



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, July 13, 2009

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

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

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

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 5 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page No.

1. Proclamation Proclaiming July 2009 as "Oregon National Guard Month" in the.....
City of Tualatin
2. Tualatin Youth Advisory Council Update
3. New Employee Introduction – *Melissa Koons, Operations*
4. Update on the City's Efforts Regarding a Whistle-Free, Quiet Zone

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 4)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and the Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of the Special Work Session of June 1, 2009, and June 9, 2009, and the
Work Session and Meeting of June 22, 2009
2. Change Order No. 1 to the Contract Documents for Construction of the Tualatin.....
Operations Yard Parking Lot, Storage Yard, and Utility Improvements
3. Resolution No. 4909-09 To Approve a Settlement Agreement with Verizon, as.....
Part of the Oregon Municipal Audit and Review
Committee (OMARC) Audit
4. Resolution No. 4910-09 Authorizing a Revocable Permit for a Temporary.....
Construction Staging Area in the Blue Lot

E. PUBLIC HEARINGS – Legislative or Other

Page No.

1. Public Hearing to Consider An Ordinance Relating to Fences; Requiring Fences
 Along Interstate Highways in the RL and RML Planning Districts; and Amending
 TDC 34.320, 34.330, 34.340, 73.221, 73.222, and Figures 34-1 and 34-2
 (PTA-09-01)

Ordinance No. 1285-09 Relating to Fences; Requiring Fences Along.....
 Interstate Highways in the RL and RML Planning
 Districts; and Amending TDC 34.320, 34.330,
 34.340, 73.221, 73.222, and Figures 34-1 and
 34-2 (PTA-09-01)

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS (*Item Nos. 1 – 4*)

Page No.

1. Fiscal Year 2008-2009 Tualatin Tomorrow Vision Implementation Committee
 Annual Report
2. Tualatin Town Center Transportation Growth Management (TGM) Outreach Workshop.....
 Summary Memorandum
3. Resolution No. 4911-09 Authorizing the Bancrofting of Certain Fees and Charges
 Related to Robinson Crossing I and II and Authorizing
 the City Recorder to Enter Certain Real Properties Within
 the City of Tualatin Onto the City of Tualatin Lien Docket
4. Ordinance No. 1286-09 Establishing a Vocational Training Facility Tax Assessment.....
 Category for the Core Area Parking District

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:

July 13, 2009

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.	DEREK COUSY	217175 W ASPEN PL	DCOUSY@USA.NET		DC OTHER zone
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Proclamation

Proclamation Proclaiming July 2009 as "Oregon National Guard Month" in the City of Tualatin

WHEREAS the members of the Oregon National Guard play an essential role in safeguarding the rights and freedoms of Americans and unceasingly provide a vital public service to Oregon citizens; and

WHEREAS the Oregon National Guard has consistently demonstrated its value to our state and our nation; and

WHEREAS our military personnel face urgent and perilous duties associated with their National Guard responsibilities; and

WHEREAS the families and loved ones of our military personnel face unique and challenging obstacles throughout each deployment cycle; and

WHEREAS 2,700 members of the 41st Infantry Brigade Combat Team of the Oregon National Guard will be deployed overseas for eleven months; and

WHEREAS Oregon Air and Army National Guard troops have fulfilled over 10,000 individual mobilizations in support of ongoing military operations in Afghanistan, Iraq, and throughout the world.

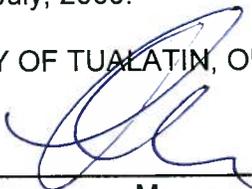
BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

The City Council of the City of Tualatin hereby proclaim *July 2009* to be Oregon National Guard Month, and encourages all citizens of Tualatin to join in this observation.

INTRODUCED AND ADOPTED this 13th day of July, 2009.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: July 13 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE SPECIAL WORK SESSIONS OF JUNE 1, 2009 AND JUNE 9, 2009 AND THE WORK SESSION AND MEETING OF JUNE 22, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Special Work Sessions of June 1, 2009 and June 9, 2009 and the Work Session and Meeting of June 22, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary J Kirby

SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 1, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax

STAFF

PRESENT: Sherilyn Lombos, City Manager; Doug Rux, Community Development Director, Cindy Hahn, Assistant Planner, Mike McKillip, City Engineer; Paul Hennon, Community Services Director, Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Brenda Braden, City Attorney; and Stacy Crawford, Recording Secretary

The special work session was called to order at 6:40 p.m. at the Police Services Training Room.

1. ANNOUNCEMENTS – None

2. ITEMS DISCUSSED

A. Town Center Plan

Mr. Rux had everyone in the audience introduce themselves and state the committee, business or organization they represent.

Mr. Rux stated that staff has been working on the Town Center Plan since 2004. Staff put aside a version of the plan in 2005 when we embarked on the Tualatin Tomorrow program. Staff is re-engaging our Town Center process to see what our future is going to be. Recently as part of Metro's Local Aspirations, staff has come up with some numbers and idea concepts of what the Town Center might be like in 20-50 years. The handout was provided and also noted that its available on the website. Through the Transportation and Growth Management Program, there was a grant provided to allow the City to take another step forward in evaluating our opportunities in the Town Center.

Mr. Rux introduced Constance Beaumont with the Oregon Transportation and Growth Management (TGM) Outreach Program and George Crandall, Don Arambula and Jessie Maran with Crandall Arambula who are the consultants. The TGM grant program has a partnership with ODOT. A month ago staff, the consultants, City Manager and Councilor Barhyte went on a site walk to look at the unique nature of our downtown. There are a lot of good attributes to build on in the future. Based on the information from the site walk, the Town Center Plan from 2005 and additional information, the consultants are here with a presentation of that concept. We would like to make this an interactive aspect to get some feedback for the next step in working on the Town Center Plan.

Constance Beaumont thanked Mr. Rux and the Mayor and gave a little background information about more transportation choices.

The consultant team gave a presentation on potential concepts and goals based on the site visit walk, the Town Center Plan from 2005, and stakeholder meeting information. A copy of the presentation is available by request.

A key point about the overall concept is to use a center street to tie the downtown together. By organizing streets such as Seneca to Interstate-5, building a bicycle pedestrian bridge over the lake and having an urban grid layout. Where you have great streets you have great downtowns to help make a community joyful and pedestrian friendly. Visible shops, outdoor seating, street trees, things for children, public art, places to rest and relax, family elements, streetlights, restrooms, transit integration through shuttle buses and tri-met.

Seneca Street would become retail Main Street. A Main Street should only be a ¼ mile long. It should have anchor stores, such as grocery or department stores with small mom and pop retail shops in between. Critical mass of 150,000 sq. feet of continual retail. Parking needs to be shopper friendly. Parking garages need to be grandma friendly and not tucked out of the way.

The number of daily trips on Tualatin-Sherwood Road is 40,000 making it a hostile pedestrian zone. 8,000 trips per day is a good number for a Main Street.

The Town Center plaza concept they see as fitting in front of City Hall with a Santa Fe style open space that has a park adjacent to the city center. This would be a place for all ages. Around the plaza would be mixed income housing options with parks to relieve that kind of density. Two essential elements were discussed to create a successful town center: great streets and a plaza. A balanced center development would be one mile in radius, a common hot spot and bikes that are off the road. An expanded sidewalk that would support a bike path was discussed.

Mr. Nyberg stated that he has a lease with Kmart until 2022. It's a lease that he cannot break. He said a Loop Road was designed in here on the north side and that \$5 million is gone, and the loop portion on the south side \$14 million is gone. He stated that they don't have a dog in the fight and this property is for his family and his children's family. There is an economic impact on private property. It's not a question of if Wal-Mart is coming, it's when they are coming.

George Crandall responded that everything is negotiable. Everything changes overtime. A good idea has the power to transcend everything. Everyone needs some things. Mr. Nyberg needs to be very successful. Leases are changed as conditions change. Businesses also change. City has decision on where to spend its capital dollars. He asked Mr. Nyberg what the burden would be on him to redevelop his property, if he was to work with the City and come up with something other than a big box. Mr. Nyberg stated he couldn't answer that. Mr. Nyberg noted that he was on the Urban Renewal Committee years ago.

Marissa Houlberg asked what kind of burden is on the Nyberg's? Mr. Nyberg replied that he does not think the concept is workable because market conditions are always changing.

Mr. Emami noted that he was the owner of the theater in Tualatin over 30 years ago. He understands the concept of retail stores. He is the current owner of Clark Lumber, Rich's Kitchen, Seneca Building. Recently he has taken ½ of the rent to put in a beauty school. He feels that the City doesn't need more flower baskets or more sidewalks. What we need is to get people into the downtown. The Lunch Box closed after many years of operating. He paid \$5 million for Clark's Lumber and wants to see more aggressive actions to bring developers downtown.

Mr. Crandall stated that you need a plan that makes sense for the downtown and that can attract developers. Create a situation that developers will want to come. A predictable and economically viable downtown is why a developer would develop. You must decide what you want the downtown to be and what type of community you want.

Connie L. stated that if Wal-Mart comes into town she's selling her house. When Costco left she saw a reduction in traffic,

Beth R. stated that there is no way for the family to get downtown on a bike. She feels the bike path is a great idea and the idea of supporting local businesses and would like to see a farmer's market in Tualatin.

Marissa Houlberg stated that the library has been very successful. She stated that restaurants are successful in Nyberg Woods.

Linda Moholt, Chamber of Commerce, would like to see an active vibrant downtown that attracts businesses. Have industrial zoned land, but make the downtown an active, pedestrian friendly urban desire.

Don Ambrula stated there needs to be a great environment where people will want to hang out and a place that attracts a work force.

John Medvec likes the concept and this is just an idea to get conversations going. Should we decide to do this? Shows what downtown could be. There is success in Salem and Portland. He likes to support Oregon and shop locally.

Don Ambrula stated that retail is changing and this country is over retailed. George Crandall stated that Bridgeport Village is on the leading edge of the trend of having retail out on the edges and having a downtown. You don't want more Bridgeport's out on the edge of your city.

Mike H asked why the town center plaza is not at the lake.

George Crandall said that a hole in the ground is not a Town Center. The lake is a feature and an amenity in the downtown that people go around. The lake is an edge condition.

Don Arambula added that it's about economic development, not a public amenity. There is already a civic presence at the library, so you should build off your strengths. There is a 10-15% additional value of development around a plaza.

Sherilyn Lombos asked what do you do with Tualatin-Sherwood Road?

George Crandall stated that they didn't focus on things that didn't give value. Tualatin-Sherwood Road is not a big pay-off and should be dealt with later.

Mayor Ogden asked if Mr. Emami and Mr. Nyberg were wildly successful and there were no problems, how do you drive the public investment and how do you get the population to be supportive of the public investment? How do you get 12,000 voters to get involved and say what they want?

Mr. Crandall provided a menu approach and suggested \$3 million dollar expenditure to start. You need to have private commitment to spend the public dollars. The vision has to be clear and Mr. Nyberg and Mr. Emami have to be engaged and in control of the process.

Nic Herriges asked about Tualatin-Sherwood Road and this plan chooses to not address it. It's a barrier for pedestrians as well as for people trying to drive into the downtown area. It's essential to figure out different ways for traffic to permeate that barrier.

George Crandall reiterated that you need to concentrate on the heart then worry about the extremities.

Mr. Aplin asked about the redevelopment in that area. Could you keep some of businesses and buildings that are already facing Tualatin-Sherwood Road? George Crandall replied that you could keep those the way it is today and build another building out back behind it.

Brenda Braden asked how do we get retail in without being over retailled? Don Arambula stated by attaching the local shops to an anchor store so that money stays in the community.

Mayor Ogden is concerned about leaping into a traditional concept that works today and it becomes a fad with no substance and longevity.

George Crandall stated that it's not a fad. Main Street is going back to things that have worked over time. Places you have to drive will be in trouble because they are not pedestrian friendly. Bridgeport Village will be in trouble. You need to go back to a more traditional model that is bike friendly. Don Arambula added that fundamental DNA is setting the grid. Mayor Ogden asked why they are not using the river. George Crandall stated that you should go with all the height you can get.

Ed Truax stated that we need to hang our hat on this type of planning and he didn't think they needed to get hung up on the height issue. Need to work with owners, business and citizens to work out our downtown center. He hopes we succeed and we can create some excitement about this project.

Katie Ogden thinks there is a need for a strong town center plaza. There needs to be a place where the youth and families can go.

Marissa Houllberg wants the Community Park to tie into that area, bicycling. Need parking structures for the public – grandma friendly.

Constance Beaumont closed the meeting and shared an example of Target choosing to go into a building that's two-story, which is something they have never done before, but it penciled out for them to be multi-level. Tualatin needs to think about what they want and what the whole vision is for the Town Center.

David Emami stated that 27 years ago the downtown was more vibrant than it is today. We have failed over the years. He has had to cut rent in ½ for School of Beauty. City won't waive his core area parking fees. Need to make town more vibrant and prosperous. Had to landscape the downtown parking lot, which cost him \$55k and rent his property.

Mayor Ogden asked how we would continue to expand to get the word out to people and how to do this, still pass the word about these conversations.

B. Library – Clackamas County

Sherilyn informed the Council that she, Councilor Harris, Brenda, Paul, and Abigail met earlier in the day with Clackamas County Commissioner Bob Austin and some Clackamas County staff in preparation for a November 2009 election to annex the Clackamas County portion of Tualatin into the new Clackamas County Library District (District) per Council's direction.

The process, schedule, and key points for an intergovernmental agreement were discussed and late in the meeting it became clear that the Clackamas County staff was suggesting that the terms

presented to Tualatin for initial formation of the District probably would not be the same terms under which Tualatin could annex into the District.

Specifically, the annual reimbursement of taxes collected (in both incorporated and unincorporated areas) and the one-time capital funding would change from the earlier numbers of \$137,000 and \$150,000 to \$0 and \$0. The primary benefits to Tualatin for annexation into the District would become non-financial in that Tualatin would receive \$0 funding as 100% of the taxes collected (from the \$0.3974 per \$1,000 taxable assessed value) would be shared by the other members of the District, and Tualatin's residents would qualify for the use of all Clackamas Counties libraries, as well as the other libraries party to the MIX agreement (Metropolitan Interlibrary Exchange - Washington, Multnomah, Hood River, Clark, Skamania, and Klickitat). Through the MIX agreement Tualatin's residents would qualify for full service at the Tualatin library rather than qualifying for the reduced service level provided under the Tualatin Courtesy Card.

The notion that Tualatin would not receive any financial benefits from the annexation was a surprise to the Tualatin contingent as the previous discussions had included the annual reimbursement for the incorporated area of Tualatin, but perhaps none of the unincorporated area, and probably not all or any of the one-time capital funding.

To pursue the terms of annexation, the Clackamas County representatives suggested that Tualatin present a written proposal to the new District Advisory Board. That Board has not yet convened for the first time as the member cities are just now in the process of executing the required IGA's, but they thought they could get them together in time to meet the schedule needed by Tualatin for a November election. However, it was stated that the Board would not likely support reimbursing taxes to Tualatin since Tualatin does not have a library in the District. It was suggested that the Board would be more amenable to reimbursing Tualatin if Tualatin could work with Multnomah and Washington counties to resolve similar situations with those counties and Lake Oswego and Wilsonville. It was surmised that this was not likely to be able to be achieved within the time line for a November 2009 election. The meeting concluded with the understanding that Tualatin would consider submitting a proposal to the Advisory Board.

Sherilyn and Paul presented several alternative approaches which were discussed: (1) Accept the new terms, (2) make a proposal to the District Advisory Board, (3) work with Multnomah and Washington counties and Lake Oswego and Wilsonville to resolve the common issue, (4) work with WCCLS to purchase services for the Clackamas County area of Tualatin, (5) tax residents and buy out of district library cards for them, (6) do nothing - don't place an annexation measure on the November 2009 ballot.

Council favored not placing an annexation measure on the November 2009 ballot under these terms at this time. Staff indicated that an informational letter would be prepared and sent to Tualatin's Clackamas County residents so they would understand that their library service level would be changing, and that the letter would be coordinated to include messages that both the District and WCCLS were including in letters they had intended to mail. Council directed staff to prepare a draft of the information letter and to explain the causes of the circumstance, and to run the letter by Lynn Peterson, Chair, Clackamas County Commission, prior to issuing it to gauge the Commission's position on this matter. Council also directed staff to schedule an informational meeting at Bridgeport Elementary School in the near future and to invite residents to the meeting in the aforementioned letter to residents.

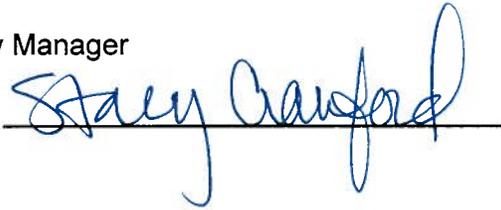
In an unrelated matter, the Council directed Sherilyn to cancel the upcoming Clackamas County dinner due to scheduling conflicts.

3. ADJOURNMENT

The special work session adjourned at 9:03 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, reading "Stacy Crawford", is written over a horizontal line. The signature is cursive and extends above and below the line.



SPECIAL CITY COUNCIL/DEVELOPMENT COMMISSION MEETING MINUTES OF JUNE 9, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax

STAFF

PRESENT: Sherilyn Lombos, City Manager; Doug Rux, Community Development Director, Mike McKillip, City Engineer; Brenda Braden, City Attorney; Paul Hennon, Community Services Director, Carina Christensen, Assistant to the City Manager; Don Hudson, Finance Director; Brenda Braden, City Attorney; and Maureen Smith, Recording Secretary

The special work session was called to order at 6:15 p.m. at Legacy Meridian Park Hospital, Room 117A.

1. ANNOUNCEMENTS

Legacy Meridian Park Hospital CAO Allyson Anderson gave a tour of the City Council from 6:15 p.m. to 7:00 p.m.

The meeting continued at 7:15 p.m. after the hospital tour.

2. ITEMS DISCUSSED

Council discussed Regional Transportation Plan (RTP) issues and how it affects Tualatin with other surrounding cities. For consideration is whether Tualatin wants to get jurisdictional control of rights-of-way of certain roadways. The issues of taking over control is whether it is worth pursuing and what the unintended consequences may be.

Community Development Director Rux reviewed a map of the city's boundaries and county boundaries. The location of Tonquin Road was pointed out on a display map and what is inside and outside the city boundaries. Mr. Rux reviewed the planning that's being done in various acreage in relation to the Southwest Concept Plan, and said staff is in the process of updating the Urban Planning Agreement with Washington County allowing the area east of 124th down to Tonquin to be in Tualatin city limits if urbanized in the future. Mr. Rux said an urban planning area agreement would be a good direction to take with the land between Wilsonville and Tualatin. How Wilsonville may handle the urbanization issue was also discussed.

Council continued discussion on various issues and options of urbanization of vacant land in and surrounding Tualatin. Remaining under Washington County jurisdictional control was discussed, but the alternative is that Tualatin would have to also take on maintenance of the roads.

Question Mayor Ogden said he's putting on table is what should be done at least in short term, to secure ability with right-of-way not subject to political whims and how to secure the ability to take jurisdictional control of certain roads. Also if an urban planning agreement with Washington County is done and the land is not annexed what would happen.

Discussion of stimulus funds was also discussed and whether funding could be used for construction projects, etc. Concern continued to be expressed about what would happen with taking jurisdictional control of various roads.

Community Development Director Rux said research work was done back in 2006 about the annexations process. Staff could craft a "white paper" laying out the steps; critical path and also the flaws. The importance of water/sewer/storm infrastructure was also mentioned.

City Engineer Mike McKillip displayed an aerial of what is currently in Tualatin's Transportation System Plan (TSP). The second half of the aerial indicated the proposed I-5/99W Connector Alternative 7, and an aerial was also displayed indicating what property and jurisdictional control Tualatin has. There is right-of-way to build in much of the area displayed (124th to Robinson Crossing building portion of Tualatin Road is currently under Tualatin's jurisdiction).

City Manager Lombos concluded the discussion with Council and said staff can submit the "road" without the northern arterial portion to the Washington County Coordinating Committee (WCCC), without touching the TSP, and defer that conversation until a later date.

4. ADJOURNMENT

The special work session adjourned at 8:51 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, appearing to read "Maureen Smith", is written over a horizontal line.



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JUNE 22, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Jay Harris, Donna Maddux and Ed Truax, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; Paul Hennon, Community Services Director;; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Councilor Joelle Davis*

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

A. CALL TO ORDER

Mayor Ogden opened the work session at 5:38 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Prioritize List of Transportation Projects*

City Manager Sherilyn Lombos said the Washington County Coordinating Committee (WCCC) is developing a joint list of transportation projects to submit to the Regional Transportation Plan (RTP) update process. Projects that are currently on the RTP need to be discussed and the City's priorities to be submitted to the WCCC.

City Engineer Mike McKillip distributed information about soliciting projects that the City would like to go into the RTP. He explained the RTP has become a Metro tool for advancing the 2040 vision plan. Information on refining regional transportation priorities was discussed and staff is looking for feedback from the Council on what types of projects the City should submit. Mr. McKillip distributed various project maps, and reviewed some of the projects that have been discussed with Council in the past, such as road and pedestrian projects, etc. Identifying road projects on the State priorities RTP project list were reviewed, including the federal listing.

Discussion followed. Some types of pathway projects should likely be put on the list, and also whether there are any other projects besides the "road network" (124th, Tonquin, etc.) that needs to be added. How often adding to the list was discussed and Mr. McKillip explained the normal process comes up every three to four years for updating.

Discussion followed on some of the projects that are currently listed and Mr. McKillip said more information will be available after the next WCCC meeting.

2. *Update on Coffee Service and Options*

City Manager Lombos said staff needs direction from Council on the Library's coffee service vendor.

Community Services Director Paul Hennon and Library Manager Abigail Elder said the coffee service vendor "Sesame Donuts" is closing on July 3, 2009 due to limited business sales.

The question is whether to continue to have coffee service for the 65 hours a week the Library is open, and to have coffee open during library hours would at least require a subsidization. Discussion followed on various options and what could be done to be able to continue with some type of coffee service in the Library.

Community Services Director Hennon said that the original Request for Proposals from the Commission for the Blind, offered limited daytime hours, Monday through Friday. Having volunteers or a non-profit to keep the service open in the evening was discussed but determined not necessarily workable solution, what with County health regulations, etc. Location and foot traffic a likely factor in the Tualatin library, and how coffee service is fairing in other libraries was also discussed.

Councilor Maddux said she recognized the difficulty in keeping a coffee service viable, and perhaps could look at more flexibility as to hours and terms of when the service would be there, but she is opposed to any kind of subsidy by the City.

Discussion followed on whether to go out for another RFP, and what other companies that are out there. Sounds like more likely due to location, etc. is the problem. Suggested perhaps to have some kind of vending, and comm. For blind also has vending service. Asked of staff to check around, like borders, to see when the hours are that get most service. Works for borders because of location. Hennon said bottom line is not foot traffic.

City Manager Lombos summarized Council discussion on not to provide a subsidy, to look into providing some type of vending machines as a possibility, and what it would take to have some type of non-profit/group step in to provide service.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

2. Ordinance No. 1284-09 Relating to Changing the Planning District from Low-Density Residential (RL) to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road; and Amending Community Plan Map 9-1 (PMA-09-01)
-

MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Maddux for a second reading by title only. MOTION CARRIED. The poll was unanimous. *[Davis absent.]* MOTION by Councilor Harris, SECONDED by Councilor Beikman to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Maddux gave a brief update and distributed information on the upcoming ArtSplash event on the Commons.

Councilor Truax displayed a map from the Clackamas County Business Alliance of the proposed "Stafford Triangle" that is being shopped around to the surrounding cities, and with discussions on urban/rural reserves, etc., thought Tualatin should know what is out there. City Manager Lombos said staff will look into the information and get back to Council.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session recessed at 6:58 p.m. and reopened at 6:59 p.m.

The work session adjourned at 6:59 p.m.

Sherilyn Lombos, City Manager

Recording Secretary *Maureen Smith*



TUALATIN CITY COUNCIL MEETING MINUTES OF JUNE 22, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Jay Harris, Donna Maddux; and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Don Hudson, Finance Director; Kent Barker, Police Chief; Kent Barker, Police Chief; Carina Christensen, Maureen Smith, Recording Secretary

ABSENT: Councilor Joelle Davis* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:12 p.m.

