OR*, wants to register support of the Todd Allison amended DA, and said it is the first time in writing that articulates the neighbors' concerns. The main issue of having specific setbacks requirements by height from the amended DA was important, and the berm requirements. Traffic issues is also of concern, and putting back onto 65<sup>th</sup> is also important. Ms. Grimes also mentioned a small concern about addressing the smoking issue. Ms. Grimes said she appreciated LHS wanting to take the time to look at the amended DA.

*Terri Peterson, 19275 SW Mobile Place, Tualatin, OR*, said she is in support of the proposed amended DA. Her primary concern is the increased traffic, particularly with the Stafford Hills development coming.

*Paul Peterson, 19338 SW 55<sup>th</sup> Court, Tualatin, OR*, said he also proposes the amended DA, as well as limitation on the building heights. It was asked and explained the DA would carry through to future owners of the property.

*Mike Riley, 8720 SW Tualatin Road, Tualatin, OR*, and a member of TPAC, said his understanding from original DA was none of the dead ends were going to be extended.

Community Development Director Doug Rux said the proposal in packet referred to fire lanes, and in recent conversations with TVFR whether all three have to have fire lane. They are not intended to be public roads.

It was asked and Mr. Allison explained his recommendation from his amended DA, in Section 4.2 there would not be any emergency access, although he understands about having turnarounds, but not necessarily having access through.

*Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR*, said as mentioned earlier that there is not any fire stations on their side of the freeway.

*Heidi Kindell, 5631 SW Natchez, Tualatin, OR*, said her concern if traffic is too busy on 65<sup>th</sup>, and she didn't want to see cut-through traffic because 65<sup>th</sup> isn't improved

*Greg Shelby, 5731 SW Calusa Loop, Tualatin, OR*, said his concerns are of tree preservation issues. He moved to Tualatin in 1987 and what made the property unique is the stand of forest by Calusa Loop. His hope and goal is to get some specific distances for tree preservation.

*Mike Watson, 5477 SW Sequoia Drive, Tualatin, OR*, wondered about road noise that backs up to Borland Road and if homeowners will be responsible for the fencing due to increased traffic.

It was asked and Associate Planner Harper explained how the process of being able to comment on the DA was done, and that information about the DA and the Plan Text Amendment proposal is available in the staff report and has been available on the City's

website. Open houses were held by LHS. Council questioned whether the process was that helpful.

*Brian Terrett, representing LHS, 1919 NW Lovejoy, Portland, OR, was present and responded to the comment that there is information for residents that was available at the open houses in the staff report. It was asked and Mr. Terrell explained that LHS will need to take a look at both the proposed DA and recently submitted DA to ascertain what the actual differences are. LHS is committed to doing so. It was asked and Mr. Terrett explained that they just asked for their architects to put together some drawings of what it might look like designed to 75 feet, and not meant to be an actual proposal. Mr. Terrett said LHS wants to be as open and upfront as possible.*

It was asked and Associate Planner Harper said the engineering firm memorandum is in the Council's supplemental packet information. It was asked and Ms. Anderson said between now and September 13, 2010 they will give the alternate DA consideration and will work with staff. Ms. Anderson said they don't want to render the property useless. Council also noted for LHS to continue to work with the neighborhood, and make certain that any comments collected are getting back to the neighbors.

***A break was taken from 8:58 p.m. to 9:06 p.m.***

It was asked about the TVFR standards, and if the City has any leeway. Community Development Director Rux said he spoke with the Deputy Fire Marshal that the three turnarounds would be required. When the subdivision was built the intention was always that the street would go through. Community Development Director Rux said he could meet with the Fire Marshal to discuss this issue. A councilor commented that the streets have been dead end for so long and if there wasn't development, they would remain as they are. City Engineer Mike McKillip explained what has been done in the past in subdivisions, and that fire department rules and regulations have changed over the years. There is always a provision for turnarounds of some sort. Since then, the City has changed standards in the Development Code. The fire code is a separate document administered by TVFR. Staff will try to work out a situation that's agreeable but not knowing what exactly will be built on the property, City Engineer McKillip said he would be hesitant to not take TVFR's recommendations and it would open the City to liability. His experience is TVFR works with people on issues such as this. Brief discussion followed.

It was asked of Ms. Anderson regarding a question that has been raised about the corporate policy on "no smoking". Ms. Anderson said she is not prepared to say it would not be a smoke free campus, but is willing to listen to what can be arrived at to address the smoking issue.

Mayor Ogden said in the interest of arriving at an agreeable situation, asked Ms. Anderson and Mr. Allison to meet together with the two DA's and ask the City staff be the "moderator" of the discussion, which could also include councilors. Ms. Anderson said LHS would be interested but her question is who would be the group of neighbor representatives. Mr. Allison said it could work and he wants to be fair. His concern is how to arrive at the end agreement.

Ms. Anderson noted their request for continuance to September 13, 2010, and she will be available to meet when needed between now and then.

Mayor Ogden closed the hearing on the DA.

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

1. Public Hearing to Consider an Ordinance Changing the Planning District Designation from Low-Density Residential (RL) to Medical Center (MC) of Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and .25 Acres of Abutting Right-of-Way; Amending the Community Plan Map 9-1 (PMA-09-03)

Mayor Ogden opened the public hearing and noted the hearing was continued from March 8, 2010.

Legacy Health Systems representative Allyson Anderson waived the 120-day requirement and requested a continuance to September 13, 2010.

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the public hearing to September 13, 2010. MOTION CARRIED.

2. Public Hearing to Consider a Resolution Granting a Conditional Use Permit to Allow an Outdoor "Doggie Day Care" (Pet Day Care) in the General Commercial (CG) Planning District at 17620 SW 63<sup>rd</sup> Avenue (Tax Map 21E 18BC, Tax Lot 1400) (CUP-10-01)

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

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. This is a request to allow an indoor and outdoor pet day care use. The subject property is a multi-tenant building. There is a vicinity map and site plan available. Staff has been working with the applicant and during the course of the Plan Text Amendment (PTA-10-01), allowing outdoor pet day care as a condition use. Mr. Harper reviewed the conditions requested and explained in the staff report.

*Joseph Schaefer, 1211 SW Fifth Avenue, Portland, OR*, representing the applicant was present and said they agreed with staff's recommendation. Phil Brazell was also present.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

It was asked and Mr. Brazell displayed a portion of the type of grass that will be used outside for the "doggie day care".

Mayor Ogden closed the public testimony portion of the hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to grant CUP-10-01 to allow an outdoor "doggie day care" (pet day care) in the General Commercial (CG) Planning District at 17620 SW 63<sup>rd</sup> Ave (Tax Map 21E 18BC, Tax Lot 1400), with conditions as stated in the staff report.