Councilor Barhyte led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Tomorrow Presentation – Governance, Leadership & Community – Ed Casey*
Ed Casey, 22255 SW 102nd Court, Tualatin, OR, was present and gave a brief review of the governance, leadership and community portion of the Tualatin Tomorrow visioning project. Mr. Casey noted much of what has been identified is already being done by the city and this portion of the project is proceeding well to meet its goals.

Councilor Beikman thanked Mr. Casey and all the members on the committee for their work and the many volunteer hours they put forth. Councilor Maddux asked and Mr. Casey replied for more information on the project and how to be involved, visit the city's website at www.ci.tualatin.or.us with a link to www.tualatintomorrow.org. All meetings are open to the public and encouraged people to get involved in Tualatin's future.

2. *Proclamation Declaring July 2009 as National Recreation and Parks Month*
Councilor Beikman read the proclamation declaring the month of July 2009 as National Recreation and Parks Month in the City of Tualatin.

3. *Hedges Creek Wetlands Enhancement Project Update*
Parks and Recreation Coordinator Carl Switzer gave a brief background on The Wetlands Conservancy Hedges Creek Marsh enhancement project and introduced Jennifer Wilson and Esther Lev, of the Wetlands Conservancy.

A PowerPoint presentation on the Hedges Creek Marsh – Restoring Hedges Creek Wetlands was given. Project goals are to improve function and habitat values of Hedges Creek Marsh. Project highlights were reviewed, and “Before” and “After” pictures of the work that has been done to improve the marsh area were displayed. The volunteer work that has been done was mentioned, including the partnership work with the City. Ms. Wilson and Ms. Lev thanked the City for the support and partnership in this project. Mayor Ogden acknowledged the efforts of the conservancy and the work that’s been done to date.

4. *2009 Tualatin Crawfish Festival Presentation – Chamber of Commerce*

Tualatin Chamber of Commerce Executive Director Linda Moholt was present and said it was her pleasure to introduce the 2009 59th Annual Tualatin Crawfish Festival. The festival continues to grow and expand and continues to offer many expanded activities, food, and music. The festival is August 7, 8, and 9, 2009. Mayor Ogden thanked the Chamber for their work and looks forward to this year’s festival.

Ms. Moholt also noted that the Chamber’s “Leadership Tualatin” program will be continuing, and also mentioned the upcoming monthly Chamber luncheon on Thursday, June 25, 2009 from 11:30 a.m. to 1:00 p.m. at the Tualatin Country Club to discuss urban/rural reserves, and encourage everyone to attend this important discussion on how Tualatin will grow in the next 20-50 years. Call and make a reservation with the Chamber at 503.692.0780.

C. CITIZEN COMMENTS

Julie Sepp, 19065 SW Mobile Place, Tualatin, OR, was present to discuss the recent public hearings held on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club project. In her view evidence presented by applicant was inaccurate or incomplete, in particular the comparison study that was done with different tennis clubs in the Portland metropolitan area and how they fit into a residential area.

Ms. Sepp also said the applicant cited widespread Fox Hills neighborhood support, and the petition that was done in support of the project was signed mostly by minors that were not necessarily aware of what the development would mean for the residential area. The applicant also did not provide information on maximum capacity which is needed for Council to accurately determine the impact of this project. Ms. Sepp also mentioned a letter from the Army Corps of Engineers on their concerns of the potential impacts this project will bring to the area, and provided the letter to Council for the record. Ms. Sepp said the bottom line is the majority of Fox Hills residents were not clear in regards to the hearing process, and were deprived of their right to comment at the second (continued) public hearing, regardless of the record being left open. Ms. Sepp said the few residents that were notified of the project didn’t provide for the entire residential area, and asked that extra scrutiny and caution be applied to this project, and that Council reopen the hearing.

Tim Thornburg, 19291 SW Chesapeake Drive, Tualatin, OR, said he did not provide previous testimony and would like the opportunity to be part of the public record at this meeting. He said some of the information submitted by the applicant was inaccurate. The data submitted was based on other fitness clubs and much of the issue has to do with traffic. Mr. Thornburg said the data collected on the particular days it was taken was not necessarily a good day to collect accurate data to analyze traffic flow. He distributed information he had on comparisons of different clubs and the uses that happen at those clubs with regards to traffic. Mr. Thornburg concluded that he believes there will be a loss of home values from this project, and asked that the Council reopen the hearing.

Mayor Ogden asked and City Attorney clarified that the information that is brought forward at this meeting will not be part of the public hearing, but could be considered by Council on determining whether to "reopen" the hearing, but not for the hearing itself.

Mayor Ogden suggested this discussion be continued under the *General Business* portion of the agenda, later on in the meeting.

Ed Casey, representing the Lions Club, Tualatin, OR, noted on July 18, 2009 from 7:30 a.m. to 11:30 a.m., a pancake breakfast will be held at the Winona Grange for the Lions Club and all invited.

Joe Lipscomb, 8725 SW Tualatin Road, Tualatin, OR representing Loaves and Fishes at the Juanita Pohl Center, gave a brief update on activities. Particularly noted on July 12, 2009, there will be a "Wii®" family event for youth, parents and grandparents.

Dawn Parr, 5393 SW Wichita, Tualatin, OR, was noted by Mayor Ogden signed up to speak. Ms. Parr indicated she did not wish to speak at this time as her comments have already been mentioned by the citizens speaking on the Conditional Use Permit for the Stafford Hills Racquet Club project.

D. CONSENT CALENDAR

Item G-2, Ordinance No. 1284-09, had first and second readings at Work Session and placed on the Consent Agenda. MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to adopt the Consent Agenda as amended and read:

1. Approval of the Minutes of the Works Sessions and Meetings of May 26, 2009 and June 8, 2009
2. Resolution No. 4900-09 Accepting Public Improvements for JC Ventures
3. Resolution No. 4901-09 Authorizing Police Management Salary Schedule Adjustments and Benefit Changes for the City's Management, Professional and Confidential Staff for Fiscal Year 2009-10
4. Resolution No. 4902-09 Approving and Authorizing the Provisions of Workers' Compensation Insurance Coverage for Volunteers and Repealing Resolution No. 4803-08
5. Resolution No. 4903-09 Ratifying a Collective Bargaining Agreement Between the City of Tualatin and the Tualatin Employees Association and Authorizing the City Manager to Execute the Agreement
6. Resolution No. 4904-09 Awarding the Bid for the Blue Lot Pedestrian Bridge
7. Resolution No. 4905-09 Approving Changes to the Adopted 2008-2009 Budget
8. Authorizations for the 2009 Crawfish Festival
9. Approval of a Change of Ownership Liquor License Application for Juan Colorado Restaurant
10. Resolution No. 4906-09 Approving Washington County Urbanization Forum Actions

- G-2. Ordinance No. 1284-09 Relating to Changing the Planning District from Low-Density Residential (RL) to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road; and Amending Community Plan Map 9-1 (PMA-09-01)

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. Resolution No. 4907-09 Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2009, Making Appropriations, Levying Ad Valorem Taxes, and Categorizing the Levies

Mayor Ogden opened the public hearing.

Finance Director Don Hudson noted this is a public hearing to consider adoption of the City of Tualatin budget for Fiscal Year 2009/10. Mr. Hudson gave a brief presentation of the fiscal year budget and said the decrease in the budget is primarily related to a decrease in capital projects. The Budget Advisory Committee approved the proposed budget at their May 18, 2009 meeting. Mr. Hudson said the Council has the ability to change the approved budget in each fund by no more than 10% of the total budget, and noted some changes on the negotiated health benefits, and various projects not completed in the present fiscal year.

Staff recommends Council adopt the attached Resolution which includes the approved fiscal year 2009-10 budget, with additional changes as outlined in the staff report.

PROPONENTS – None.

OPPONENTS

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, was present, noting her past membership on the Budget Advisory Committee, asked that donations to the Tualatin Food Pantry be increased this year. Ms. Newcomb also expressed her concern about the Tualatin Tomorrow visioning project budget, and questioned the level of involvement of Tualatin Tomorrow on traffic concerns in the City, particularly the I-5/99W Connector project. She also questioned overtime costs of a number of City employees in attendance at a recent Tualatin Tomorrow evening event. Ms. Newcomb also mentioned her past support of some type of compensation for the City Council, and went on to say she believes the health insurance benefits offered to Council should be publicized ahead of time before an election as it may interest people in running for Council. Ms. Newcomb concluded she would like to see another way to address Tualatin Tomorrow.

In response to Ms. Newcomb's mention of the Tualatin Food Pantry budget, Mayor Ogden asked and City Manager Lombos noted there is \$15,000 allocated in the budget for social service agencies and a process will begin in the fall of agencies submitting applications for funding awarded by Council.

City Manager Lombos also noted that Tualatin Tomorrow Committee co-chairs presented a budget to the Council, which is part of the Planning Division budget, with \$20,000 for a part-time contract employee to handle the arrangements between lead partners, volunteers, etc.

Mayor Ogden said staff will look into Ms. Newcomb's suggestion of noting benefit compensation for potential councilors ahead of time before an election.

Councilor Barhyte commented on the "Tualatin Tomorrow" project's efforts is to engage citizens and encourage and promote involvement of the community. There is a certain amount of cost of all committees with staff associated with those committees and events and said he is 100% in favor of Tualatin Tomorrow funding in the budget.

Councilor Beikman said there has been many countless hours of time spent by volunteers on this project, and considered Ms. Newcomb's comments uncalled for.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt the attached Resolution as presented, which includes the approved Fiscal Year 2009-2010 budget, with additional changes as outlined in the staff report. MOTION CARRIED. [Vote: 6-0; Davis absent.]

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

Mayor Ogden returned to the "Citizen Comments" portion of the meeting for continued discussion on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club.

C. CITIZEN COMMENTS [continued from earlier in the meeting]

Dawn Parr, 5393 SW Wichita, Tualatin, OR said her question is when there is residential zoning and a conditional use permit is given, why is there any point to being zoned commercial or residential.

Mayor Ogden explained the planning districts and various uses in the Tualatin Development Code (TDC). In every planning district zone there are *outright uses*, and within many zones there are a list of uses that are *not* permitted on an outright basis, but if certain conditions are met, that use is allowed. If the conditional use permit (CUP) meets conditions, it is presumed that CUP works for that point in time for that zone.

David Arndorfer, 19339 SW Chesapeake Drive, Tualatin, OR, said he believes the City owes citizens a higher standard of communication and should be looking after the citizens best interest. He believes Council made an error and took the shortest cut they could and a lot of information was overlooked and not considered by staff. In that regard, he encouraged that Council reconsider its decision and reopen the hearing.

Thomas ?????, 5783 SW Calusa Loop, Tualatin OR, said first meeting of a council, that this particular use seems contextually incorrect, and agrees with what everyone else has said, and not sure it will benefit the community.

Tim Thornburg spoke again, emphasizing the impact of what a pool would have in regards to traffic. He spoke with ClubSport on the amount of parking they need, and what would then be the amount of parking needed for Stafford Hills. He also questioned the data submitted about the number of residents from the Fox Hills neighborhood that would be members of the club.

Bob Dove, 19135 SW Mobile Place, Tualatin OR, said he was not available to speak at the previous hearing, and would like the opportunity to speak if Council considers reopening the public hearing.

Mayor Ogden noted that Council is *not* in a public hearing process, and directed the question to Councilors about reopening the hearing.

Councilor Barhyte asked and City Attorney Braden explained the recourse of a conditional use in regards to traffic issues. It was asked and answered how traffic issues are controlled with a conditional use process, and City Attorney Braden explained if the use gets too far from what Council originally granted, Council can go back and relook at that. City Attorney Braden also noted that traffic counts used to determine the amount of traffic created by the use are reasonable worst case scenario estimates.

Mayor Ogden reviewed the language from the TDC on what the process is for reopening a hearing and where State law is applicable with regards to the 120-day rule. It appears that Council could reopen the hearing, and could have a hearing at the July 13, 2009 Council meeting, with a "writ of mandamus."

Questions were asked of the process, and running up against the 120-day rule, and all issues would need to be determined at the July 13, 2009 meeting to meet the 120-day requirement.

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to reopen the public hearing regarding Conditional Use Permit, CUP-09-01 Stafford Hills Racquet Club, for the July 13, 2009 meeting.

Discussion on Motion

Councilor Truax asked and Ms. Lombos explained the next step would be the architectural review (AR). Councilor Truax said if the hearing is reopened could the Council revoke the permit that has already been approved

Councilor Beikman questioned the process of how the 120-day rule would work with running up against reopening the hearing on July 13 2009, and City Attorney Braden explained.

MOTION by Councilor Truax to call for the question. MOTION FAILED.

Councilor Barhyte said the main reason to reopen the hearing appears to be the traffic data and whether the original traffic data is flawed.

Councilor Truax said it is appropriate in light of the Army Corps of Engineers letter to revisit the impact on the wetlands, and believes they raised issues that were glossed over. Mr. McKillip reviewed the process, particularly in situations when next to wetlands, and conditions that would have to be met, and the need to meet the criteria of other agencies, such as the Army Corps.

It was asked if the applicant has requested an extension and City Attorney Braden said the applicant has not.

Mayor Ogden questioned whether or not traffic trips are a condition Council can apply and the presumption that the data provided is incorrect.

Councilor Beikman said the same questions were raised, and traffic studies do use a "worst case" scenario, and she noted she is uncomfortable with reopening the hearing.

Tim Thornburg spoke again and commented that the traffic engineer did not have the specifics in terms of the day the data was collected, in terms of comparables. He believes the cost of reopening the hearing is worth it.

Mayor Ogden reiterated that Mr. Thornburg is asserting that the comparable information isn't correct, but said Council does not have the ability at this meeting to reread the data previously submitted. Mayor Ogden said Mr. Thornburg's opinion is he believes that the data taken on the comparable facilities is flawed and requests that the hearing be reopened.

David Arndorfer spoke again about what would be the downside if the Council reopens the hearing. Interested residents could attend the hearing on July 13, 2009, and Council and the City gets is a process that is more open, transparent, and available to more citizens. Mayor Ogden said with that assertion, how could anyone say no, but noted there is a defined process, whether good, bad or indifferent, it is what it is.

Mayor Ogden said in his opinion going back because not enough people testified on the issue is not a legitimate reason to go back and reopen the hearing, but if the evidence that was submitted is incomplete is a more compelling argument.

A break was taken from 9:31 p.m. to 9:40 p.m.

Mayor Ogden reopened the meeting after the break, and noted during the break he checked the weather for the date in question when the data was collected.

It was noted to reopen the hearing a vote by all Councilors present is required to be *unanimous*.

MOTION to reopen the public hearing on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club. **MOTION FAILED.** [Vote: 4-1; YES – Ogden, Barhyte, Maddux, Truax; NO – Beikman; Davis absent; Harris recused]

1. Resolution No. 4908-09 Consenting to the Annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District
-

Community Services Director Paul Hennon gave a brief recap of the issue to this point. Library services to Tualatin's Clackamas County residents will be reduced on July 1, 2009 as that area is not included in the new Clackamas County Library Service District and since that part of Tualatin does not pay property taxes to Washington County for the Washington County Cooperative Library Services (WCCLS). The Tualatin library is a member of the WCCLS and receives the majority of its funding through Washington County.

Staff's recommendation is for Council to determine what is in the best interest of the citizens of Tualatin. City Manager Lombos said there are three areas that are not filled-in in the Resolution, and based on the discussion, Council needs to have the appropriate amount of return requested from Clackamas County. City Manager Lombos Clackamas County first offered zero, but there has since been an information conversation of their willingness to go 50-50.

Councilor Harris said he had conversation with a Clackamas County Commissioner and not wanting to create a different class of library service. Discussion followed and it was asked and answered how many cards are issued from Clackamas County residents to Clackamas County libraries, and how many Washington County cards for Clackamas County residents.

Council reviewed the map that indicates where patrons of the Tualatin library come from. It was asked and answered that Tualatin is not asking for inclusion of the unincorporated residents of Clackamas County. Discussion followed and it was explained how the issuance of library cards are done with unincorporated and citizens in the city limits.

Discussion continued and Council determined what the percentages should be passed on to Clackamas County in the form of the resolution addressing the distribution of revenue in the incorporated area, distribution of revenue upon annexation of unincorporated area, and prior year recovered delinquencies and interest earned.

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt a resolution consenting to annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District, and in Section 1(d) of the resolution, place 100%, Section 1(e), 100%, and Section 1(f), 100%. MOTION CARRIED. [Vote 6-0; Davis absent.]

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

Mayor Ogden mentioned the great list of performers for the upcoming summer Concerts on the Commons.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Maddux to adjourn the meeting at 10:30 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary





STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary J. Kurby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Daniel J. Boss, Operations Director *DJB*
Clayton Reynolds, Maintenance Services Supervisor

DATE: July 13, 2009

SUBJECT: CHANGE ORDER NO. 1 TO THE CONTRACT DOCUMENTS FOR
CONSTRUCTION OF THE TUALATIN OPERATIONS YARD
PARKING LOT, STORAGE YARD, AND UTILITY IMPROVEMENTS

ISSUE BEFORE THE COUNCIL:

Approval of Change Order No. 1 for the Operations Center parking lot expansion and related improvements project.

RECOMMENDATION:

Staff recommends that Council approve and authorize the Mayor and City Recorder to sign the attached Change Order No. 1, increasing the contract with R.C. Landworks, Inc., by \$64,375.66 for work and materials not included in the original contract, bringing the current total to \$439,870.66.

EXECUTIVE SUMMARY:

Unanticipated work and materials added to the original contract include:

- RC-001 - 3/10/2009 - \$11,885.66 for additional excavation and backfill for decommissioning drywells.
- RC-002 - 3/30/2009 2,040.00 for over-excavation and rock to achieve compaction at parking lot area.
- RC-005 - 6/02/2009 46,000.00 for over-excavation and rock to achieve compaction at yard storage area. This is a "not-to-exceed number", determined as if we have to over-excavate the entire area. The actual amount will be determined by load tickets.
- RC-006 - 6/02/2009 1,600.00 for addition of a handicap ramp, due to a Herman Road construction project change.

- RC-007 - 6/02/2009 2,850.00 for addition of future warehouse project storm lines, saving future pavement damage.
- TOTAL: \$64,375.66

OUTCOMES OF DECISION

The referenced changes to the scope of work are either already completed or are in the process of being completed. They were all necessary to keep the project moving and avoid delays.

FINANCIAL IMPLICATIONS:

Funds are available in the Operations Fund 004-4090-515-70.09.

Attachment: Change Order No. 1

CHANGE ORDER NO. 1

**TO THE CONTRACT DOCUMENTS FOR CONSTRUCTION
OF THE TUALATIN OPERATIONS YARD PARKING LOT,
STORAGE YARD, AND UTILITY IMPROVEMENTS**

This Change Order No. 1 modifies the agreement by and between R. C. Landworks, Inc., hereinafter referred to as the Contractor, and the City of Tualatin, hereinafter referred to as the Owner, for the construction of the Operations Center parking lot expansion and related improvements, to the extent described below:

1. **RC-001** - It is agreed that Owner will be charged \$11,885.66 by Contractor for additional excavation and backfill for decommissioning drywells, incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Excavate 168 CY to visqueen, 222.81 CY to dump; rock backfill 378.87 tons	Lump sum of \$3,455 (labor, visqueen, trucking and haul two loads with rock and dirt)	
2	Move material to back parking area and place on visqueen until resting is complete. Remove two loads of rock contaminated with dirt from top of drywells.	Rock and excavation on unit prices; remainder as lump sum.	
3	Re-load contaminated material and haul to designed dump site to be determined when contaminants are known. Estimate for this will be provided after testing. Drywells to be stacked on visqueen as well.	Contaminated material estimate to be provided after testing.	
RC-001 TOTAL			\$11,885.66

2. **RC-002** - It is agreed that Owner will be charged \$2,040.00 by Contractor for over-excavation and rock to achieve compaction at parking lot area, incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Over-excavation of parking area requested by NW Geotech and Clayton Reynolds, City of Tualatin. To be billed at unit price of "General Excavation".	As of March 30, 2009, the quantity is 255 yards. All subsequent quantities will be billed at the next invoice time.	
RC-002 TOTAL			\$2,040.00

3. **RC-005** - It is agreed that Owner will be charged \$46,000.00 by Contractor for over-excavation and rock to achieve compaction at yard storage area, incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Over-excavation of yard parking area (1 foot is approximately 2,500 yards).	Rock backfill for this area is approximately 3,250 tons.	
RC-005 TOTAL			\$46,000.00

4. **RC-006** - It is agreed that Owner will be charged \$1,600.00 by Contractor for addition of a handicap ramp due to a Herman Road construction project change, incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Handicap ramp with domes at southwest corner of project, added by John Jensen.	Lump sum	
RC-006 TOTAL			\$1,600.00

5. **RC-007** - It is agreed that Owner will be charged \$2,850.00 by Contractor for addition of future warehouse storm lines, saving future pavement damage, incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	Added 8-inch C-900 line added to storm line for future building, requested by Clayton Reynolds, City of Tualatin.	Lump sum	
RC-007 TOTAL			\$2,850.00

The total amount for unanticipated changes in the scope of work is \$64,375.66, bringing the total contract amount for the project to \$439,870.66.

Except as herein modified, the terms of the contract between the City of Tualatin and R. C. Landworks, Inc., shall remain in full force and effect.

Dated this 13th day of July 2009.

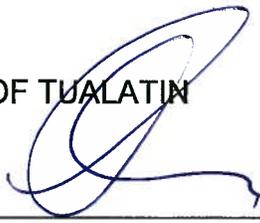
R. C. LANDWORKS, INC.

By 

Printed Name Russell Williams

Title: President

CITY OF TUALATIN

By 
Mayor

ATTEST: 
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Donald A. Hudson, Finance Director [Signature]

DATE: July 13, 2009

SUBJECT: RESOLUTION TO APPROVE SETTLEMENT AGREEMENT WITH VERIZON, AS PART OF THE OREGON MUNICIPAL AUDIT AND REVIEW COMMITTEE (OMARC) AUDIT

ISSUE BEFORE THE COUNCIL:

Whether to approve the settlement agreement brokered by OMARC related to the audit of telecommunications fee revenues payable by Verizon.

RECOMMENDATION:

Staff recommends adoption of the attached resolution approving the Settlement Agreement.

EXECUTIVE SUMMARY:

In 2002, the Oregon Municipal Audit Review Committee (OMARC) was formed to facilitate the audits of Qwest and Verizon for franchise fee payments. On January 27, 2003, the City Council approved an intergovernmental agreement with other Oregon municipalities for the purpose of hiring a consultant for reviewing and analyzing franchise fees paid by Qwest and Verizon. Fifty-two Qwest and twenty-six Verizon cities throughout Oregon entered into the original IGA in order to act as one when dealing with the telecommunications companies. The Cities of Portland and Hillsboro were assigned as the Joint Lead Agencies. The original term of the IGA was 5 years, or completion of the audits, whichever was earlier and expired on December 31, 2007, but was renewed by the City Council in 2008.

The audits were to look at a number of areas in Qwest's and Verizon's franchise payments, including:

- Comparison of addresses in Tualatin against the addresses the companies provided as within the city. Exceptions would indicate possible underpaid franchise fees.
- Bundled services for which they collected franchise fees but did not remit to cities. That means more franchise fees to the City.
- A couple of minor items, such as pay phones that were not included in franchise fees and the exclusion of government lines that should have been included.

After comparison and verification of the addresses, wherein numerous errors were found by the auditors and participating cities, the auditors computed under/over payments due within each city.

OUTCOMES OF DECISION:

This action approves the settlement with Verizon.

FINANCIAL IMPLICATIONS:

The computed amount and interest on under payments come out to \$21,182 for the City of Tualatin. Our share of the audit cost was \$6,460.

Attachments: A. Resolution
 B. Settlement Agreement

RESOLUTION NO. 4909-09

A RESOLUTION TO APPROVE SETTLEMENT AGREEMENT WITH VERIZON,
AS PART OF THE OREGON MUNICIPAL AUDIT AND REVIEW COMMITTEE
(OMARC) AUDIT

WHEREAS, in 2002, the City of Tualatin ("City") entered into an Intergovernmental Agreement to hire one or more consultants to review and analyze revenues received from incumbent local exchange carriers as compensation for the rights and privileges to operate in the public right-of-way ("Telecommunications Financial Review Services");

WHEREAS, Maximus was hired by OMARC to complete the audit of Verizon; and

WHEREAS, the audit discovered address variances, causing underpayments of franchise fees and a settlement has been reached resulting in payments to the City by Verizon of the underpayments, including interest.

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

Section 1. The City Manager is authorized to execute the Settlement Agreement, attached hereto as Exhibit A.

Section 2. This resolution is effective immediately following adoption by the City Council and signature by the Mayor.

INTRODUCED AND ADOPTED this 13th day of July, 2009.

BY 

Mayor

ATTEST:

BY 

City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is between Verizon Northwest Inc. (“Verizon”), a Washington corporation, and Tualatin (“City”), an Oregon municipal corporation. Verizon and the City are referred to collectively herein as “the Parties.”

RECITALS

- A. Verizon pays to the City a Privilege Tax/Franchise Fee on exchange access service revenue pursuant to Oregon Revised Statutes 221.515 (“Privilege Tax”).
- B. A group of Oregon cities formed the Oregon Municipal Audit and Review Committee (“OMARC”), to review and analyze Privilege Tax revenues received from Verizon (“Review”).
- C. There is a dispute between Verizon and OMARC regarding the alleged under- or overpayments due to the City for the review period commencing on January 1, 2002 and continuing through December 31, 2005 (“Review Period”), which, if underpaid, would constitute a debt to the City.
- D. Verizon and the City are desirous of avoiding further expense in undertaking the Review, and desire and agree to provide for payment, in accordance with the terms of this Settlement Agreement, and thereby to settle and resolve any and all potential claims and disputes between them with respect to the Privilege Taxes paid during the Review Period, except as set forth herein (“the Claim”).

NOW, THEREFORE, the Parties, through their undersigned representatives who are fully authorized to take the actions contemplated herein, pursuant to the foregoing recitals and in consideration of the following mutual promises, covenants and agreements, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

AGREEMENT

1. **Privilege Tax.** The City and Verizon agree that, subject to Section 4 of this Agreement, in consideration for the payment of the Claim in the amount set forth in Section 3 of the Agreement, Verizon shall be deemed to, and shall have paid all of the Privilege Tax that was due and owing for the Review Period, including interest or penalties, and that upon payment of such amount, the City shall not undertake any collection activity with respect to the Privilege Tax for the Review Period except as provided for herein.

2. **Effective Date.** The Effective Date of the Agreement shall be the date of the last signature hereon, however, it is the intent of Verizon to enter into a similar agreement with the other Oregon cities listed in Exhibit A and notwithstanding the date of the last signature in this Agreement, this Agreement will not be effective until the date of the last signature on all Agreements with each of the Oregon cities listed in Exhibit A. Should an Agreement not be secured by Verizon with any one of the cities listed in Exhibit A, this Agreement will not be effective.

3. **Amount.** Within sixty (60) days of the Effective Date, Verizon agrees to pay the City and the City agrees to accept from Verizon the total amount of \$21,182 ("the Amount"). Subject to Section 4 of this Agreement, the City agrees that receipt by the City of payment of the Amount shall constitute a release by the Parties of all claims, known and unknown, that each party may have against the other with respect to the Privilege Tax for the Review Period ("Released Claims"). Payment shall be made at the address provided for notices in Section 9 of this Agreement. Regardless of the Effective Date, Verizon and the City agree that for purposes of any interest owed on the Privilege Tax during the Review Period pursuant to any applicable agreement between Verizon and the City and/or OMARC, the Amount will be deemed to have been paid on December 31, 2008.

4. **No Waiver.** The Parties acknowledge that there is a dispute regarding the calculation of revenues subject to payment of Privilege Taxes under Oregon law. The Parties agree that this payment is made for the purpose of compromise and for the purpose of concluding the Review. Notwithstanding any other provision of this Agreement, including the release set forth in paragraph 3, Verizon and the City each reserve their rights in all other forums and contexts

concerning the interpretation of Oregon law and administrative rules and any other applicable regulation concerning the calculation, collection and payment of Privilege Taxes. Subject to the terms of any other applicable agreement between Verizon and the City and/or OMARC, the City expressly reserves the right to assert any claims it may have regarding Verizon's calculation of revenues, subsequent to December 2005, that are subject to the payment of Privilege Taxes under Oregon law. The Released Claims include all claims for under or overpayments of the Privilege Tax for the Review Period.

5. This Agreement does not apply to, or release Verizon from payment of any taxes or fees, other than the Privilege Tax.

6. **No Admission.** The Parties agree that this Agreement is made solely for purposes of settlement and that by entering into this Agreement neither of the Parties is making any admissions as to the substantive factual or legal issues regarding the Claim, and that in the event of future unrelated disputes regarding payment of the Privilege Tax that become due and owing after the Review Period, that this Agreement may not, and shall not, be introduced into evidence in any administrative or judicial action.

7. **Voluntarily Entered.** The Parties represent and warrant that this Agreement is entered into voluntarily by the Parties with full knowledge of the consequences and implications of the obligations set forth herein. The Parties also represent and warrant that they have had the opportunity to be represented by counsel of their choice throughout the negotiations which preceded the execution of this Agreement, and in connection with the preparation and execution of this Agreement, and that they have carefully and thoroughly reviewed this Agreement in its entirety.

8. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and may be amended or modified only by a writing signed by the Parties hereto. Notwithstanding any provision of this Agreement, this Agreement does not supersede any prior written agreements between Verizon and the City and/or OMARC.

9. Notices. All notices required or permitted to be given or to be made upon any party hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed to have been received for purposes of this Agreement on the day the notice is personally delivered or deposited in the mail.

(a) All notices to Verizon regarding this Agreement should be sent to:

Mark Scovic
Mail Code HQE01H02
600 Hidden Ridge
Irving TX 75038

David Mielke
Mail Code HQE02E70
600 Hidden Ridge
Irving TX 75038

(b) All notices to the City regarding this Agreement should be sent to:

Sherilyn Lombos
City Manager
18880 SW Martinazzi Ave
Tualatin, OR 97062

10. Governing Law; Venue. The terms, provisions, interpretations and enforcement of this Agreement shall be governed by the laws of the State of Oregon, without regard to conflict of laws analysis. Any litigation between the Parties arising out of or related to this Agreement shall be brought and maintained in the Circuit Court for Washington Oregon. Provided, if any litigation arising under this Agreement is brought in a federal forum, it shall be brought and maintained in the United States District Court for the District of Oregon in Portland, Oregon.

11. Binding Obligation. The obligations of the Parties set forth in this Agreement shall be binding on the Parties, their successors and assigns.

12. Warranty of Authority. Each party to this Agreement hereby covenants and represents that the individual signing on its behalf is fully empowered to bind the party to the obligations and commitments set forth herein.

13. Counterparts. This Agreement may be executed in counterparts and by facsimile, and, if so executed, will be effective as if simultaneously executed at the time of receipt of the last executed counterpart.

14. No Party Deemed Drafter. The Parties agree that this Agreement has been negotiated by the Parties, by and through their respective counsel, all of whom have participated in the drafting hereof. The Parties agree that any rule of construction which provides that a document is to be construed against the draftsman shall not apply.

15. Severability. In case any one or more of the provisions of this Agreement shall be found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement shall not in any way be affected or impaired. Further, any provision found to be invalid, illegal or unenforceable shall be deemed, without further action on the part of the Parties to this Agreement, to be modified, amended and/or limited to the minimum extent necessary to render such clauses and/or provisions valid and enforceable.

16. No Assignment. City represents and warrants that it has not previously pledged, encumbered, assigned or transferred, or purported to pledge, encumber, assign or transfer any Released Claims.

IN WITNESS WHEREOF, the undersigned Parties have duly executed this Agreement to be effective on the date as set forth in Section 2 hereof.

VERIZON NORTHWEST INC.

By: _____
Name: David Valdez
Title: President _____
Date: _____

CITY OF Tualatin

By:  _____
Name: Lou Ogden
Title: Mayor _____
Date: July 13, 2009

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



Approved By Tualatin City Council

Date July 13, 2009

Recording Secretary A. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director
Eric Underwood, Development Coordinator *EU*

DATE: July 13, 2009

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE
PERMIT FOR A TEMPORARY CONSTRUCTION
STAGING AREA IN THE BLUE LOT

ISSUE BEFORE THE BOARD:

Whether the City Council should adopt a resolution approving a revocable permit for a temporary construction staging area in the Blue Lot associated with pedestrian bridge construction.

RECOMMENDATION:

The Core Area Parking District Board (CAPDB) met on June 17, 2009, and voted (4 to 0) recommending that the City Council adopt a resolution to approve the revocable permit for a temporary construction staging area and suspend monitoring of the four-hour parking spaces during the revocable permit period in the Blue Lot.

Staff recommends that the City Council adopt the attached resolution and approve the attached revocable permit.

EXECUTIVE SUMMARY:

- This action is not a public hearing
- This is a request of the Tualatin City Council to approve a revocable permit for closure of parking spaces and a temporary construction staging area in the Blue Lot.
- Kaaren Hofmann of the Engineering Division for the City of Tualatin is requesting the revocable permit to facilitate construction of a pedestrian bridge that will serve the Blue Lot and the Community Park.

Staff Report: Revocable Permit for Construction Staging Area for the Pedestrian Bridge Project

July 13, 2009

Page 2 of 3

- The area proposed for construction staging is in the existing drive aisle between the landscaped islands on the north end of the lot (see Exhibit B).
- In order to maintain vehicle circulation in the parking lot, a total of 6 long-term parking spaces will be closed and used as a temporary drive aisle.
- Using the six parking spaces as a temporary drive aisle will restrict access to six additional long-term spaces in the Blue Lot totaling 12 spaces.
- The temporary drive aisle has a connection through a pedestrian walkway.
- The construction staging area and the 12 parking spaces will be inaccessible for a period of two months, which is the time needed for construction of the pedestrian bridge.
- Construction workers associated with the pedestrian bridge project will not be permitted to park in the Blue Lot at any time during construction.
- In 2008 a similar staging area approach was utilized for the Aspen Place Building roof repair project. A revocable permit was issued to reserve eleven parking spaces associated with the Blue Lot for construction staging. The revocable permit was granted with certain conditions including but not limited to developer responsibility of maintaining a clean and safe staging area, developer responsibility for all repairs and activities necessary to maintain the staging area and developer responsibility for adequately securing the staging area to prevent injury by the general public. In addition, the use of the staging area was limited to the project indicated in the permit application.
- Business tenants located in the facilities adjacent to the Blue Lot were notified of this project.
- Before the revocable permit request can move forward, the City Council must approve the revocable permit.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request for a revocable permit for a construction staging area will result in the following:

1. Facilitates pedestrian bridge construction through the following:
 - a. Allowing easier access to construction materials and equipment
 - b. Will save time for construction.
 - c. Maintain reasonable project duration.
2. Would prevent having to establish the staging area in the public right of way in SW Boones Ferry Road. Staging in the public right of way would necessitate additional precautionary measures as well as limit maneuverability of construction equipment and impede normal traffic flow.
3. The construction crew will encounter fewer limitations in accessing equipment and materials.
4. Provides opportunity for a positive public/private partnership.
5. Long-term parking in the Blue Lot will be impacted to the extent that twelve long-term parking spaces will be inaccessible due to the construction staging area.
6. The parking displacement of these twelve spaces will be two months.

Staff Report: Revocable Permit for Construction Staging Area for the Pedestrian Bridge Project

July 13, 2009

Page 3 of 3

7. The use of these twelve spaces will reduce the number of long-term spaces for local businesses. In addition to the reduction of the long-term spaces to the quantity of 57, there will be 22 long-term spaces, 9 four-hour spaces and 24 two-hour spaces available in the immediate vicinity. A total of 34 long-term spaces are normally available in the Blue parking lot. Their usage averages 32.1 in the AM and 29.8 in the PM hours. Based on these numbers that were derived from a parking survey done in September 2008, available spaces on this lot will be limited.

Denial of the request for a revocable permit for a construction staging area will result in the following:

1. Another area for construction staging will have to be found.
2. The project may be prolonged due to restaging efforts.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing a revocable permit for construction staging in the Blue Lot are as follows:

1. Allowing a construction staging area in the public right-of-way along SW Boones Ferry Road.

FINANCIAL IMPLICATIONS:

There is no financial impact on the City. The project contractor will pay all necessary costs associated with the permit.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action. However, business tenants located in facilities adjacent to the Blue Lot were notified of the project by staff.

Attachments:

1. Resolution with Exhibits
2. Map of Blue Lot

RESOLUTION NO. 4910-09

RESOLUTION AUTHORIZING A REVOCABLE
PERMIT FOR A TEMPORARY CONSTRUCTION
STAGING AREA IN THE BLUE LOT

WHEREAS Tualatin Municipal Code (TMC) 11-3-030(4)(d) establishes that the City Council shall consult the Core Area Parking District (CAPDB) concerning regulations of parking lots within the Core Area Parking District (CAPD) and other matters pertaining to the District; and

WHEREAS the CAPDB met on June 17, 2009, and reviewed the initial request from Kaaren Hofmann for a staging area using an existing drive aisle and six parking spaces on the Blue Lot Parking Lot; and

WHEREAS the CAPDB concluded that the initial request is an acceptable and safe solution for the completion of construction of a pedestrian bridge at the north end of the parking lot to serve the Community Park.

WHEREAS Kaaren Hofmann of the Engineering Division for the City of Tualatin is requesting a two-month revocable permit for a construction staging area in order to complete construction of a pedestrian bridge.

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

Section 1. The Mayor is authorized to sign the revocable permit, Exhibit A.

Section 2. Monitoring of the four-hour parking spaces in the Blue Lot shall be suspended during the revocable permit period.

INTRODUCED AND ADOPTED this 13th day of July, 2009.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, Oregon

By 
Mayor

ATTEST:

By 
City Recorder

REVOCABLE PERMIT

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TUALATIN ("Owner") grants to Kaaren Hofmann, Engineering Division for the City of Tualatin ("Permittee"), a revocable permit to use six long-term parking spaces and the northern-most drive isle in the Blue Lot (property) located in the City of Tualatin, Washington County, State of Oregon, for the purposes and subject to the conditions stated:

See Exhibit "A" that is attached and incorporated by this reference.

The general location of the area is shown on Exhibit "B". This permit is granted to the Permittee for the specific and limited purpose of establishing a temporary construction staging area on the north side of the Blue Lot in affiliation with pedestrian bridge construction on property associated with Permittee.

This permit is granted subject to the following conditions:

- (1) Permittee shall not construct, place or locate or allow others to construct, place or locate any structures within the permit area described in Exhibits "A" and "B" except for improvements approved by Owner;
- (2) Permittee shall keep and maintain the areas free from all conditions that create a risk of injury or damage to those lawfully using the area, and shall indemnify and hold Owner and the Tualatin Development Commission harmless from any claims for injury, damage or loss of whatsoever nature arising out of or related to the use of the permit area.
- (3) At all times during the term of this permit, Permittee shall obtain and continue to carry public liability and property damage insurance in a responsible company with limits of not less than \$500,000.00 for injury to one person, \$1,000,000.00 for injury to two or more persons in one occurrence, and \$100,000.00 for damage to property (or, a single premium and limits policy providing the same coverages) issued by a company or companies authorized to issue such policies in Oregon and naming the Owner and the Tualatin Development Commission as an insured on said policy or policies of insurance. Certificates evidencing such insurance and bearing endorsements requiring ten (10) days written notice to Owner prior to any change or cancellation shall be furnished to Owner prior to Permittee's occupancy of the permit area.
- (4) Permittee shall fence off the portion of the Blue Lot to be used as the staging area to separate patrons from construction activity for a period not to exceed the date of October 15, 2009.
- (5) Permittee shall replace/repair any damaged property as a result of construction staging activities including but not limited to asphalt, concrete curb/sidewalk, lighting signage, irrigation, striping and landscaping.

(6) At no time during the construction period will construction workers associated with this project be permitted to park in the Blue Lot.

This Permit may be revoked by the Owner upon:

- (1) A determination of the Owner that the Permittee has violated or failed to satisfy any of the conditions of this permit, or
- (2) Upon determination by the Owner that the permit area is required for public purposes, and Owner shall provide written notice of revocation which shall be effective, without further action of either party, 30 days after the date of the notice.

If the Contractor declares a revocation of this permit under subparagraph (1), the written declaration shall be mailed to Permittee at the Permittee's address of record. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.

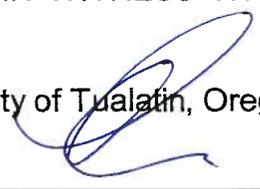
Prior to the effective date of revocation of this permit, the Permittee, at its expense, shall cause all improvements to be removed from the permit area if so requested in the Declaration of Revocation and re-establish area to its pre-existing condition.

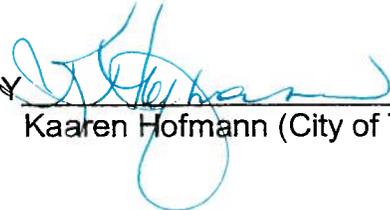
It is acknowledged by the Owner and Permittee that the proposed modifications must be in compliance with the City of Tualatin Architectural Review and building permit requirements.

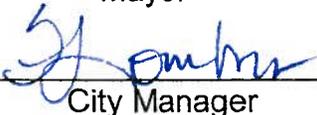
This Permit is granted for the benefit of and the heirs and successors in interest of the Permittee who shall be bound by the conditions of this Permit.

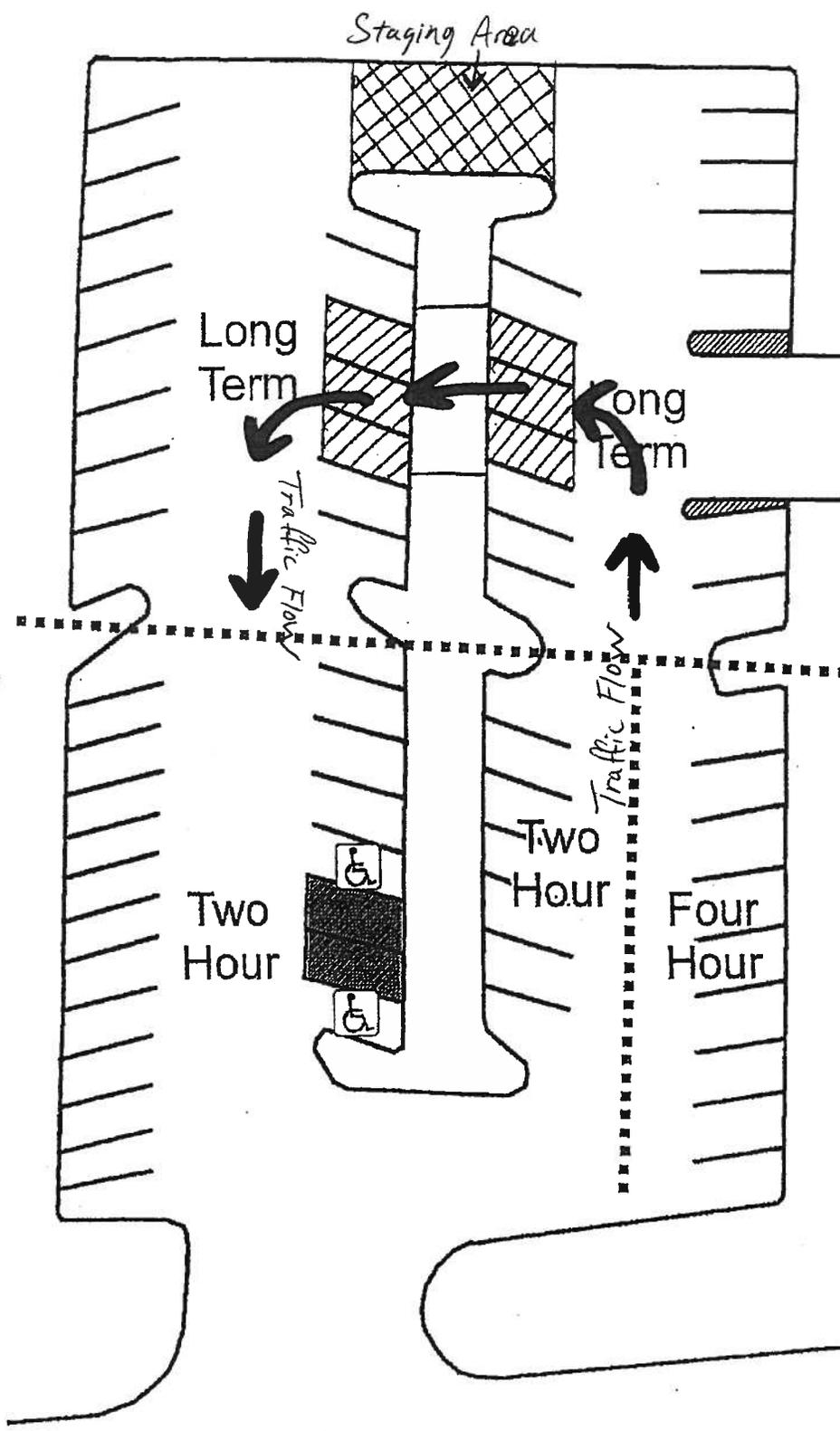
IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

The City of Tualatin, Oregon

BY  _____
Mayor Date 7/13/2009

BY  _____
Kaaren Hofmann (City of Tualatin.) Date 7/15/09

BY  _____
City Manager Date



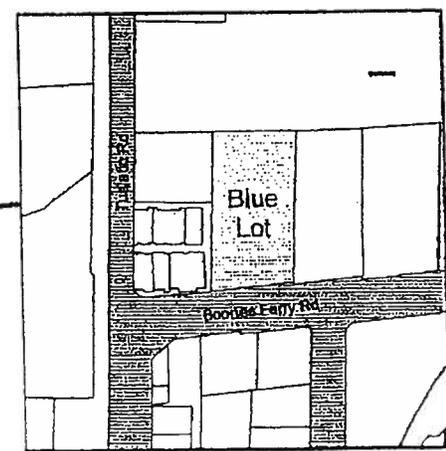
 closed Aug. 10th - Oct. 15 for staging and construction

 closed Aug. 10th - Oct. 1 for parking lot circulation & spaces

Blue Lot

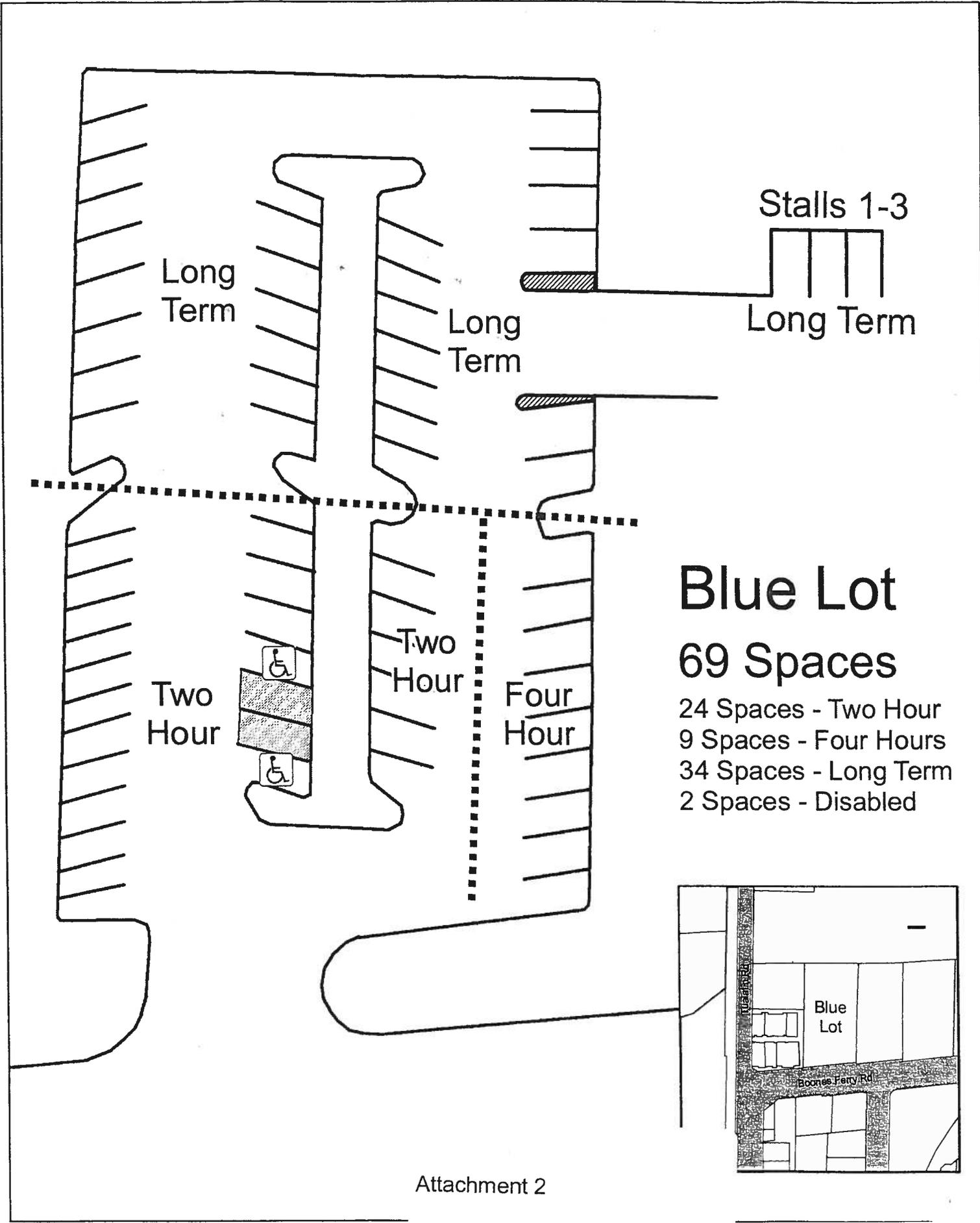
69 Spaces

- 24 Spaces - Two Hour
- 9 Spaces - Four Hours
- 34 Spaces - Long Term
- 2 Spaces - Disabled



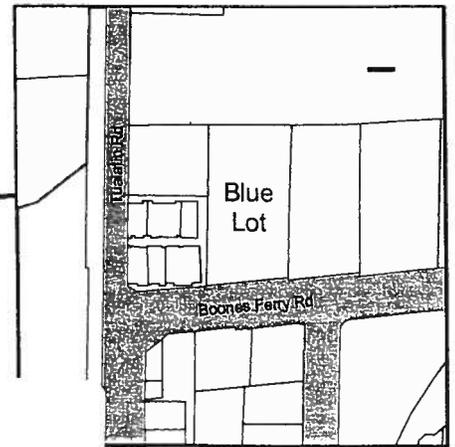
Blue Lot

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is" - Engineering and Building Dept. Plotted 7/18/2007



Blue Lot 69 Spaces

- 24 Spaces - Two Hour
- 9 Spaces - Four Hours
- 34 Spaces - Long Term
- 2 Spaces - Disabled





STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Doug Rux, Community Development Director [Signature]
Cindy Hahn, Assistant Planner [Signature]

DATE: July 13, 2009

SUBJECT: AN ORDINANCE RELATING TO FENCES; REQUIRING FENCES ALONG INTERSTATE HIGHWAYS IN THE RL AND RML PLANNING DISTRICTS; AND AMENDING TDC 34.320, 34.330, 34.340, 73.221, 73.222, AND FIGURES 34-1 AND 34-2 (PTA-09-01)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) Chapter 34-Special Regulations and Chapter 73-Community Design Standards that would require fences along interstate highways in the Low Density Residential (RL) and Medium-Low Density Residential (RML) Planning Districts. (The proposed text amendment language is contained in the ordinance in Attachment A to this report.)

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 5-0 on May 14, 2009, recommending that the City Council approve PTA-09-01.

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

EXECUTIVE SUMMARY:

- This matter, which is a proposed amendment to the Tualatin Development Code (TDC) and a decision by the City Council, is a legislative action.
- This matter is a Plan Text Amendment (PTA) to the TDC.
- The amendment was initiated by the Community Development Department in response to issues and questions raised by the City Council about the fence standards proposed in PTA-06-09, adopted by Ordinance 1244-07 on July 23, 2007.

- Ordinance 1244-07 amended the TDC to establish standards for fences in access-restricted rear yards and side yards adjacent to minor and major arterial and collector streets and expressways, where property is located in the RL or RML Planning District, and the property is the subject of a partition or subdivision application or developed with a single-family dwelling.
- At a Council Work Session on October 13, 2008, Council revisited three issues raised during their July 9, 2007 deliberations: fences along I-205 and I-5; vision clearance areas; and minimum materials standards for fences. At the October 13, 2008 Work Session, Council determined that the minimum materials standards had been sufficiently addressed and that no further action was needed.
- At a January 26, 2009 Work Session Council further reviewed vision clearance areas and fences along I-205 and I-5, and determined that vision clearance areas had been sufficiently addressed and that no further action was needed.
- At a Council Work Session on March 9, 2009, Council again revisited the issue of fences along I-205 and I-5. The main point of discussion was whether properties in the RL and RML Planning Districts that have back or side yards along I-205 or I-5 should be required to construct a fence along the interstate highway frontage that meets the minimum requirements of the Fence Standards (TDC 34.330) and, if so, to which properties within the Districts the standard should apply.
- At the March 9, 2009 Work Session, Council decided to extend the standards for fences in TDC 34.320-340 to apply to properties in the RL or RML Planning District with access-restricted rear yards or side yards adjacent an interstate highway (I-5 or I-205), when the property is the subject of a partition or subdivision application or the property is developed with a single-family dwelling. Council further directed staff to prepare proposed TDC amendment language and to present the proposed amendment language to the Tualatin Planning Advisory Committee (TPAC) for their review and consideration. Council also desired input from Tualatin Valley Fire & Rescue (TVF&R) and the Home Builders Association of Metropolitan Portland (HBA).
- TVF&R Deputy Fire Marshal Jim Everitt reviewed the proposed amendment language. He expressed concern that the proposed masonry fences would impede access to fire hydrants in developed areas along I-5 and I-205 unless some provision is made to include openings or access doors in the fences to allow emergency personnel to pass hoses and other equipment through the fences, and the openings are appropriately marked on both sides of the fences. Access would be necessary in the event of a major incident on the interstate highway that required substantial amounts of water to manage. In response to this concern, staff added language to Section 34.330(3)(b) of the proposed fence standards.
- HBA Director of Local Government Affairs Ernie Platt reviewed the proposed amendment language and did not express any concern with the proposal.
- The proposed amendment extends the same standards for fences in TDC 34.320-340 that apply to major and minor collectors and arterials, and expressways, to interstate highways (I-5 and I-205) except that:
 - Fences must be a minimum of 8 feet, rather than 6 feet, in height.

- If there is an area of vegetation at least 200 linear feet wide between the interstate highway and private property along the highway, no fence is required.
- The City Engineer, State, or TVF&R may require openings or passages through a fence.
- The City Engineer or State may require an alternate location or configuration of a fence to accommodate stormwater facilities, easements, or other requirements such as bicycle paths, multi-use paths, or for maintenance purposes.
- The TPAC voted 5-0 on May 14, 2009, recommending that the City Council approve PTA-09-01.
- At the June 8, 2009 Work Session, Council considered the information gathered to date, reviewed the draft amendment language prepared by staff, and directed staff to proceed with preparation of a staff report and supporting materials for their consideration at a public hearing on July 13, 2009.
- One comment letter and one email were received from agencies in response to the Notice of Application dated May 27, 2009. The comments, from TVF&R (letter) and ODOT (email), are included in Attachment C and responded to in Attachment B of this Staff Report.
- The City Council must find that the approval criteria set forth by TDC 1.032 are met in order to approve the proposed amendment. The Analysis and Findings section of this report (Attachment B) examines the proposed amendment with respect to the approval criteria.

OUTCOMES OF THE DECISION:

Approval of the PTA request will result in the following:

1. Require fences along interstate highways (I-5 and I-205) in the Low Density Residential (RL) and Medium-Low Density Residential (RML) Planning Districts.

Denial of the PTA request will result in the following:

1. The current provisions of the TDC will remain unchanged (no fences required along I-5 or I-205) and application of existing provisions regarding fences will continue.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for City Council are:

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

FINANCIAL IMPLICATIONS:

Funds have been budgeted in FY 09/10 to cover City-initiated Plan Text Amendments.

There are potential fiscal impacts anticipated as a result of the proposed PTA. However, given that impacts on staff workload will primarily be a function of future development choices made by property owners, staff is not able at this time to accurately predict what those impacts may be. After the proposed PTA is effective and administered for some length of time, staff will be able to accurately report its fiscal impacts.

The fence standards in TDC 34.320-340, as adopted by Ordinance 1244-07 on July 23, 2007, include both a clear and objective set of ministerial standards that require no land use permitting process, and a set of discretionary administrative review standards by which a property owner may choose to have their proposal reviewed pursuant to limited land use procedures.

- The following impacts on staff resources are expected in conjunction with administering the clear and objective ministerial standards:
 - When property is subdivided or partitioned in an RL or RML Planning District, and required fencing must be installed prior to issuance of any building permits on affected parcels or lots, it is anticipated that public works inspectors will be called upon to go to the property and verify that required fencing has been installed before any building permits are released.
 - When a new fence is built on a pre-existing property in an RL or RML Planning District, and a code complaint is submitted to the City, it is anticipated that planning staff will be called upon to go to the property and verify that required fencing has been installed, or if not, to enforce compliance.
- In addition to the impacts detailed above, the following additional impact on staff resources is expected in conjunction with administering the discretionary standards:
 - When a property owner chooses to have their proposal reviewed under the discretionary standards, planning staff will be called upon to process the Architectural Review application pursuant to state-mandated limited land use procedures.

PUBLIC INVOLVEMENT:

No public involvement occurred specifically for the current PTA-09-01, however, the Community Development Department hosted a public open house on Wednesday, November 15, 2006, to discuss fence standards in general. The open house was advertised in the November City Newsletter, November Chamber of Commerce Newsletter, and the Tualatin Times Calendar of Events, on the City's Website, and announced at the November 13, 2006 City Council Meeting. Comments from this open house are summarized in the staff report for PTA-06-09.

STAFF REPORT: PTA-09-01 – Require Fences Along Interstate Highways

July 13, 2009

Page 5 of 5

- Attachments:**
- A. Ordinance
 - B. Analysis and Findings
 - C. Agency Comments Received

**ATTACHMENT A
ORDINANCE**

ORDINANCE NO. _____

AN ORDINANCE RELATING TO FENCES; REQUIRING FENCES
ALONG INTERSTATE HIGHWAYS IN THE RL AND RML
PLANNING DISTRICTS; AND AMENDING TDC 34.320, 34.330,
34.340, 73.221, 73.222, AND FIGURES 34-1 AND 34-2
(PTA-09-01).

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on July 13, 2009, related to fences; requiring fences along interstate highways in the RL and RML planning districts; and amending TDC 34.320, 34.330, 34.340, 73.221, 73.222, and figures 34-1 and 34-2; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on June 25, 2009, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places on June 16, 2009 within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on July 13, 2009, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [_- _].

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated July 13, 2009, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. TDC 34.320 is amended to read as follows:

The purpose of fence standards in the RL and RML Planning Districts for access-restricted lot lines and property lines that abut collector, arterial, and

expressway streets, and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020.

Section 2. TDC 34.330 is amended to read as follows:

The following standards are minimum requirements for fences in a RL (Low Density Residential) or a RML (Medium Low Density Residential) Planning District, where an access-restricted lot line or property line abuts a public street classified as a major arterial, minor arterial, major collector, minor collector, or expressway by the Tualatin Functional Classification Plan, or abuts a state-owned interstate highway (I-5 or I-205).

(1) Subdivision or Partition of Property in a RL or RML Planning District.

Where property is the subject of a subdivision or partition application, and has an access-restricted property line(s) or lot line(s) that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way or an interstate highway property line for a distance greater than 60 feet, a masonry fence shall be installed along the arterial/ collector/expressway/interstate highway frontage, in conformance with design standards set forth in TDC 34.340 and the fence standards set forth below:

(a) Required fencing shall be installed along the entire length of the access-restricted property line(s) or lot line(s) abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3), prior to issuance of any building permit on any parcel or lot created by the partition or subdivision.

(b) Except as provided in TDC 34.330(3), required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, either the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, or in the case of an arterial/collector/expressway street the ultimate right-of-way line, whichever is located furthest from the centerline of the street right-of-way.

(i) For public streets classified as an arterial/collector/expressway, ~~a~~As approved by the City Engineer, the location of the ultimate right-of-way line shall be one-half of the right-of-way width specified in Chapter 11 and Chapter 75 of the Tualatin Development Code for the appropriate classification of street, measured at right angles from the centerline of the actual street improvement, or measured at right angles from the centerline of the right-of-way, whichever method is determined most appropriate by the City Engineer.

(ii) For public streets classified as an arterial/collector/expressway, ~~if~~ an owner is granted a variance from TDC 34.330(1)(b) standards, which results in a fence being located within the ultimate right-of-way area, the property owner shall execute a removal agreement, subject to City Council approval. The removal agreement shall provide that, after notice by the City, the property owner shall remove any structure, or portion thereof, that extends into the ultimate right-of-way, at no expense to the City. In case of default in that obligation, the City may cause such removal at the expense of the owner with all costs incurred to

become a lien against such land or premises. The agreement shall also provide that the owner of the affected premises shall not be entitled to any damages or compensation in consequence of the City's exercise of its rights under the agreement. This provision shall not be construed as denying the owner of such property the right to just compensation for the unimproved value of any land taken for the widening of any street.

(c) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(2) Replacement of Existing Fence, or Construction of New Fence in a RL or RML Planning District.

Where property is not the subject of a subdivision or partition application, and is developed with a single-family dwelling, and has an access-restricted property line or lot line that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way, or interstate highway property line, the following fence standards apply:

(a) Replacement of An Existing Fence That Does Not Meet the Masonry Fence Standard.

Where an existing fence that does not meet the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line that abuts an arterial/collector/expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See Figure 34-1 for illustration), meet the masonry fence standard, then at the time that 60 percent or more of the length of the fence is removed, the entire length of the fence located along the arterial/collector/expressway/interstate highway frontage shall be removed and replaced with a fence that meets the masonry fence design standards set forth in TDC 34.340.

(i) Installation of required replacement fencing shall be complete within six months from the date that 60 percent or more of the length of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(b) Replacement or Repair of An Existing Fence That Meets the Masonry Fence Standard.

Where an existing fence that meets the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an arterial/collector/expressway right-of-way or interstate highway property line, then at the time that any portion of the access-restricted property line or lot line that abuts an fence is removed, the fence shall be repaired or replaced in conformance with the masonry design standards set forth in TDC 34.340.

(i) Repair or replacement shall be complete within six months from the date that any portion of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(c) Construction of New Fence.

Where no existing fence is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line that abuts an arterial/collector/expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See Figure 34-1 for illustration), meet the masonry fence standard, then any new fence that is constructed approximately parallel with, and within ten feet of, the access-restricted property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line shall be in conformance with the required design standards set forth in TDC 34.340.

(i) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(ii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(3) Exceptions to Fence Location or Configuration:

(a) For public streets classified as an arterial/collector/expressway, ~~w~~Where the City Engineer determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the arterial/collector/expressway, the fence shall not be required along the arterial/collector/expressway frontage of that particular parcel or lot.

(b) For public streets classified as an arterial/collector/expressway, where the City Engineer determines that an opening or passage through the fence must be provided, the fence shall include such required opening. The same shall be provided in fences along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Engineer.

(c) All vision clearance requirements set forth in TDC 73.400(16) shall be met.

(d) The City Engineer in the case of public streets classified as an arterial/collector/expressway, or the state in the case of state-owned interstate highways, may require an alternate location or configuration of the fence alignment to accommodate stormwater facilities, easements, or other requirements such as, but not limited to, bicycle paths, multi-use paths, or for maintenance purposes.

(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the interstate highway and forms a visual, aesthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the interstate highway, AND such land is located between the interstate highway property line and the developable area of a property being developed in the RL or RML Planning District, no fence shall be required. Where the area of vegetation is less than 200 linear feet in width, the required fence shall be located entirely outside the vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed.

Section 3. TDC 34.340 is amended to read as follows:

(1) Masonry Fence Design. (See Figure 34-2 for illustration)

(a) Material and Color. All components of fence visible from the public vantage point shall be constructed of stone, brick, stone-look or brick-look cast masonry or stone-look or brick-look cast vinyl or composite material. The color of the fence shall be that of natural stones, red clay brick, neutral brown-tones, or gray earth-tones.

(b) Finished Face. Fence shall be constructed such that the finished side of the fence faces the public right-of-way or state-owned interstate highway, and any structural components (metal brackets, etc.) are not visible from the public or highway vantage point.

(c) Slopes. Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain.

(d) Height. For public streets classified as an arterial/collector/expressway, height of fence panels shall be six feet, and for interstate highways (I-5 or I-205) height of fence panels shall be a minimum of eight feet, measured from the underlying ground surface directly beneath the fence panels to the top edge of

the cornice cap. (Any fence over six feet in height requires a building permit and engineered drawings.)

(i) For fences constructed on slopes, the height of fence measured at the up-slope end of each fence panel shall be six feet for public streets classified as an arterial/collector/expressway and a minimum of eight feet for interstate highways. (Any fence over six feet in height requires a building permit and engineered drawings.)

(ii) Pilasters, excluding pilaster caps, shall be no shorter than the shorter of the attached fence panels, including the cornice cap, and shall not extend more than six inches higher than the highest attached fence panel, including the cornice cap.

(iii) Height of pilaster caps shall be no greater than six inches, measured from the top of the underlying pilaster to the highest point on the cap.

(e) Ground Clearance. There shall be no ground clearance or gap visible between the bottom of the fence panels and the underlying ground surface. Where a pre-cast panel system is used, any gaps that result beneath panels shall be filled in with earth, rock, evergreen vegetation, or similar material. This provision does not prohibit the use of stormwater drainage holes.

(f) Pilasters. The horizontal run of fence must be broken up by pilasters, which shall be set at approximately regular intervals, no more than twenty feet apart on center. Pilasters shall be installed perpendicular to a zero-slope plane.

(g) Panels. Panels shall be 100 percent solid and opaque. The finished face shall have the appearance of a stacked or mortared stone wall or brick wall.

(h) Cornice. A cornice cap shall be installed on top of each of the fence panels. Cornice caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters.

(i) Pilaster Caps. Decorative caps shall be installed on top of all pilasters such that the cap completely covers the surface area of the pilaster end. Caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters. Illuminated pilaster caps are allowed, provided the lighting element is an integral internal component of the cap (i.e., no exposed light bulb) and the light is low-voltage or solar powered. Caps shall be no taller than six inches, measured from the surface of the pilaster end to the highest point on the pilaster cap.

(2) Variance Prohibited.

(a) Development unable to meet one or more of the design standards set forth in TDC 34.340(1) may alternatively submit application for Architectural Review.

(b) Application for Architectural Review shall be made pursuant to application procedures set forth in TDC 31.071. Approval or denial shall be based upon the criteria set forth in TDC 73.050, including objectives and standards set forth in TDC ~~73.221240~~ and ~~73.222220~~.

Section 4. TDC 73.221 is amended to read as follows:

(1) Purpose. The purpose of fence design standards in the RL and RML Planning Districts for access-restricted lot lines and property lines abutting major and minor collector and arterial and expressway streets and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020.

(2) Objectives. Fences shall be designed to the maximum extent practicable, to achieve the following:

(a) Rear yards and side yards adjacent collector, arterial and expressway streets and interstate highways shall be screened from public view.

(b) Fences shall be constructed of highly durable materials that are low-maintenance and weather-resistant.

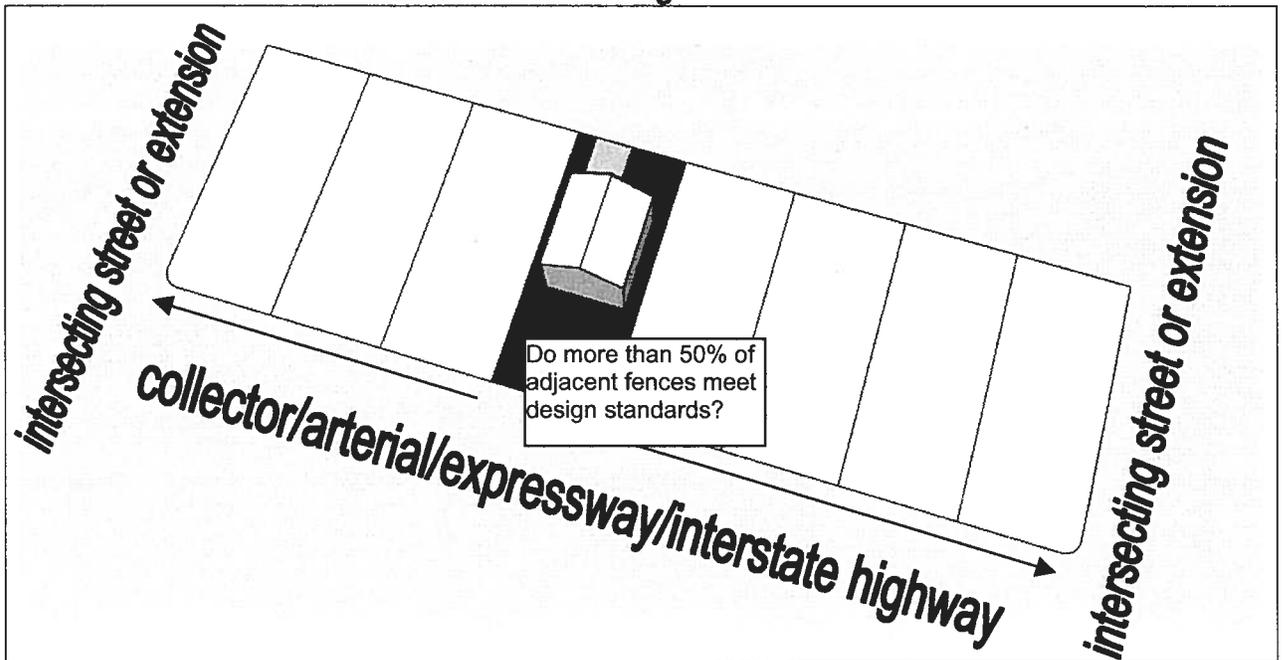
(c) Fence materials and design shall be compatible and harmonious with the required fence design type detailed in TDC 34.330 and 34.340. The design shall incorporate stone-look or brick-look elements. Colors shall be subdued and natural earth-tones, brown-tones, or grey-tones.

Section 5. TDC 73.222 is amended to read as follows:

Minimum requirements for construction of fences in a RL or a RML Planning District, where an access-restricted lot line or property line abuts a public street right-of-way classified as a major or minor collector or arterial or expressway street, or a property line of a state-owned interstate highway are set forth in TDC 34.330 and 34.340.

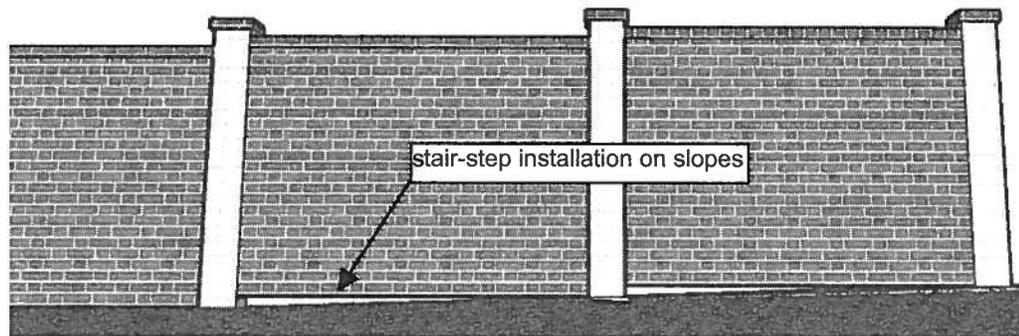
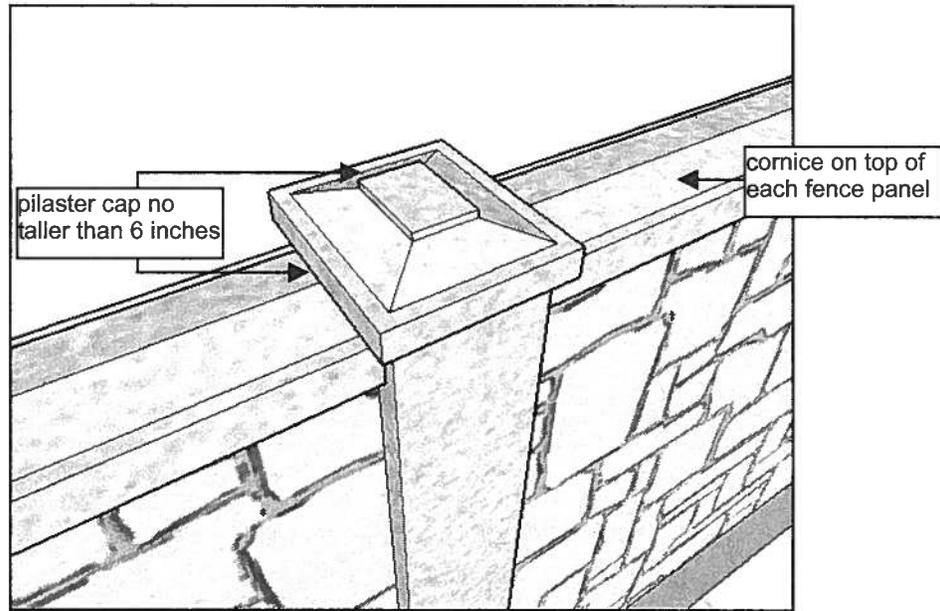
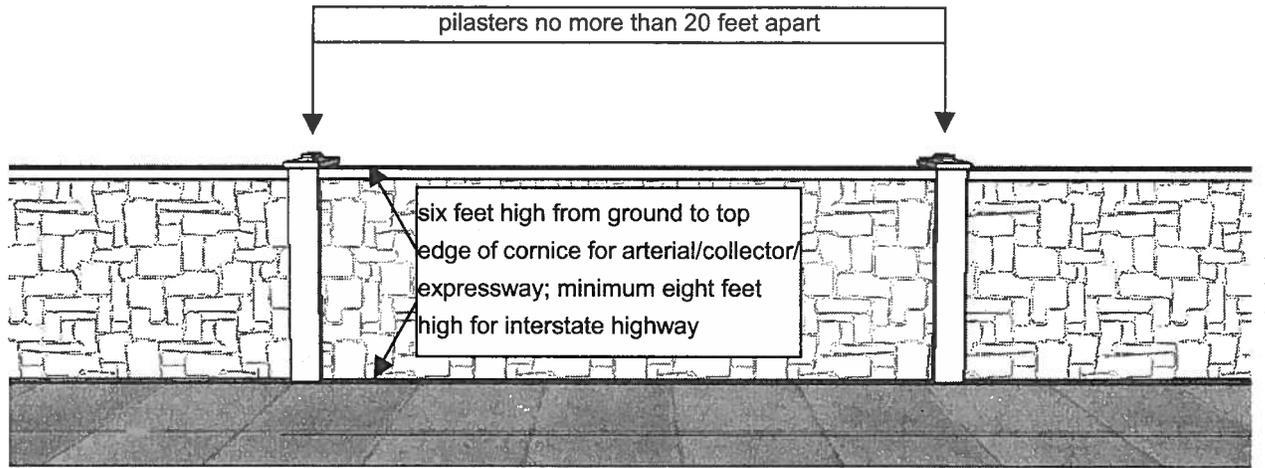
Section 6. Figure 34-1 and 34-2 are amended to read as follows:

Section 34.330 Figure 34-1



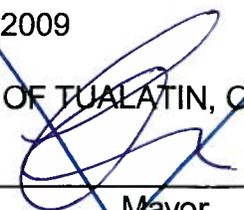
Section 34.340 Figure 34-2

Masonry Fence Design Type



INTRODUCED AND ADOPTED this 13th day of July, 2009

CITY OF TUALATIN, Oregon

BY  _____
Mayor

ATTEST:

BY _____
City Recorder

City Attorney

ATTACHMENT B ANALYSIS AND FINDINGS

The approval criteria set forth in Tualatin Development Code (TDC) Section 1.032 must be met if the proposed Plan Text Amendment (PTA) is to be granted.

1. Granting the amendment is in the public interest.

The public interest is best protected by granting the proposed amendment because it serves to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed fence standards support and protect the public's interests in maintaining safe, healthful, attractive, and well-maintained frontages to interstate highways.

Criterion 1 is met.

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

As stated above, the proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed fence standards support and protect the public's interests in maintaining safe, healthful, attractive, and well maintained interstate highway frontages. Granting the amendment at this time, rather than delaying its implementation to a later date, will ensure that properties along interstate highways that may develop or redevelop in residential use in the future will be protected.

Criterion 2 is met.

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

TDC 2.020 - General Purpose: "The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth" - The proposed amendment serves to guide the physical development of fencing in rear yards and side yards abutting interstate highways, on properties located in the RL and RML Planning Districts, in a manner that adequately accommodates natural resource and open space areas. The amendment accomplishes this by giving the state authority to determine exceptions or alternative fence alignments along interstate highways in

order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas. The proposed amendment conforms to this Tualatin Community Plan objective.

TDC 4.050(10) - General Growth: “Encourage the highest quality physical design for future development” - The proposed amendment establishes fence installation requirements in rear yards and side yards abutting interstate highways on properties located in the RL and RML Planning Districts, coupled with minimum standards for fence materials and fence design styles, in order that the required fences be aesthetically pleasing and well maintained in appearance. The proposed amendment conforms to this Tualatin Community Plan objective by encouraging high quality physical design.

TDC 10.020(2) - Design: “Discourage monotonous, drab, unsightly, dreary and inharmonious development” - The proposed amendment ensures that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable. The proposed amendment includes minimum standards for fencing material and design requirements for the finished face of the fence visible from the public vantage point. The proposed amendment conforms to this Tualatin Community Plan objective by discouraging unsightly and inharmonious fences in affected locations.

TDC 10.020(3) - Design: “Promote the City’s natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements” - The proposed amendment ensures that proper attention is given to exterior appearances of fences in rear and side yards adjacent to interstate highways on properties located in the RL and RML Planning Districts. Furthermore, the proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas, thereby ensuring due regard to the aesthetic qualities of important natural terrain. The proposed amendment conforms to this Tualatin Community Plan objective.

TDC 10.020(5) - Design: “Stabilize and improve property values and prevent blighted areas and thus increase tax revenues” - The proposed amendment conforms to this Tualatin Community Plan objective and prevents blight by requiring that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable, including minimum standards for fencing material and design requirements for the finished face of the fence visible from the public vantage point.

TDC 10.020(6) - Design: “Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services” - The proposed amendment establishes requirements for rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts, including minimum standards for fencing material and design. The proposed amendment conforms to this Tualatin Community Plan objective by requiring pleasant-looking fences along interstate highways thus contributing to a pleasant environment for living and working in the City.

TDC 10.020(8) - Design: “Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City’s favorable environment; and thus promote and protect the peace, health and welfare of the City” – The proposed amendment promotes and protects the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways appear aesthetically pleasing and well maintained. The proposed amendment conforms to this Tualatin Community Plan objective.

Criterion 3 is met.

4. The factors listed in Section 1.032(4) were consciously considered. The various characteristics of the areas in the City;

RL and RML Planning Districts are primarily characterized by low-density, detached, single-family dwelling development. Rear yards and side yards of properties located in a RL or RML Planning District, abutting an interstate highway, where no vehicular access is permitted from the interstate highway to the property, are particularly suitable for fence design requirements because the proposed fencing standards act to protect children and animals from entering into the interstate highway from an adjacent rear or side yard, visually screen private rear and side yards from public view, and require that fencing visible to the public meet a minimum level of visual design appeal and durability.

The suitability of the areas for particular land uses and improvements in the areas;

As discussed above, the proposed fencing standards act to protect children and animals from entering into an interstate highway from an adjacent rear or side yard, visually screen private rear and side yards from public view, and require that fencing visible to the public meet a minimum level of visual design appeal and durability. The proposed amendment thereby promotes and protects the general welfare of the City, and particularly the affected property owners in the RL or RML Planning Districts.

Trends in land improvement and development;

Interstate-5 currently forms the southeast boundary of the City, while I-205 forms its southeast boundary. Property along these two interstate highways is entirely in the RL or RML Planning Districts and the predominant development currently located along these stretches of highway is detached single-family dwellings, with additional development composed of multi-family development and other permitted and conditional uses allowed in those Planning Districts. Property that may be annexed to the City in the future on the west and east sides of I-5, and on the north and south sides of I-205, likely will be primarily in the low density residential Planning Districts as well. Due to variation in natural features, such as topography, streams, and wetlands, and land ownership patterns, it is uncertain how the properties will be developed in the future. These existing variables and conditions in land improvement and development have been adequately taken into consideration in crafting the proposed implementing regulations, in order that the regulations specifically address fencing in rear yards and side yards of properties, at time of partition or subdivision or removal of an existing fence on property developed with a single-family dwelling, where the property is located in a RL or RML Planning District, abutting an interstate highway, where no vehicular access is permitted from the interstate highway.

Property values;

The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and durable. There is no evidence that attractive and well-maintained fencing adjacent to interstate highways will lower property values. By contributing to an overall sense of visual tidiness in the community, the proposed amendment may even contribute to increased property values.

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

There is no evidence that the proposed amendment hinders any property owners' ability to conduct an economic enterprise, nor is there any evidence that the proposed amendment hinders future development of any areas.

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

The proposed amendment includes language that requires fencing to be located next to either the property line abutting the interstate highway, or on the developable portion of the property being developed when an area of vegetation less than 200 linear feet in width separates the interstate highway property line from the developable portion of the property being developed. The proposed amendment, therefore, includes provisions to ensure that required fences will not interfere with

future improvements to bring transportation facilities up to required standards. Additionally, language is included that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with access for and to particular sites in the area of the required fencing.

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

The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas. Therefore, the proposed amendment includes provisions to ensure protection and conservation of natural resources.

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

There is no evidence that the proposed amendment hinders any property owners' ability to develop natural resources on their property.

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

The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents.

Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

This factor is not relevant to consideration of the proposed amendment.

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

Criterion 4 is met.

- 5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.**

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.

School facility capacity is impacted when additional students are added to the Tigard-Tualatin School District. The proposed amendment has no impact on student population or on school facility capacity.

Criterion 5 is met.

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

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981, and through post-acknowledgement amendments, as complying with all the applicable Statewide Planning Goals. The proposed PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules as follows:

Goal 1 – Citizen Involvement – The general public, through Tualatin’s local program of citizen involvement, including public TPAC committee meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed amendment includes two complimentary sets of code standards: a property owner who’s fence proposal meets the clear and objective ministerial standards need not apply for a land use permit in order to install fencing; and a property owner who wishes to install a fence that does not meet the clear and objective standards may choose instead to apply for discretionary approval in conformance with the discretionary set of standards. The proposed amendment provides that discretionary review be carried out as a limited land use review process that includes citizen involvement. The proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2 – Land Use Planning – The proposed amendments to the TDC are found to be internally consistent with the remainder of the elements of the TDC, with the METRO Urban Growth Management Functional Plan, and without exception to the Oregon Statewide Planning Goals. The proposed amendments are consistent with Statewide Planning Goal 2.

Goal 3 – Agricultural Lands – Not applicable.

Goal 4 – Forest Lands – Not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or

other requirements”, which may include preservation of natural resource, scenic, historic, or open space areas. The proposed amendment, therefore, is consistent with Statewide Planning Goal 5.

Goal 6 – Air, Water and Land Resource Quality – Not applicable.

Goal 7 – Areas Subject to Natural Disasters and Hazards – Not applicable.

Goal 8 – Recreational Needs – Not applicable.

Goal 9 – Economic Development – Not applicable.

Goal 10 – Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents. The proposed amendment does require, at the time a low-density or medium-low-density residential property is divided, that fences be installed prior to issuance of any building permit on any parcel or lot that is created. This ensures that required fencing will be installed. There is no evidence, however, that the proposed amendment will create an undue barrier to development of new housing in the affected residential districts. The proposed amendment, therefore, is in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

Goal 11 – Public Facilities and Services – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with provision of adequate public facilities and services to properties affected by the regulations or neighboring properties. The proposed amendment, therefore, is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation – The proposed amendment includes language that requires fencing to be located on private property abutting an interstate highway, entirely outside of state-owned property. The proposed amendment, therefore, includes provisions to ensure that required fences will not interfere with future improvements to bring transportation facilities up to required standards. The proposed amendment is consistent with Statewide Planning Goal 12.

Goals 13 through 19 – Statewide Planning Goals 13 through 19 were considered and found not applicable to the proposed amendment.

The proposed amendment is consistent with the applicable Statewide Planning Goals and applicable Oregon Administrative Rules.

Criterion 6 is met.

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

The proposed PTA is consistent with the Metropolitan Service District's (METRO) Urban Growth Management Functional Plan as follows:

Title 1 – Housing and Employment Accommodation – Not applicable.

Title 2 – Regional Parking Policy – Not applicable.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with provision of adequate public facilities, or with water quality, flood management, or fish and wildlife conservation areas. The proposed amendment is consistent with Title 3.

Title 4 – Industrial and Other Employment Areas – Not applicable.

Title 5 – Neighbor Cities and Rural Reserves – Not applicable.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities – Not applicable.

Title 7 – Affordable Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents. The proposed amendment does require, at the time a low-density or medium-low-density residential property is divided, that fences be installed prior to issuance of any building permit on any parcel or lot that is created. This ensures that required fencing will be installed. There is no evidence, however, that the proposed amendment will create an undue barrier to development of affordable housing in the affected residential districts. The proposed amendment is consistent with Title 7.

Title 8 – Compliance Procedures – Notice of the proposed amendment was mailed to the METRO Chief Operating Officer on May 27, 2009. The proposed amendment is consistent with Title 8.

Title 9 – Performance Measures – Not applicable.

Title 10 – Functional Plan Definitions – Not applicable.

Title 11 – Planning for New Urban Areas – Not applicable.

Title 12 – Protection of Residential Neighborhoods – Not applicable.

Title 13 – Nature in Neighborhoods – The amendment is not intended to amend any existing Tualatin ordinances pertaining to mapping of riparian habitat or upland wildlife habitat, nor to amend any existing programs associated therewith. The proposed amendment is consistent with Title 13.

Granting the amendment is consistent with the METRO's Urban Growth Management Functional Plan.

Criterion 7 is met.

- 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 proposed amendment does not result in any development, does not change any land use designations, and does not alter the carrying capacity or number of vehicle trips for transportation facilities. Therefore, the proposed amendment has no impact on transportation facility capacity.

Criterion 8 is met.

Response to Agency Comments Received

One comment letter and one email were received from agencies in response to the Notice of Application dated May 27, 2009. The comments, from Tualatin Valley Fire & Rescue (TVF&R; letter) and Oregon Department of Transportation (ODOT; email), are included in Attachment C of this Staff Report and responded to below.

1. Tualatin Valley Fire & Rescue

The letter, dated June 5, 2009, received from TVF&R Deputy Fire Marshal Jim Everitt expressed concern that the proposed masonry fences would impede access to fire hydrants in developed areas along I-5 and I-205 unless some provision is

made to include small covered openings or access doors in the fences to allow emergency personnel to pass hoses and other equipment through the fences, and the openings are appropriately marked on both sides of the fences. Access would be necessary in the event of a major incident on the interstate highway that required substantial amounts of water to manage. In response to this concern, staff added language to Section 34.330(3)(b) of the proposed fence standards requiring that an opening or passage through the fence must be provided when required by the state or TVF&R.

2. Oregon Department of Transportation

The email, dated June 24, 2009, received from ODOT Senior Planner Marah Danielson states that “addressing the noise impact as well as the visual impact of the interstates would go a long way to both enhance livability of residents in Tualatin who live adjacent to the interstates as well as reduce future costs of interstate improvement projects if they are identified and funded within the City of Tualatin” and suggests that “proposed masonry fence construction should go a long way to meet both aesthetic and noise abatement needs of residential development provided it has adequate density to prevent noise from penetrating the fence”. The email includes the following recommendations to enhance the ordinance language to address noise abatement:

- “To enhance the fences aesthetic ability to shield residents from the interstate vehicles and noise abatement properties, it is recommended that the minimum height for a fence be 8 ft and/or to shield the first floor of the development from the line of sight of freeway vehicles. The 8 ft height would be most effective for flat, level or depressed sights. For elevated sections developers should consider a noise study to ensure that the first story of the building is adequately protected from noise impacts of the interstates.”

Response: The minimum height requirement for fences along interstate highways in the proposed amendment language is 8 feet [TDC 34.340(1)(d)]. A building permit and engineered drawings are required for fences over 6 feet in height [TDC 34.340(1)(d)], however, because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes, a noise study will not be required of the developer.

- “Criteria should be developed for appropriate masonry material that provides enough density to absorb noise and prevent penetration of noise through the material.”

Response: Although a building permit and engineered drawings will be required for fences along interstate highways because they will be a minimum of 8 feet in height [TDC 34.340(1)(d)], the absorptivity of masonry material used in their construction is not a component of their design [TDC

34.340(1)(a) and (g), because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes.

- “Developers of residential developments along interstates should be encouraged to consider a noise study to best design the fence for noise abatement.”

Response: A building permit and engineered drawings will be required for fences along interstate highways because they will be a minimum of 8 feet in height [TDC 34.340(1)(d)], however, because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes, a noise study will not be required of the developer.



CITY OF TUALATIN
RECEIVED

JUN 11 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 5, 2009

Dear Cindy Hahn:

Subject: PT A 09-01; ordinance relating to masonry fencing of land adjacent to arterials and 1-5/1-205

Of concern to Tualatin Valley Fire & Rescue is that interstate freeways do not have fire hydrants and that if there were to be a major incident on the interstate these fences should be made so that hydrants on surface streets could be accessed. This would require plumbing, doors, or access ports so that hose lines could be laid unimpeded. I would like you to consider a hazardous materials or fuel tanker over-turned with multiple vehicle involvement, and how shuttling water could seriously affect the outcomes.

Sincerely,

James E. Everitt

503-612-7011

503-612-7003 fax

CINDY HAHN

From: DANIELSON Marah B [Marah.B.DANIELSON@odot.state.or.us]
Sent: Wednesday, June 24, 2009 6:18 PM
To: CINDY HAHN
Cc: LINDLAND Steven R; NEWWINE Carole; JOHNSON Mark D; BRUMLEY Seth A
Subject: RE: PTA-09-01 Fence Ordinance for Review

Hi Cindy,

ODOT appreciates the opportunity to provide comments to the City on PTA-09-01 which would require fencing along the interstate highways within the City of Tualatin. As you know, ODOT has jurisdiction of these facilities and an interest in ensuring that land uses are compatible with operation of I-5 and I-205. While the primary objective of the ordinance is to provide visual screening from the interstate that are consistent with community design objects, this is also an opportunity to address noise impacts of the interstate on residential developments adjacent to interstate facilities. For years, as part of development review, ODOT Region 1 has advised applicants that residential developments adjacent to interstates may be exposed to noise levels that exceed federal noise guidelines and builders should take appropriate measures to mitigate this impact. When ODOT receives federal money to construct a project and residential developments adjacent to interstate facilities do not have a fence/wall in place to mitigate the noise, based on a noise study ODOT may be required to install sound walls to address the noise source issue. Addressing the noise impact as well as the visual impact of the interstates would go a long way to both enhance livability of residents in Tualatin who live adjacent to the interstates as well as reduce future costs of interstate improvement projects if they are identified and funded within the City of Tualatin.

The proposed masonry fence construction should go a long way to meet both aesthetic and noise abatement needs of residential development provided it has adequate density to prevent noise from penetrating the fence. Here are some recommendations to enhance the ordinance language to address noise abatement:

- To enhance the fences aesthetic ability to shield residents from the interstate vehicles and noise abatement properties, it is recommended that the minimum height for a fence be 8 ft and/or to shield the first floor of the development from the line of sight of freeway vehicles. The 8ft height would be most effective for flat, level or depressed sights. For elevated sections developers should consider a noise study to ensure that the first story of the building is adequately protected from noise impacts of the interstates.
- Criteria should be developed for appropriate masonry material that provides enough density to absorb noise and prevent penetration of noise through the material.
- Developers of residential developments along interstates should be encouraged to consider a noise study to best design the fence for noise abatement.

Thank you for the opportunity to comment. Please let me know if you have any questions or concerns regarding ODOT comments.

Marah Danielson
ODOT Senior Planner
503-731-8258

6/25/2009

ORDINANCE NO. 1285-09

AN ORDINANCE RELATING TO FENCES; REQUIRING FENCES ALONG INTERSTATE HIGHWAYS IN THE RL AND RML PLANNING DISTRICTS; AND AMENDING TDC 34.320, 34.330, 34.340, 73.221, 73.222, AND FIGURES 34-1 AND 34-2 (PTA-09-01).

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on July 13, 2009, related to fences; requiring fences along interstate highways in the RL and RML planning districts; and amending TDC 34.320, 34.330, 34.340, 73.221, 73.222, and figures 34-1 and 34-2; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on June 25, 2009, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places on June 16, 2009 within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on July 13, 2009, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [6-0]; with Councilor Maddux absent.

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated July 13, 2009, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. TDC 34.320 is amended to read as follows:

The purpose of fence standards in the RL and RML Planning Districts for access-restricted lot lines and property lines that abut collector, arterial, and expressway streets, and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020.

Section 2. TDC 34.330 is amended to read as follows:

The following standards are minimum requirements for fences in a RL (Low Density Residential) or a RML (Medium Low Density Residential) Planning District, where an access-restricted lot line or property line abuts a public street classified as a major arterial, minor arterial, major collector, minor collector, or expressway by the Tualatin Functional Classification Plan, or abuts a state-owned interstate highway (I-5 or I-205).

(1) Subdivision or Partition of Property in a RL or RML Planning District.

Where property is the subject of a subdivision or partition application, and has an access-restricted property line(s) or lot line(s) that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way or an interstate highway property line for a distance greater than 60 feet, a masonry fence shall be installed along the arterial/ collector/expressway/interstate highway frontage, in conformance with design standards set forth in TDC 34.340 and the fence standards set forth below:

(a) Required fencing shall be installed along the entire length of the access-restricted property line(s) or lot line(s) abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3), prior to issuance of any building permit on any parcel or lot created by the partition or subdivision.

(b) Except as provided in TDC 34.330(3), required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, either the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, or in the case of an arterial/collector/expressway street the ultimate right-of-way line, whichever is located furthest from the centerline of the street right-of-way.

(i) For public streets classified as an arterial/collector/expressway, as approved by the City Engineer, the location of the ultimate right-of-way line shall be one-half of the right-of-way width specified in Chapter 11 and Chapter 75 of the Tualatin Development Code for the appropriate classification of street, measured at right angles from the centerline of the actual street improvement, or measured at right angles from the centerline of the right-of-way, whichever method is determined most appropriate by the City Engineer.

(ii) For public streets classified as an arterial/collector/expressway, if an owner is granted a variance from TDC 34.330(1)(b) standards, which results in a fence being located within the ultimate right-of-way area, the property owner shall execute a removal agreement, subject to City Council approval. The removal agreement shall provide that, after notice by the City, the property owner shall remove any structure, or portion thereof, that extends into the ultimate right-

of-way, at no expense to the City. In case of default in that obligation, the City may cause such removal at the expense of the owner with all costs incurred to become a lien against such land or premises. The agreement shall also provide that the owner of the affected premises shall not be entitled to any damages or compensation in consequence of the City's exercise of its rights under the agreement. This provision shall not be construed as denying the owner of such property the right to just compensation for the unimproved value of any land taken for the widening of any street.

(c) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(2) Replacement of Existing Fence, or Construction of New Fence in a RL or RML Planning District.

Where property is not the subject of a subdivision or partition application, and is developed with a single-family dwelling, and has an access-restricted property line or lot line that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way, or interstate highway property line, the following fence standards apply:

(a) Replacement of An Existing Fence That Does Not Meet the Masonry Fence Standard.

Where an existing fence that does not meet the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line that abuts an arterial/collector/expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See Figure 34-1 for illustration), meet the masonry fence standard, then at the time that 60 percent or more of the length of the fence is removed, the entire length of the fence located along the arterial/collector/expressway/interstate highway frontage shall be removed and replaced with a fence that meets the masonry fence design standards set forth in TDC 34.340.

(i) Installation of required replacement fencing shall be complete within six months from the date that 60 percent or more of the length of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(b) Replacement or Repair of An Existing Fence That Meets the Masonry Fence Standard.

Where an existing fence that meets the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an arterial/collector/expressway right-of-way or interstate highway property line, then at the time that any portion of the access-restricted property line or lot line that abuts an fence is removed, the fence shall be repaired or replaced in conformance with the masonry design standards set forth in TDC 34.340.

(i) Repair or replacement shall be complete within six months from the date that any portion of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(c) Construction of New Fence.

Where no existing fence is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line that abuts an arterial/collector/expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See Figure 34-1 for illustration), meet the masonry fence standard, then any new fence that is constructed approximately parallel with, and within ten feet of, the access-restricted property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line shall be in conformance with the required design standards set forth in TDC 34.340.

(i) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(ii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(3) Exceptions to Fence Location or Configuration:

(a) For public streets classified as an arterial/collector/expressway, ~~where~~ the City Engineer determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the

arterial/collector/expressway, the fence shall not be required along the arterial/collector/expressway frontage of that particular parcel or lot.

(b) For public streets classified as an arterial/collector/expressway, wWhere the City Engineer determines that an opening or passage through the fence must be provided, the fence shall include such required opening. The same shall be provided in fences along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Engineer.

(c) All vision clearance requirements set forth in TDC 73.400(16) shall be met.

(d) The City Engineer in the case of public streets classified as an arterial/collector/expressway, or the state in the case of state-owned interstate highways, may require an alternate location or configuration of the fence alignment to accommodate stormwater facilities, easements, or other requirements such as, but not limited to, bicycle paths, multi-use paths, or for maintenance purposes.

(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the interstate highway and forms a visual, aesthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the interstate highway, AND such land is located between the interstate highway property line and the developable area of a property being developed in the RL or RML Planning District, no fence shall be required. Where the area of vegetation is less than 200 linear feet in width, the required fence shall be located entirely outside the vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed.

Section 3. TDC 34.340 is amended to read as follows:

(1) Masonry Fence Design. (See Figure 34-2 for illustration)

(a) Material and Color. All components of fence visible from the public vantage point shall be constructed of stone, brick, stone-look or brick-look cast masonry or stone-look or brick-look cast vinyl or composite material. The color of the fence shall be that of natural stones, red clay brick, neutral brown-tones, or gray earth-tones.

(b) Finished Face. Fence shall be constructed such that the finished side of the fence faces the public right-of-way or state-owned interstate highway, and any structural components (metal brackets, etc.) are not visible from the public or highway vantage point.

(c) Slopes. Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain.

(d) Height. For public streets classified as an arterial/collector/expressway, hHeight of fence panels shall be six feet, and for interstate highways (I-5 or I-205) height of fence panels shall be a minimum of eight feet, measured from the

underlying ground surface directly beneath the fence panels to the top edge of the cornice cap. (Any fence over six feet in height requires a building permit and engineered drawings.)

(i) For fences constructed on slopes, the height of fence measured at the up-slope end of each fence panel shall be six feet for public streets classified as an arterial/collector/expressway and a minimum of eight feet for interstate highways. (Any fence over six feet in height requires a building permit and engineered drawings.)

(ii) Pilasters, excluding pilaster caps, shall be no shorter than the shorter of the attached fence panels, including the cornice cap, and shall not extend more than six inches higher than the highest attached fence panel, including the cornice cap.

(iii) Height of pilaster caps shall be no greater than six inches, measured from the top of the underlying pilaster to the highest point on the cap.

(e) Ground Clearance. There shall be no ground clearance or gap visible between the bottom of the fence panels and the underlying ground surface. Where a pre-cast panel system is used, any gaps that result beneath panels shall be filled in with earth, rock, evergreen vegetation, or similar material. This provision does not prohibit the use of stormwater drainage holes.

(f) Pilasters. The horizontal run of fence must be broken up by pilasters, which shall be set at approximately regular intervals, no more than twenty feet apart on center. Pilasters shall be installed perpendicular to a zero-slope plane.

(g) Panels. Panels shall be 100 percent solid and opaque. The finished face shall have the appearance of a stacked or mortared stone wall or brick wall.

(h) Cornice. A cornice cap shall be installed on top of each of the fence panels. Cornice caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters.

(i) Pilaster Caps. Decorative caps shall be installed on top of all pilasters such that the cap completely covers the surface area of the pilaster end. Caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters. Illuminated pilaster caps are allowed, provided the lighting element is an integral internal component of the cap (i.e., no exposed light bulb) and the light is low-voltage or solar powered. Caps shall be no taller than six inches, measured from the surface of the pilaster end to the highest point on the pilaster cap.

(2) Variance Prohibited.

(a) Development unable to meet one or more of the design standards set forth in TDC 34.340(1) may alternatively submit application for Architectural Review.

(b) Application for Architectural Review shall be made pursuant to application procedures set forth in TDC 31.071. Approval or denial shall be based upon the criteria set forth in TDC 73.050, including objectives and standards set forth in TDC 73.221210 and 73.222220.

Section 4. TDC 73.221 is amended to read as follows:

(1) Purpose. The purpose of fence design standards in the RL and RML Planning Districts for access-restricted lot lines and property lines abutting major and minor collector and arterial and expressway streets and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020.

(2) Objectives. Fences shall be designed to the maximum extent practicable, to achieve the following:

(a) Rear yards and side yards adjacent collector, arterial and expressway streets and interstate highways shall be screened from public view.

(b) Fences shall be constructed of highly durable materials that are low-maintenance and weather-resistant.

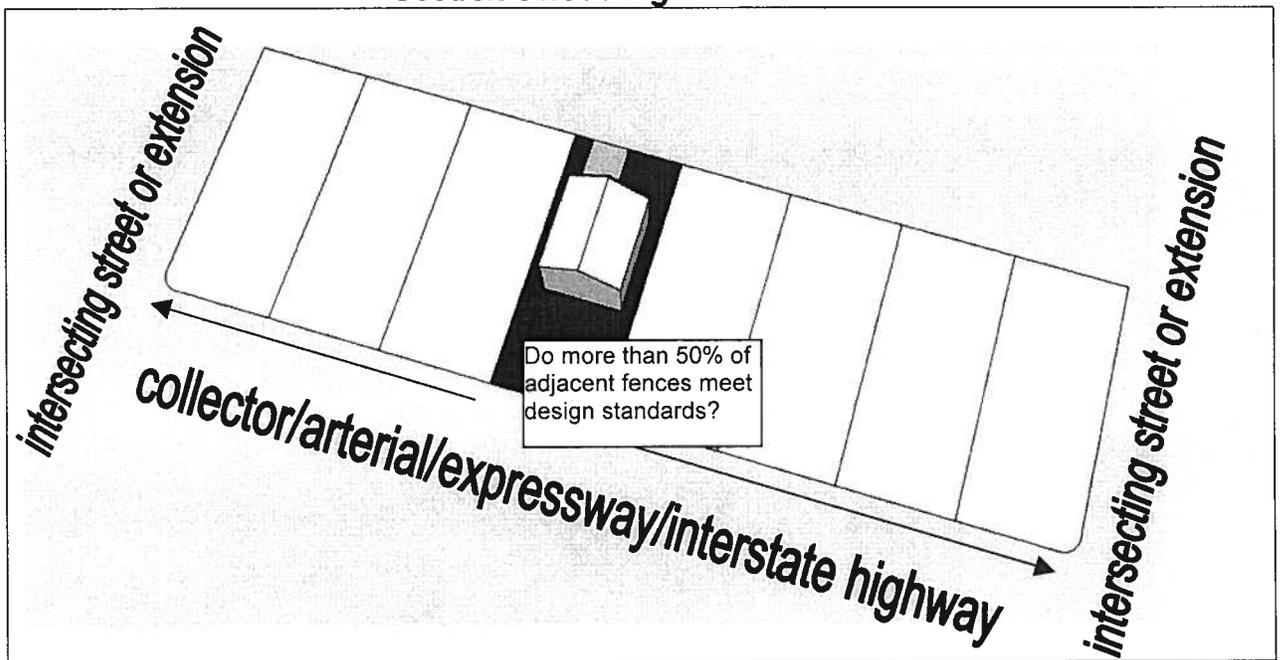
(c) Fence materials and design shall be compatible and harmonious with the required fence design type detailed in TDC 34.330 and 34.340. The design shall incorporate stone-look or brick-look elements. Colors shall be subdued and natural earth-tones, brown-tones, or grey-tones.

Section 5. TDC 73.222 is amended to read as follows:

Minimum requirements for construction of fences in a RL or a RML Planning District, where an access-restricted lot line or property line abuts a public street right-of-way classified as a major or minor collector or arterial or expressway street, or a property line of a state-owned interstate highway are set forth in TDC 34.330 and 34.340.

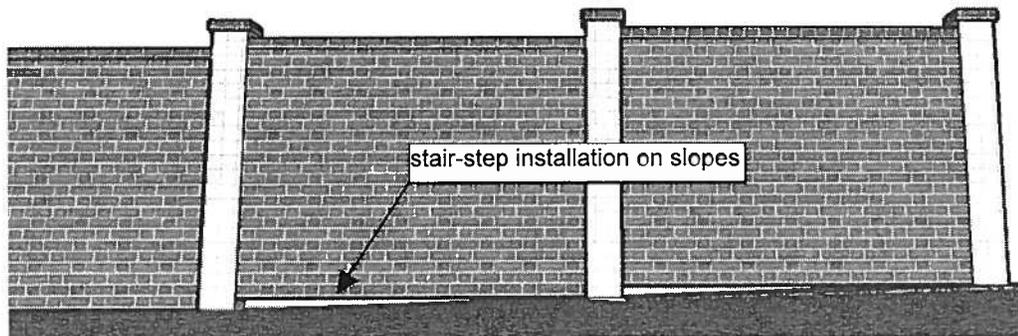
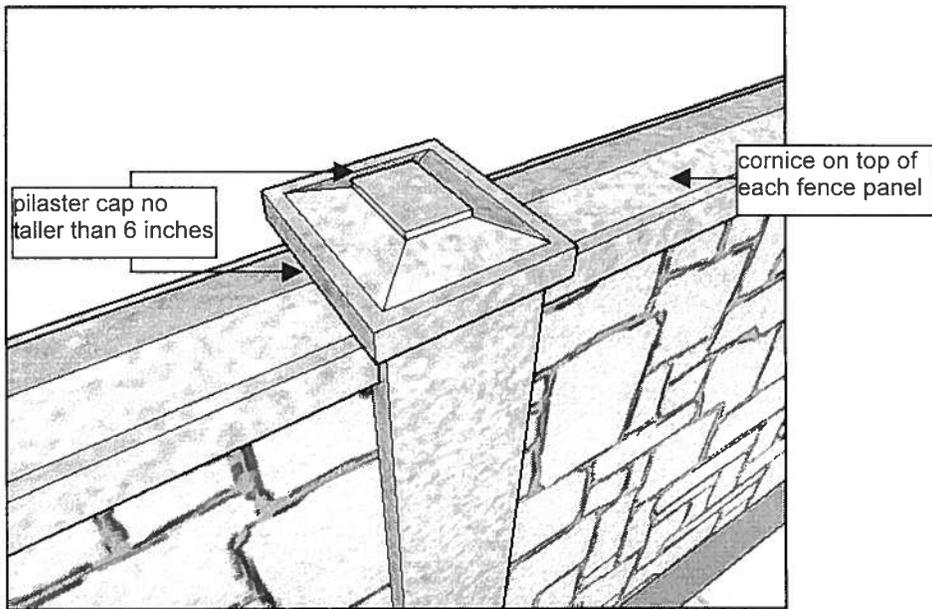
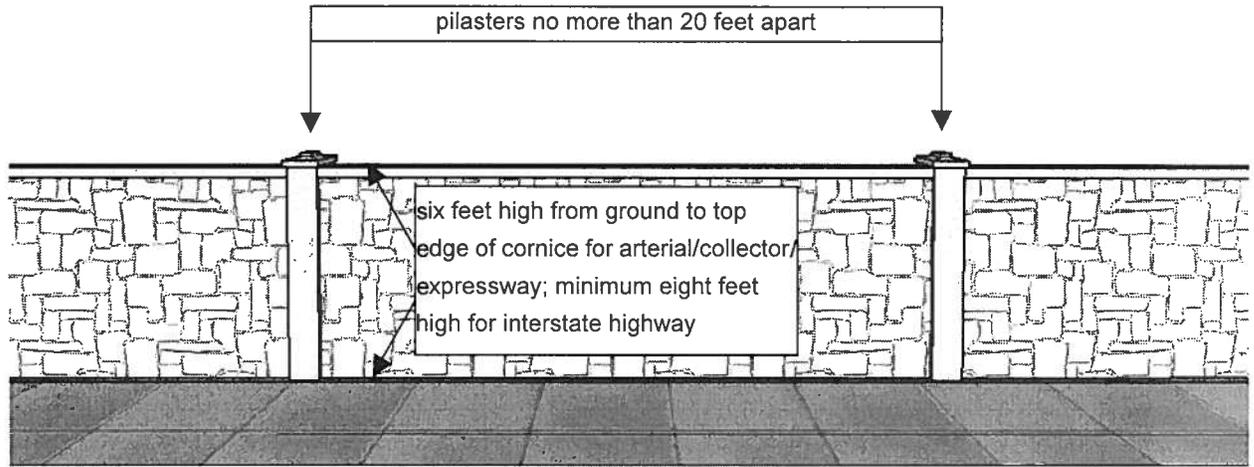
Section 6. Figure 34-1 and 34-2 are amended to read as follows:

Section 34.330 Figure 34-1



Section 34.340 Figure 34-2

Masonry Fence Design Type



INTRODUCED AND ADOPTED this 13th day of July, 2009

CITY OF TUALATIN, Oregon

BY 

Mayor

ATTEST:

BY 

City Recorder


City Attorney

ATTACHMENT B ANALYSIS AND FINDINGS

The approval criteria set forth in Tualatin Development Code (TDC) Section 1.032 must be met if the proposed Plan Text Amendment (PTA) is to be granted.

1. Granting the amendment is in the public interest.

The public interest is best protected by granting the proposed amendment because it serves to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed fence standards support and protect the public's interests in maintaining safe, healthful, attractive, and well-maintained frontages to interstate highways.

Criterion 1 is met.

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

As stated above, the proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed fence standards support and protect the public's interests in maintaining safe, healthful, attractive, and well maintained interstate highway frontages. Granting the amendment at this time, rather than delaying its implementation to a later date, will ensure that properties along interstate highways that may develop or redevelop in residential use in the future will be protected.

Criterion 2 is met.

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

TDC 2.020 - General Purpose: "The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth" - The proposed amendment serves to guide the physical development of fencing in rear yards and side yards abutting interstate highways, on properties located in the RL and RML Planning Districts, in a manner that adequately accommodates natural resource and open space areas. The amendment accomplishes this by giving the state authority to determine exceptions or alternative fence alignments along interstate highways in

order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas. The proposed amendment conforms to this Tualatin Community Plan objective.

TDC 4.050(10) - General Growth: “Encourage the highest quality physical design for future development” - The proposed amendment establishes fence installation requirements in rear yards and side yards abutting interstate highways on properties located in the RL and RML Planning Districts, coupled with minimum standards for fence materials and fence design styles, in order that the required fences be aesthetically pleasing and well maintained in appearance. The proposed amendment conforms to this Tualatin Community Plan objective by encouraging high quality physical design.

TDC 10.020(2) - Design: “Discourage monotonous, drab, unsightly, dreary and inharmonious development” - The proposed amendment ensures that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable. The proposed amendment includes minimum standards for fencing material and design requirements for the finished face of the fence visible from the public vantage point. The proposed amendment conforms to this Tualatin Community Plan objective by discouraging unsightly and inharmonious fences in affected locations.

TDC 10.020(3) - Design: “Promote the City’s natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements” - The proposed amendment ensures that proper attention is given to exterior appearances of fences in rear and side yards adjacent to interstate highways on properties located in the RL and RML Planning Districts. Furthermore, the proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas, thereby ensuring due regard to the aesthetic qualities of important natural terrain. The proposed amendment conforms to this Tualatin Community Plan objective.

TDC 10.020(5) - Design: “Stabilize and improve property values and prevent blighted areas and thus increase tax revenues” - The proposed amendment conforms to this Tualatin Community Plan objective and prevents blight by requiring that rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts are aesthetically pleasing and durable, including minimum standards for fencing material and design requirements for the finished face of the fence visible from the public vantage point.

TDC 10.020(6) - Design: “Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services” - The proposed amendment establishes requirements for rear yard and side yard fences adjacent to interstate highways on properties located in the RL and RML Planning Districts, including minimum standards for fencing material and design. The proposed amendment conforms to this Tualatin Community Plan objective by requiring pleasant-looking fences along interstate highways thus contributing to a pleasant environment for living and working in the City.

TDC 10.020(8) - Design: “Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City’s favorable environment; and thus promote and protect the peace, health and welfare of the City” – The proposed amendment promotes and protects the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways appear aesthetically pleasing and well maintained. The proposed amendment conforms to this Tualatin Community Plan objective.

Criterion 3 is met.

4. The factors listed in Section 1.032(4) were consciously considered. The various characteristics of the areas in the City;

RL and RML Planning Districts are primarily characterized by low-density, detached, single-family dwelling development. Rear yards and side yards of properties located in a RL or RML Planning District, abutting an interstate highway, where no vehicular access is permitted from the interstate highway to the property, are particularly suitable for fence design requirements because the proposed fencing standards act to protect children and animals from entering into the interstate highway from an adjacent rear or side yard, visually screen private rear and side yards from public view, and require that fencing visible to the public meet a minimum level of visual design appeal and durability.

The suitability of the areas for particular land uses and improvements in the areas;

As discussed above, the proposed fencing standards act to protect children and animals from entering into an interstate highway from an adjacent rear or side yard, visually screen private rear and side yards from public view, and require that fencing visible to the public meet a minimum level of visual design appeal and durability. The proposed amendment thereby promotes and protects the general welfare of the City, and particularly the affected property owners in the RL or RML Planning Districts.

Trends in land improvement and development;

Interstate-5 currently forms the southeast boundary of the City, while I-205 forms its southeast boundary. Property along these two interstate highways is entirely in the RL or RML Planning Districts and the predominant development currently located along these stretches of highway is detached single-family dwellings, with additional development composed of multi-family development and other permitted and conditional uses allowed in those Planning Districts. Property that may be annexed to the City in the future on the west and east sides of I-5, and on the north and south sides of I-205, likely will be primarily in the low density residential Planning Districts as well. Due to variation in natural features, such as topography, streams, and wetlands, and land ownership patterns, it is uncertain how the properties will be developed in the future. These existing variables and conditions in land improvement and development have been adequately taken into consideration in crafting the proposed implementing regulations, in order that the regulations specifically address fencing in rear yards and side yards of properties, at time of partition or subdivision or removal of an existing fence on property developed with a single-family dwelling, where the property is located in a RL or RML Planning District, abutting an interstate highway, where no vehicular access is permitted from the interstate highway.

Property values;

The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and durable. There is no evidence that attractive and well-maintained fencing adjacent to interstate highways will lower property values. By contributing to an overall sense of visual tidiness in the community, the proposed amendment may even contribute to increased property values.

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

There is no evidence that the proposed amendment hinders any property owners' ability to conduct an economic enterprise, nor is there any evidence that the proposed amendment hinders future development of any areas.

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

The proposed amendment includes language that requires fencing to be located next to either the property line abutting the interstate highway, or on the developable portion of the property being developed when an area of vegetation less than 200 linear feet in width separates the interstate highway property line from the developable portion of the property being developed. The proposed amendment, therefore, includes provisions to ensure that required fences will not interfere with

future improvements to bring transportation facilities up to required standards. Additionally, language is included that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with access for and to particular sites in the area of the required fencing.

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

The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements”, which may include preservation of natural resource or open space areas. Therefore, the proposed amendment includes provisions to ensure protection and conservation of natural resources.

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

There is no evidence that the proposed amendment hinders any property owners' ability to develop natural resources on their property.

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

The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents.

Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

This factor is not relevant to consideration of the proposed amendment.

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

Criterion 4 is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.

School facility capacity is impacted when additional students are added to the Tigard-Tualatin School District. The proposed amendment has no impact on student population or on school facility capacity.

Criterion 5 is met.

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

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981, and through post-acknowledgement amendments, as complying with all the applicable Statewide Planning Goals. The proposed PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules as follows:

Goal 1 – Citizen Involvement – The general public, through Tualatin’s local program of citizen involvement, including public TPAC committee meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed amendment includes two complimentary sets of code standards: a property owner who’s fence proposal meets the clear and objective ministerial standards need not apply for a land use permit in order to install fencing; and a property owner who wishes to install a fence that does not meet the clear and objective standards may choose instead to apply for discretionary approval in conformance with the discretionary set of standards. The proposed amendment provides that discretionary review be carried out as a limited land use review process that includes citizen involvement. The proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2 – Land Use Planning – The proposed amendments to the TDC are found to be internally consistent with the remainder of the elements of the TDC, with the METRO Urban Growth Management Functional Plan, and without exception to the Oregon Statewide Planning Goals. The proposed amendments are consistent with Statewide Planning Goal 2.

Goal 3 – Agricultural Lands – Not applicable.

Goal 4 – Forest Lands – Not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or

other requirements”, which may include preservation of natural resource, scenic, historic, or open space areas. The proposed amendment, therefore, is consistent with Statewide Planning Goal 5.

Goal 6 – Air, Water and Land Resource Quality – Not applicable.

Goal 7 – Areas Subject to Natural Disasters and Hazards – Not applicable.

Goal 8 – Recreational Needs – Not applicable.

Goal 9 – Economic Development – Not applicable.

Goal 10 – Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents. The proposed amendment does require, at the time a low-density or medium-low-density residential property is divided, that fences be installed prior to issuance of any building permit on any parcel or lot that is created. This ensures that required fencing will be installed. There is no evidence, however, that the proposed amendment will create an undue barrier to development of new housing in the affected residential districts. The proposed amendment, therefore, is in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

Goal 11 – Public Facilities and Services – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with provision of adequate public facilities and services to properties affected by the regulations or neighboring properties. The proposed amendment, therefore, is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation – The proposed amendment includes language that requires fencing to be located on private property abutting an interstate highway, entirely outside of state-owned property. The proposed amendment, therefore, includes provisions to ensure that required fences will not interfere with future improvements to bring transportation facilities up to required standards. The proposed amendment is consistent with Statewide Planning Goal 12.

Goals 13 through 19 – Statewide Planning Goals 13 through 19 were considered and found not applicable to the proposed amendment.

The proposed amendment is consistent with the applicable Statewide Planning Goals and applicable Oregon Administrative Rules.

Criterion 6 is met.

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

The proposed PTA is consistent with the Metropolitan Service District's (METRO) Urban Growth Management Functional Plan as follows:

Title 1 – Housing and Employment Accommodation – Not applicable.

Title 2 – Regional Parking Policy – Not applicable.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation – The proposed amendment includes language concerning fence location that gives the state authority to determine exceptions or alternative fence alignments along interstate highways in order to accommodate “stormwater facilities, easements, or other requirements.” This language ensures that fence installation does not interfere with provision of adequate public facilities, or with water quality, flood management, or fish and wildlife conservation areas. The proposed amendment is consistent with Title 3.

Title 4 – Industrial and Other Employment Areas – Not applicable.

Title 5 – Neighbor Cities and Rural Reserves – Not applicable.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities – Not applicable.

Title 7 – Affordable Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that rear yard and side yard fences adjacent to interstate highways are aesthetically pleasing and well maintained, thereby fostering a more healthful community for residents. The proposed amendment does require, at the time a low-density or medium-low-density residential property is divided, that fences be installed prior to issuance of any building permit on any parcel or lot that is created. This ensures that required fencing will be installed. There is no evidence, however, that the proposed amendment will create an undue barrier to development of affordable housing in the affected residential districts. The proposed amendment is consistent with Title 7.

Title 8 – Compliance Procedures – Notice of the proposed amendment was mailed to the METRO Chief Operating Officer on May 27, 2009. The proposed amendment is consistent with Title 8.

Title 9 – Performance Measures – Not applicable.

Title 10 – Functional Plan Definitions – Not applicable.

Title 11 – Planning for New Urban Areas – Not applicable.

Title 12 – Protection of Residential Neighborhoods – Not applicable.

Title 13 – Nature in Neighborhoods – The amendment is not intended to amend any existing Tualatin ordinances pertaining to mapping of riparian habitat or upland wildlife habitat, nor to amend any existing programs associated therewith. The proposed amendment is consistent with Title 13.

Granting the amendment is consistent with the METRO's Urban Growth Management Functional Plan.

Criterion 7 is met.

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 proposed amendment does not result in any development, does not change any land use designations, and does not alter the carrying capacity or number of vehicle trips for transportation facilities. Therefore, the proposed amendment has no impact on transportation facility capacity.

Criterion 8 is met.

Response to Agency Comments Received

One comment letter and one email were received from agencies in response to the Notice of Application dated May 27, 2009. The comments, from Tualatin Valley Fire & Rescue (TVF&R; letter) and Oregon Department of Transportation (ODOT; email), are included in Attachment C of this Staff Report and responded to below.

1. Tualatin Valley Fire & Rescue

The letter, dated June 5, 2009, received from TVF&R Deputy Fire Marshal Jim Everitt expressed concern that the proposed masonry fences would impede access to fire hydrants in developed areas along I-5 and I-205 unless some provision is

made to include small covered openings or access doors in the fences to allow emergency personnel to pass hoses and other equipment through the fences, and the openings are appropriately marked on both sides of the fences. Access would be necessary in the event of a major incident on the interstate highway that required substantial amounts of water to manage. In response to this concern, staff added language to Section 34.330(3)(b) of the proposed fence standards requiring that an opening or passage through the fence must be provided when required by the state or TVF&R.

2. Oregon Department of Transportation

The email, dated June 24, 2009, received from ODOT Senior Planner Marah Danielson states that “addressing the noise impact as well as the visual impact of the interstates would go a long way to both enhance livability of residents in Tualatin who live adjacent to the interstates as well as reduce future costs of interstate improvement projects if they are identified and funded within the City of Tualatin” and suggests that “proposed masonry fence construction should go a long way to meet both aesthetic and noise abatement needs of residential development provided it has adequate density to prevent noise from penetrating the fence”. The email includes the following recommendations to enhance the ordinance language to address noise abatement:

- “To enhance the fences aesthetic ability to shield residents from the interstate vehicles and noise abatement properties, it is recommended that the minimum height for a fence be 8 ft and/or to shield the first floor of the development from the line of sight of freeway vehicles. The 8 ft height would be most effective for flat, level or depressed sights. For elevated sections developers should consider a noise study to ensure that the first story of the building is adequately protected from noise impacts of the interstates.”

Response: The minimum height requirement for fences along interstate highways in the proposed amendment language is 8 feet [TDC 34.340(1)(d)]. A building permit and engineered drawings are required for fences over 6 feet in height [TDC 34.340(1)(d)], however, because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes, a noise study will not be required of the developer.

- “Criteria should be developed for appropriate masonry material that provides enough density to absorb noise and prevent penetration of noise through the material.”

Response: Although a building permit and engineered drawings will be required for fences along interstate highways because they will be a minimum of 8 feet in height [TDC 34.340(1)(d)], the absorptivity of masonry material used in their construction is not a component of their design [TDC

34.340(1)(a) and (g), because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes.

- “Developers of residential developments along interstates should be encouraged to consider a noise study to best design the fence for noise abatement.”

Response: A building permit and engineered drawings will be required for fences along interstate highways because they will be a minimum of 8 feet in height [TDC 34.340(1)(d)], however, because the fences are being required for visual or aesthetic purposes and not for noise abatement purposes, a noise study will not be required of the developer.

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]

DATE: July 13, 2009

SUBJECT: FISCAL YEAR 2008-2009 TUALATIN TOMORROW VISION
IMPLEMENTATION COMMITTEE ANNUAL REPORT

ISSUE BEFORE THE COUNCIL:

City Council consideration and acceptance of the 2008-2009 Tualatin Tomorrow Vision Implementation Committee Annual Report.

RECOMMENDATION:

The Tualatin Tomorrow Vision Implementation Committee (VIC) met on June 10, 2009 and voted unanimously to forward the Annual Report on to the City Council for acceptance.

Staff recommends that the City Council accept the 2008-2009 Annual Report.

EXECUTIVE SUMMARY:

- This is not a public hearing
- On October 24, 2005, the Tualatin City Council reviewed and approved the proposal for the Tualatin Tomorrow community visioning project, including the scope of work, budget, project schedule and formation of a Tualatin Tomorrow Steering Committee. The project's scope called for delivery of a Vision and Strategic Action Plan, with the Steering Committee as caretakers and custodians of the community visioning process. Seventeen months later, after several rounds of community review and input, refinements and coordination with community partners - including the City - the TTSC presented the Community Vision and Strategic Action Plan to the City Council on June 25, 2007.

- Resolution No. 4694-07 was adopted by the City Council on June 25, 2007 establishing the Tualatin Tomorrow Ad Hoc Implementation Committee to operate for 6 months.
- The Tualatin Tomorrow Vision Implementation Committee (VIC) was established by the City Council on January 14, 2008 with adoption of Resolution No. 4739-08.
- Contained in the framework document creating the VIC is a requirement to provide an annual progress report to the Tualatin City Council.
- Also contained in the framework is a requirement to recommend, if necessary, proposed changes to the Community Vision and Strategic Action Plan for consideration by the City Council.
- The attached report highlights the activities of the VIC.
- There are no criteria applicable to accepting this annual report.

OUTCOMES OF DECISION:

- City Council acceptance of the Annual Report fulfills the VIC's requirement to prepare and present the report.

ALTERNATIVES TO RECOMMENDATION:

Alternatives to the VIC and staff recommendations are to:

- Request the VIC modify the Annual Report and return at a later date with a new presentation.

FINANCIAL IMPLICATIONS:

Funds and staff resources were allocated to the Tualatin Tomorrow project in fiscal year 2008/2009 and 2009/2010.

PUBLIC INVOLVEMENT:

All VIC meetings are open to the public and appropriate notice has been provided for community input on the annual report.

Attachments: A. 2008-2009 Annual Report

envision

Tualatin Tomorrow  - The Vision Continues

Tualatin Tomorrow Vision Implementation Committee Annual Report
Prepared by the members of the Vision Implementation Committee
Presented by Frank Bubenik, Chair, and Candice Kelly, Co-Chair

This report is the second annual report for the Vision Implementation Committee of Tualatin Tomorrow and it is for the Fiscal Year 08/09.

Background: On January 14, 2008, the Tualatin City Council unanimously passed a resolution authorizing the formation of the Community driven and City supported Vision Implementation Committee (VIC). In addition, a VIC Steering Committee (VICSC) was also formed.

One of the desired outcomes is for Tualatin to be more effective and proactive in planning for the future and what it might bring, and be in a better position to capture opportunities. Tualatin's citizens, youth, business owners, employers and other community members are the most important participants in this project. City Councilors as well as City Staff work together with the Vision Implementation Committee and its Steering Committee to help guide and manage the process. The Tualatin Tomorrow Visioning project wants to connect with the entire community and wants everyone to have a chance to participate in some way.

Today: The citizen-led Tualatin Tomorrow VIC tracks and facilitates the progress of the Community Vision and Strategic Action Plan to ensure its successful implementation. This entails monitoring the progress of the Community Vision and Strategic Action Plan, maintaining strategies, encouraging implementation of actions, and recommending minor modifications as appropriate. The VIC membership reflects the broad interests and population of the Tualatin community and includes a representative of any partner that has two or more items in the Action Plan. All VIC and VICSC meetings are open to the public and appropriate notice is provided in the City Newsletter.



Our Second Fiscal Year: The VIC began the year in July by creating a work plan for the year ahead. This included attending community events for outreach and recruiting and setting significant milestones for the year. We created an informational brochure that will be distributed at all events and meetings that we attend for years to come. Each Focus Area Lead has presented information to the City Council on their Focus Area throughout this fiscal year and we plan to continue to do so this year. The VIC has had some changes in our Focus Area Leads, added one Focus Area Alternate (PRN) and six Youth Representatives working with four of the Focus Areas (ACE, GLC, HSS and PRN). We send an open invitation to anyone interested in Tualatin to consider joining us in the area that is most important to them.



We staffed a Tualatin Tomorrow booth at the 2008 Crawfish Festival and twenty Tualatin Tomorrow volunteers marched in the parade. We even won a First Prize Ribbon. Our banner was hung on the front of the TVF&R Fire truck as they followed behind us and firefighters threw candy and

Tualatin Tomorrow Frisbees to the crowd.

There was an informational booth at the Pumpkin Regatta in October. We feel this was not a good fit and will likely not expend our energies on a booth next year but rather have a pumpkin with our name on it.

In February we held our first Partner's Luncheon to great success. We found new lead partners for a few actions as well as getting some good clarification from our present lead partners. This meeting also gave our partners a needed opportunity to interact with each other and the VIC. We plan to make this an annual activity, and make even more impact with this luncheon in the years to come.



We were heavily involved in the Second Annual Community Health &



Safety Fair as a sponsor. Two of our members served on the Organizing Committee and helped make a difference for this event. This was a huge success with over 200 people in attendance. This is the culmination of the transition from a Senior Health Fair to a Community Health Fair to the final product of a FULL Community Health & Safety Fair that is an Action under the Health, Safety and Social Services (HSS) Focus Area. **The Juanita Pohl Center** has accepted taking the lead

for another year in 2010 with continued support from Tualatin Tomorrow and other partners. We feel confident that with additional City involvement by 2011 this event will thrive into one of the City's BEST Annual Events.

Over 100 people attended our Second Annual Tualatin Tomorrow Event in April, with partners and volunteers working hard to show what they have been doing for the **City of Tualatin** and what they intend to accomplish in the future. The event's primary goals were to inform the Community of what is being worked on now and planned for the future as well as to receive the community's input of new ideas or change requests for the Tualatin Tomorrow Vision's Actions. Secondly, we wanted to encourage people to join us in this effort and for them to have a good time. We feel we accomplished these goals well, in spite of a Portland Trail Blazers playoff game that night. Even though attendance was smaller than we were hoping for, we did notice most of the people who attended stayed longer and had more in-depth conversations with the Focus Area Leads and the partners at each table and seemed to enjoy the experience.



We had our booth at Spring Fling in May and shared it with our second largest partner, the **Tualatin Chamber of Commerce**. Margie Bradley and Jay Wilcox worked the booth and it was a good day, but a lower than expected turn out was likely due to the weather being unseasonably hot. We will be evaluating if this is a good fit for next year.

The VIC closed the fiscal year planning for participation in the Crawfish Festival and Parade again this coming August 8th.

The following is a summary from each Focus Area presented by that area's Lead:



How We Live and Learn – Arts, Culture, Education, Youth and Family Activities (ACE) This portion provided by Larry McClure, Focus Area Lead

We welcome Karen Solano, as our new Youth Representative working with ACE this year. We are still looking for a Focus Area Alternate Lead. We continue to work diligently with our partners.

Our February check-in with our partners and members of the public revealed interest in a "summit" of organizations in Tualatin whose work hinges on volunteerism. The **City of Tualatin** has launched software to facilitate its own network of volunteers.

Worksource Tualatin serves hundreds of unemployed adults weekly as job-seekers look for new opportunities. **Portland Community College** offers several career-related classes daily in its Tualatin classrooms. The **Tigard-Tualatin School District** is bracing for severe funding cutbacks in the year ahead but educators maintained strong programs in school year 2008-09. Economic realities are affecting arts-related attendance, but a two-day "Big Little Art Show" organized by Tualatin artists at **Tualatin Heritage Center** drew a positive response. For the first time, the **Tualatin Historical Society's** popular hands-on pioneer life program for 4th graders served all three public schools this year with nearly 350 students, parents and teachers learning about early Tualatin.



The opening of our new Library continues to attract bigger numbers of users in this bright, new surrounding. People will enjoy our extensive art installations in the library for years to come. The **Tualatin Library Foundation** held its first fund raiser to help support special initiatives.

Loss of the bond measure which included a community center means that long-term goals affecting activities for families, teens and adults will now have to be re-assessed. Rising in priority is the need for a community-wide inventory of facilities, both public and private, where residents of all ages can gather for a variety of activities. One visible step this year: the former senior center is now named **The Juanita Pohl Center** and for the present will continue to be run by **Loaves and Fishes Centers, Inc.**

How We Decide - Governance, Leadership and Community Engagement (GLC) This portion provided by Ed Casey, Focus Area Lead

Governance, Leadership and Community Engagement, involves local government, its communications with citizens and how we as a community engage with the forces of change. This year we added a new member to the GLC Focus Area, our new Youth Representative, Ben Roberson.



The **City of Tualatin** works hard to promote community involvement and engagement with its citizens by clear communications through the monthly City newsletter, its website and community television. The City has been successful in working closely with the State,

Metro, Washington County, and Clackamas County as well as other nearby communities, agencies, and entities that have an effect on the livability of Tualatin.

Tualatin Valley Fire and Rescue is in the process of upgrading their local station to continue to handle more than 2,600 emergency incidents per year in Tualatin. The City works closely with the **Tigard Tualatin School District** involving school properties and programs which can be shared by both entities. The local **Youth Advisory Council** at Tualatin High School is a City supported program which grooms future leaders through community service for Tualatin. The City is also engaged with the **Tualatin Chamber of Commerce** to develop leaders within the community and with **Legacy Meridian Park Hospital** in providing the best medical services for our city and region.



How We Plan and Grow – Growth, Housing and Town Center (GHT) This portion provided by Beth Roach, Focus Area Lead



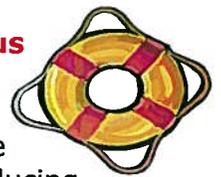
By thoughtfully planning Growth, Housing, and the Town Center, Tualatin will be building a stronger community for tomorrow. The **City of Tualatin** is the main partner on most of the action items in this area and has already had some good success. The Tualatin Tomorrow Vision has been integrated into the City Action Plan so that future actions are in line with the citizen's vision.

The city is working to update the Town Center Plan and conducted a public workshop in June to get the citizens involved in this plan. The Street Trees Program has been strengthened and updated this year.

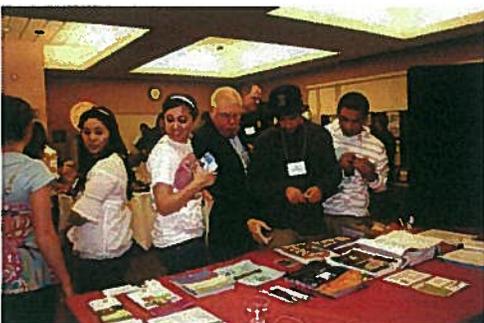


The very important Urban/Rural Reserve process is going on now to define the Portland Metro region for the next 40-50 years. Tualatin is currently participating in the process to help steer future growth in Tualatin. Through the process, urban areas can be designated for development and our natural areas and open spaces can be protected from development. Only through this kind of thoughtful planning can Tualatin guide itself into the future to become a better community.

How We Care For One Another - Health, Safety and Social Services Focus Area (HSS) This portion provided by Jay Wilcox, Focus Area Lead



This past year has seen **Community Action** step up and take the lead partner role for the first three strategies listed under our area, Limiting Homelessness, Reducing Poverty and Accessible Emergency Family Shelters. **Community Action** is already involved heavily so they felt it was a natural step for them to take. We have also added two HSS Focus Area Youth Representatives. They are Rina Minato and Alex Schrimp and we are delighted to have them join us in our efforts.



The **Tualatin Food Pantry** has been looking for a new location since their site has been sold and they have concluded an agreement with Rolling Hills Community Church

to put the pantry in a spot at their location. This has solved a major problem for the pantry and they are looking forward to continuing a productive program at Rolling Hills.

The **Tualatin Police Department** and **Tualatin Valley Fire and Rescue** continues to support our Safety based strategies as they have in the past.

We are still trying to get a Local faith-based organization up and running and have them play a supporting part in the Severe Weather Emergency Plan. As of now two local churches are working with the program. We have approximately 19 different affiliations in the city so we will continue to work on this.

How We Connect With Nature – Parks, Recreation and Natural Areas (PRN)

This portion provided by Connie Ledbetter, Focus Area Lead



In the future, the residents of Tualatin want to protect, enhance and enjoy our abundant parks, trails, recreation areas, natural areas and waterways. This has been a significant year on the path to bringing that vision to life.



Three area residents have recently chosen to dedicate themselves to accomplishing the goals of this focus area. They are Jill Anderson, Focus Area Alternate Lead; Dayna Kam, Youth Representative; and Ashley Thiessen, Youth Representative. It will be invigorating to work together as a leadership team to assist our partners.

In addition, two new partners have become active participants. They are **Metro**, represented by Principle Regional Planner Janet Bebb, and the **Washington County Bicycle Transportation Coalition**, represented by Executive Director Hal Ballard. The departments of the **City of Tualatin** include the Tualatin Tomorrow vision in their daily work and long-term goals. Our long-standing partners have continued their incredibly active environmental stewardship roles. They include: **Clean Water Services, The Wetlands Conservancy** and **Tualatin River Keepers**.



How We Get Around – Traffic, Transportation and Connectivity (TTC)

This portion provided by Dave Volz, Focus Area Lead

It is a continuous challenge to meet the increasing transportation needs of a growing area while maintaining the quality of life for Tualatin residents. The long term vision for Tualatin's transportation system includes the development of a multi-modal transportation system to serve Tualatin residents. Significant progress has been made toward achieving this goal. Most large transportation projects are long lead time, multi-year projects because they are multi-million dollar projects that involve multiple governmental jurisdictions and agencies. Both the Westside Commuter Rail Project and the I5-99W Connector Project are good examples of this. Each of these projects has been part of Tualatin's transportation plan for many years. Construction on the commuter rail service is completed and service began this year. Work will continue on solutions to mitigate or eliminate commuter train horn noise, which has been a big concern for the citizens of Tualatin near the WES line.



The planning phase for the I5/99W Connector project was recently completed. The results of this study, along with the recommendation and opinions of the Project Steering members, will be considered by both **JPACT (Joint Policy Advisory Committee on Transportation)** and **WCCC (Washington County Coordinating Committee)**. These two groups will then advise **Metro** regarding the modification of the Regional Transportation Plan.

There are some transportation projects that are under the discretion and control of Tualatin, but funding constraints limit the scope and size of these projects. Tualatin approved a plan to implement a Photo Red Light program to enhance traffic enforcement and safety. Work continues on a number of other Tualatin transportation projects that are designed to improve safety and traffic flow. These projects include improvements to various Tualatin streets and roads, enhanced traffic signaling, and railroad crossing improvements.

In June we welcomed a new TTC Focus Area Lead, Bethany Wurtz, to replace the wonderful Dave Volz. We thank Dave for all the years of tireless support to Tualatin Tomorrow.

Here are some additional pictures of our activities in the Fiscal Year 2008/2009.



Crawfish Festival 1st Prize



Working Partner Luncheon for Tualatin



Tualatin Health & Safety Fair



Our Youngest Annual Event Attendee

envision



Tualatin Tomorrow

The Vision Continues

Fiscal Year 08/09 Annual Report
July 13, 2009



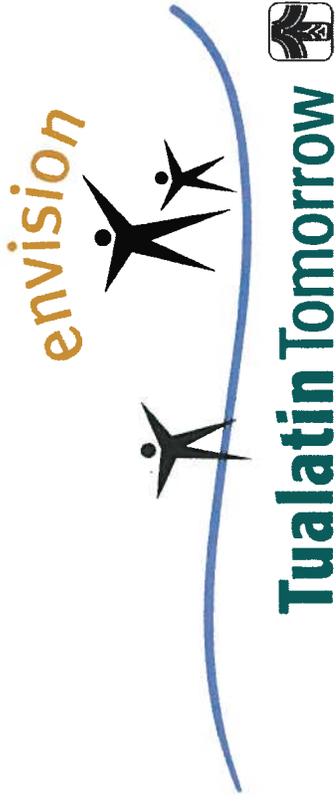
Background

- Tualatin Tomorrow's [Vision and Strategic Action Plan](#) was accepted by the Tualatin City Council on June 25, 2007.
 - The Action Plan is our map that outlines the actions that we are taking now or plan to take in the near future to move in the direction of our Achieving Tualatin Tomorrow's Vision.
- Not all Actions need to be completed right away. This is a 20-year plan. It reflects the Vision, which is a statement of a preferred future in the year 2030.



First Full Year

- **Creating a work plan for the year**
 - included attending community events for outreach and recruiting
 - setting significant milestones for the year
- **Created an informational brochure that will be distributed at all events**
- **Focus Area Lead presentations to city council every other month**



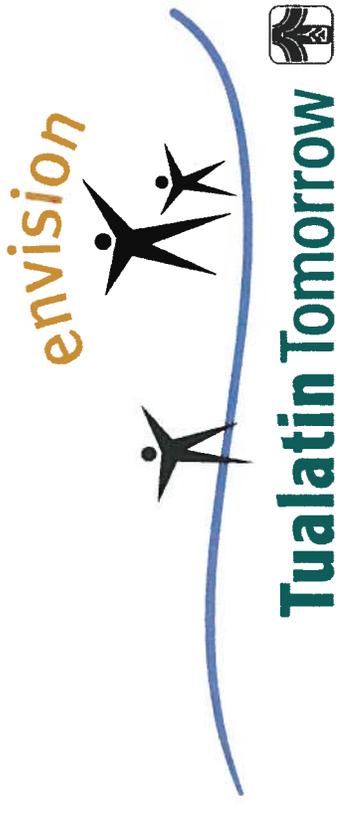
First Full Year

- **Second Annual Community Health & Safety Fair**
- **Spring Fling**
- **Pumpkin Regatta**
- **Change in Focus Area personnel**
- **Added Youth Representatives**
- **Always looking for more volunteers!**



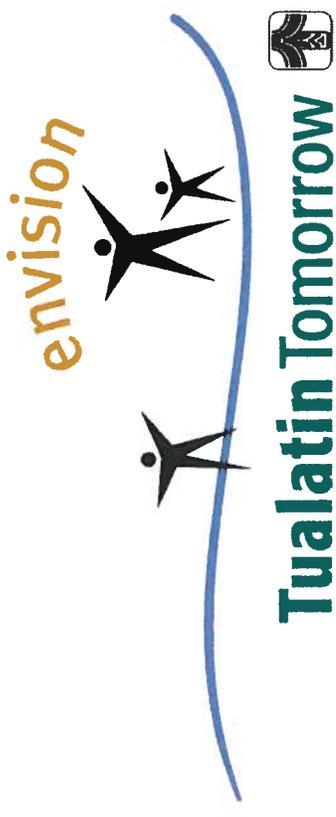
The Vision Continues – Annual Event

- Held on Thursday, April 30th, at Legacy Meridian Park Hospital's Education Center
- Over 100 people attended, with partners and volunteers working hard to show what they have been doing for the City of Tualatin and what they intend to accomplish in the future



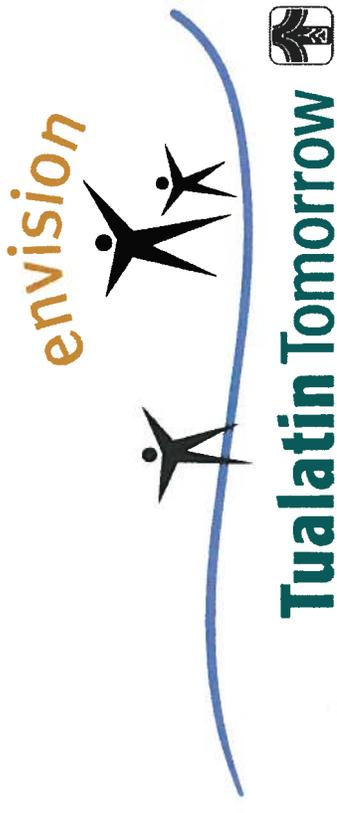
The Vision Continues – Annual Event

- Informed the Community of what is being worked on now and planned for the future
- Received the community's input of new ideas or change requests for the Tualatin Tomorrow Vision's Actions
- Focus Area Report Cards



The Vision Continues – Partner Luncheon

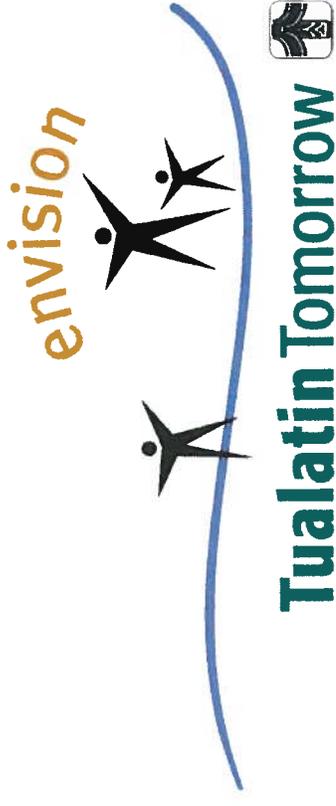
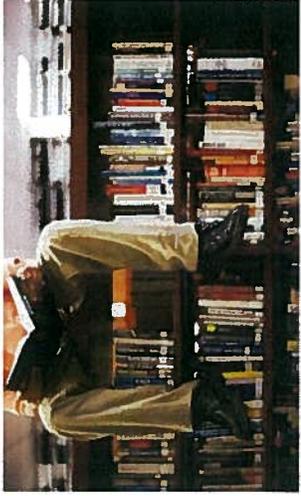
- February - found new lead partners for a few actions as well as getting some good clarification from our present lead partners
- Gave our partners a needed opportunity to interact with each other and the VIC
- May make this a yearly event



The Vision Continues – Crawfish Festival

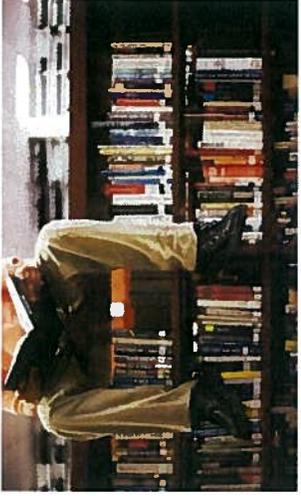
- Participated in 2008 Crawfish Festival Parade and staffed an information booth at the festival itself
- Won 1st Prize ribbon for parade entry





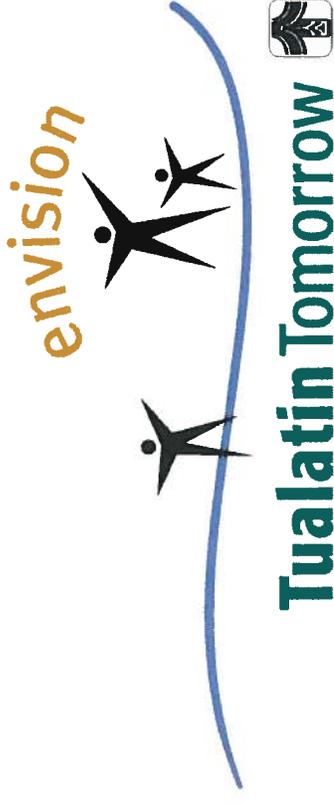
How We Live and Learn – Arts, Culture, Education, Youth and Family Activities (ACE)

- Larry McClure and Karen Solano – Youth Rep
- **City of Tualatin** – new website for volunteers
- **WorkSource Tualatin** is assisting post-high school residents with a wide variety of employment readiness activities.
- **Portland Community College** offers several career-related classes daily in its Tualatin classrooms



How We Live and Learn – Arts, Culture, Education, Youth and Family Activities (ACE)

- Arts activities at the **Tualatin Heritage Center** - Big Little Art Show
- **Tualatin Heritage Center** - hands-on pioneer life program for 4th graders
- **Tualatin Library Foundation** – Started with 1st fundraiser
 - Very successful
- **The Juanita Pohl Center and Loaves and Fishes Centers, Inc.**
 - Community meeting facility



How We Decide - Governance, Leadership and

Community Engagement (GLC)

- Ed Casey and Ben Roberson – Youth Rep
- The City is working to promote community involvement and engagement with its citizens by clear communication through the newsletter and website. Improvements to both the newsletter and website are an ongoing process.
- Regularly scheduled meetings are being held with the **Tigard Tualatin School District** involving school properties and programs which can be shared by both entities.



envision



Tualatin Tomorrow

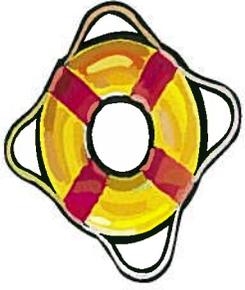
How We Decide - Governance, Leadership and Community Engagement (GLC)

- The City has been successful in working closely with the State, Metro, Washington County, and Clackamas County
- **Youth Advisory Council at Tualatin High School** is a City supported program which grooms future leaders through community service for Tualatin
- City is also engaged with the **Tualatin Chamber of Commerce** to develop leaders within the community



How We Plan and Grow – Growth, Housing and Town Center (GHT)

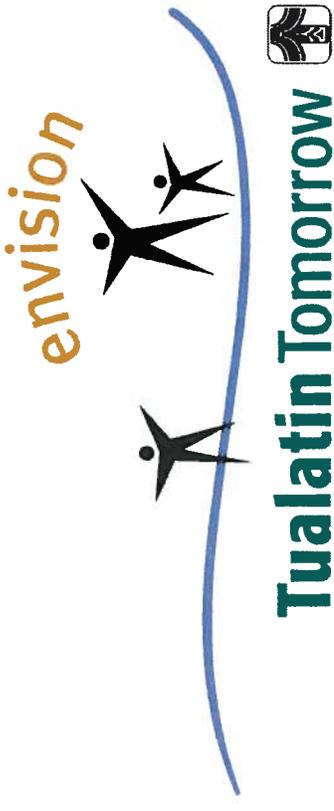
- Beth Roach
- **City of Tualatin** is the main partner on most of the action items in this area
- Tualatin Tomorrow Vision has been integrated into the City Action Plan so that future actions are in line with the citizen’s vision.
- Working to update the Town Center Plan and conducted a public workshop in June to get the citizens involved in this plan
- Street Trees Program
- Urban/Rural Reserve process



How We Care For One Another - Health, Safety and

Social Services Focus Area (HSS)

- Jay Wilcox; Rina Minato and Alex Schrimp – Youth Reps
- **Community Action** has taken the lead partner role for the first three strategies listed under our area, Limiting Homelessness, Reducing Poverty and Accessible Emergency Family Shelters
- Partnered with the Pohl Center for their annual health fair. The Vision Implementation Committee plans to continue our support of the Health Fair to make it larger and more universally used next year.
- The Tualatin School House Pantry - Rolling Hills Community Church.



How We Care For One Another - Health, Safety and

Social Services Focus Area (HSS)

- The Tualatin Police continue to support the DARE and GREAT programs and are moving ahead on their portions of the Vision. At our Annual Event the Chief of Police was available to answer questions.
- Trying to get a Local faith-based organization up and running



How We Connect With Nature – Parks, Recreation and

Natural Areas (PRN)

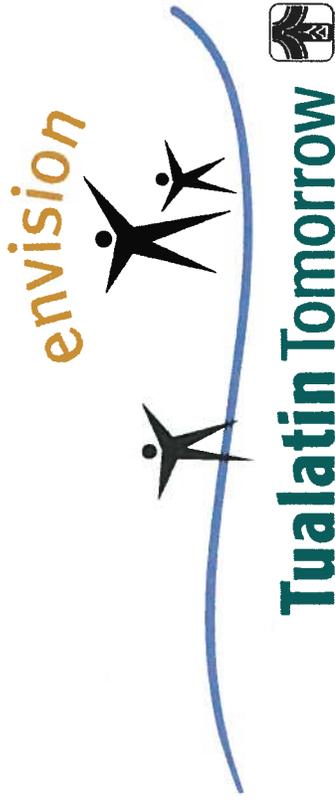
- Connie Ledbetter
- New volunteers - Jill Anderson, Focus Area Alternate Lead; Dayna Kam, Youth Representative; and Ashley Thiessen, Youth Representative
- Two new partners have become active participants
 - Metro
 - Washington County Bicycle Transportation Coalition
- Long-standing partners
 - Clean Water Services, The Wetlands Conservancy and Tualatin River Keepers



How We Get Around – Traffic, Transportation and

Connectivity (TTC)

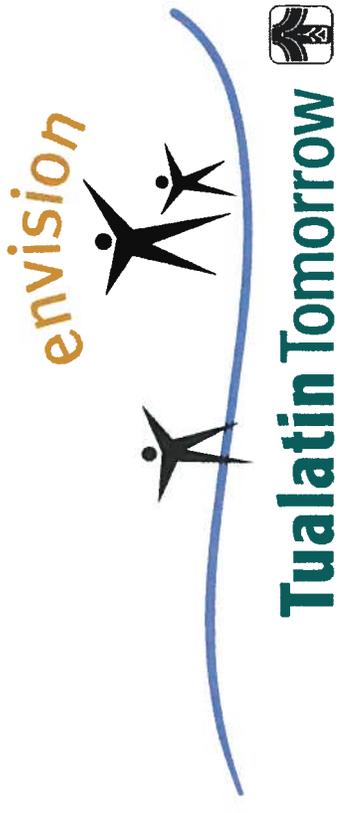
- New Focus Area Rep – Bethany Wurtz
- Many thanks to Dave Volz
- Commuter Rail Project (WES) – noise mitigation
- I5-99W Connector Project – Planning phase complete
 - results of this study, along with the recommendation and opinions of the Project Steering members, will be considered by both **JPACT** (Joint Policy Advisory Committee on Transportation) and **WCCC** (Washington County Coordinating Committee)



How We Get Around – Traffic, Transportation and

Connectivity (TTC)

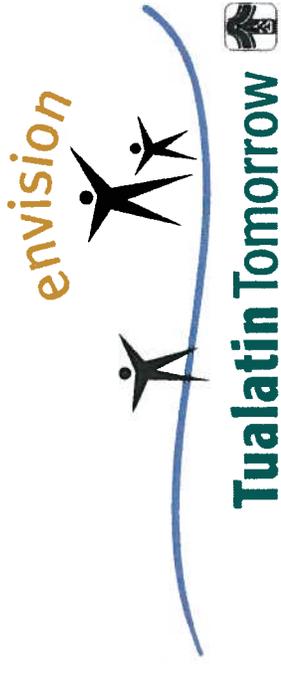
- Photo Red Light program
- Work continues on a number of other Tualatin transportation projects that are designed to improve safety and traffic flow. These projects include improvements to various Tualatin streets and roads, enhanced traffic signaling, and railroad crossing improvements.



Requests for Council Action

Action Changes: The VIC recently completely reviewed the Community Vision and Strategic Action Plan dated June 2007.

- Updated version for 2009**
- Numerous movement of action items into new Focus Areas**
- Will present to City Council in August for review and approval.**
- Upon approval, reprinting of document will occur.**



Comments?

Want to know more?

- Contact Project staff: 503-691-3009 or MBradley@ci.tualatin.or.us
- Visit www.tualatintomorrow.org
- Volunteer
- VIC and VICSC Meetings open to public



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Cindy Hahn, Assistant Planner *CH*

DATE: July 13, 2009

SUBJECT: TUALATIN TOWN CENTER TGM OUTREACH WORKSHOP
SUMMARY MEMORANDUM

ISSUE BEFORE THE COUNCIL:

City Council consideration and acceptance of the Tualatin Town Center Transportation and Growth Management (TGM) Outreach Workshop Summary Memorandum (June 2009) prepared by Crandall Arambula PC.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and accept the Summary Memorandum.

EXECUTIVE SUMMARY:

- In December 2008, staff submitted a pre-application request for TGM Program Services, a joint program of the Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT), for an Outreach Workshop for the Tualatin Town Center area.
- The pre-application request was followed in March 2009 by a letter from Mayor Lou Ogden to Constance Beaumont at the TGM Program formally requesting the Outreach Workshop, which would be provided as a free service to the City. The question posed in Mayor Ogden's letter for the TGM Outreach Workshop to address was as follows: How do we create a distinctive high-quality mixed-use living, working and playing environment that is oriented to and integrates the Tualatin River and other natural features while also being a destination for local business activities, safe bike and pedestrian activity, and not congested with traffic?
- The consultant Crandall Arambula PC was chosen by the TGM Program to conduct the Outreach Workshop process.

- Crandall Arambula PC conducted telephone interviews with key stakeholders, officials, and community members in April, and a site visit with the City Manager, a Council member, and staff in May.
- Crandall Arambula PC coordinated a public workshop, held on June 1 and attended by approximately 45 community members, to inform the public about downtown revitalization, transportation, and pedestrian safety possibilities; discuss possibilities; obtain feedback on issues to be addressed; and answer questions.
- The TGM Outreach Workshop process was then summarized in a final Summary Memorandum, prepared by Crandall Arambula PC. The PowerPoint presentation contained in Attachment A outlines key components of the Summary Memorandum. The Summary Memorandum in its entirety is included as Attachment B of this staff report.
- Next steps in the Town Center planning process include:
 - Identify a process and scope of work that will result in a long-term, strategic master plan for the Town Center;
 - Identify all key stakeholders;
 - Identify and obtain funding source(s) for development of the Town Center Plan; and
 - Adopt the Town Center Plan and implementing ordinances as part of the Tualatin Development Code (TDC).

OUTCOMES OF THE DECISION:

Acceptance of the Summary Memorandum will result in the following:

1. Establishes a framework for further evaluation and establishment of a Town Center Plan to be developed over the next 8-12 months.

A decision not to accept the Summary Memorandum will result in the following:

1. The project grant requirements have been fulfilled and the Summary Memorandum will be filed with other Town Center information for further consideration.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for City Council are:

- Decide not to accept the Summary Memorandum.
- Continue the discussion of the Summary Memorandum and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Funds have been budgeted in FY 09/10 to cover City-initiated planning for the Town Center area.

Attachments:

- A. PowerPoint Presentation: Tualatin Town Center
- B. TGM Outreach Workshop Summary Memorandum



TUALATIN TOWN CENTER

TGM Outreach Workshop
Summary Memorandum
Presentation to City Council

July 13, 2009



Project Objective

- ★ Introduce residents, business owners, property owners and community leaders to urban design and transportation concepts that will foster a vibrant town center with high-quality pedestrian, bicycle, and auto access.

July 13, 2009



Project Process



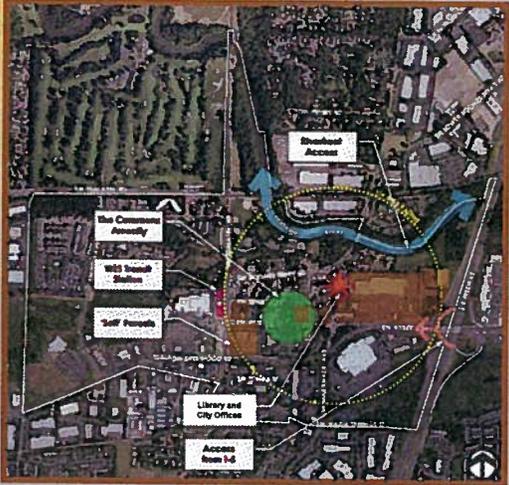
- ★ Telephone interviews
- ★ Site visit – May 1, 2009
- ★ Public workshop – June 1, 2009
- ★ Summary Memorandum – June 30, 2009

July 13, 2009



Opportunities



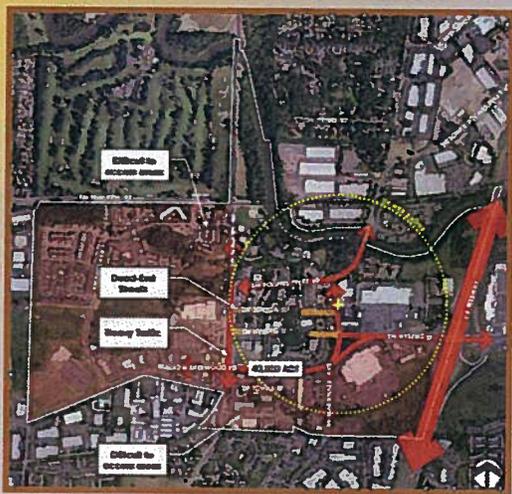


Soft parcels = vacant and underutilized parcels, parking lots, driveways

July 13, 2009



Constraints

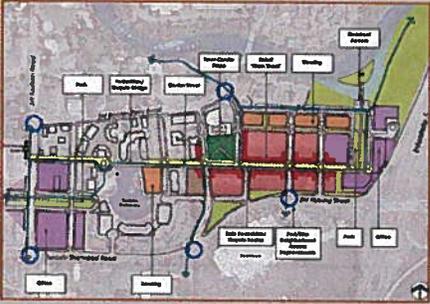
July 13, 2009



Town Center Concept



- ★ Center Street
- ★ Retail 'Main Street'
- ★ Town Center Plaza
- ★ Safe Pedestrian/
Bicycle Routes
- ★ Office
- ★ Housing
- ★ Parks



July 13, 2009



Workshop Summary



- ★ 45 Community members attended
- ★ 25 Response sheets returned

Response Sheet
 Tuziain Town Center
 TGM Outreach Public Workshop
 June 1, 2009

Town Center Improvement Options	Please Check Preference		
Do You Agree with the Following Recommendations?			
1. Center Street Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
2. Retail Main Street Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
3. Town Center Plaza Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
4. Protected Bicycle/Pedestrian Route Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
5. Employment Location Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
6. Housing Location Concept	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
Comments			

Tallied Responses from Outreach Workshop

July 13, 2009



Next Steps



- ★ City Council accepts the Summary Memorandum
- ★ Identify a process and scope of work that will result in a long-term, strategic master plan for the Town Center
- ★ Identify all key stakeholders
- ★ Identify and obtain funding source(s) for development of the Town Center Plan
- ★ Adopt the Town Center Plan and implementing ordinances as part of the TDC

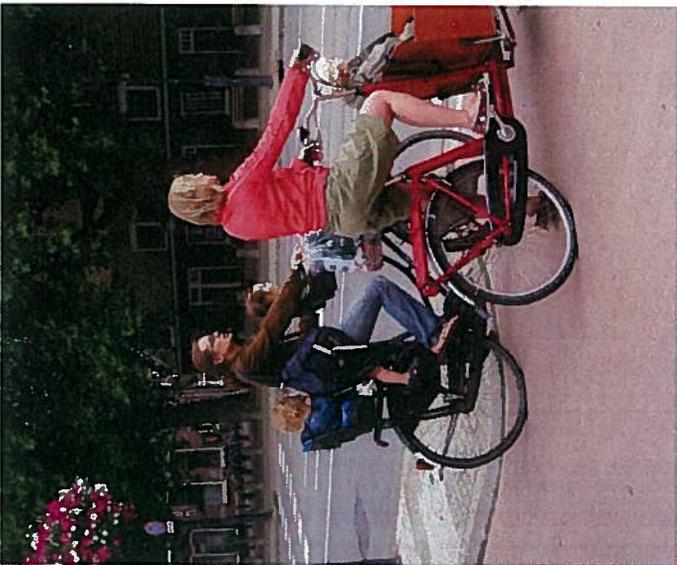
July 13, 2009

Tualatin Town Center

TGM Outreach Workshop Summary Memorandum

June 2009

Crandall Arambula PC



Acknowledgements

City of Tualatin

Mayor Lou Ogden
Doug Rux, Community Development Director
Cindy Hahn, Assistant Planner

Transportation and Growth Management Program

Constance Beaumont, Education and Outreach Manager

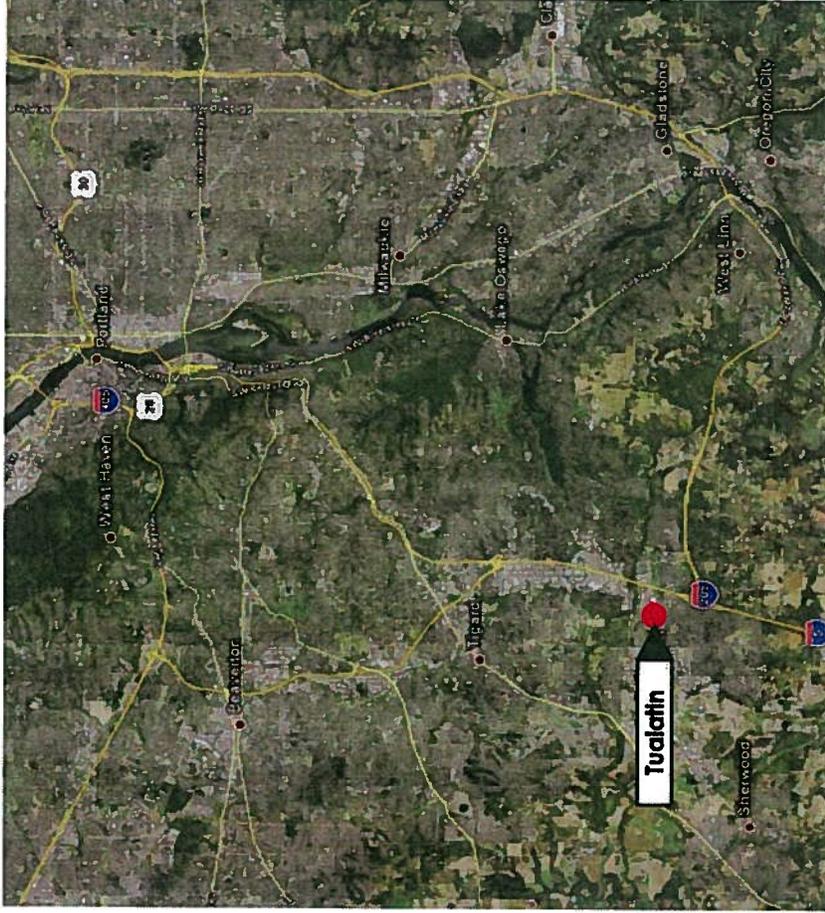
Department of Land Conservation & Development

Jennifer Donnelly, Metro/Portland Regional Representative

Consultant:

Crandall Arambula PC

George Crandall, Principal
Don Arambula, Principal
Jessie Maran, Urban Designer/Project Coordinator



This project is funded by the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation. TGM is funded in part, by federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and State of Oregon funds.

The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

Table of Contents

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Introduction

Project Objectives

The Tualatin outreach project introduced residents, business owners, property owners and community leaders that will foster a vibrant town center with high-quality pedestrian, bicycle, and auto access.

Project Process and Schedule

The outreach project included a site visit, interviews with stakeholders and a public outreach workshop.

This report is a summary of the public outreach efforts and includes concepts and recommendations for policy makers and the public to consider in developing a downtown plan for the Tualatin town center. Further analysis and design will be required for implementation of the concepts presented in this document.

Telephone Interviews

Telephone interviews were conducted with representatives from the following groups:

- City Staff and Elected Officials
- Tualatin Town Center Businesses Owners
- Tualatin Tomorrow
- Tualatin Chamber of Commerce
- Oregon Department of Land Development and Conservation
- Oregon Department of Transportation

Responses helped to inform the opportunities and constraints analyses located on pages 5 and 6.

Site Visit

A site visit and discussions with local stakeholders took place on May 1, 2009. During the site visit, the design team walked the town center with City staff and Council members, took photographs, and discussed opportunities and constraints.



Tualatin Outreach Workshop

Public Workshop

Design team recommendations were presented at a public workshop at the Tualatin Police Services Building on June 1, 2009 from 6:30—8:30pm. The purpose of the workshop was to:

- Inform the public about downtown revitalization, transportation, and pedestrian safety possibilities
- Discuss possibilities
- Obtain feedback on issues to be addressed
- Answer questions

A summary of community comments is located on page 27.

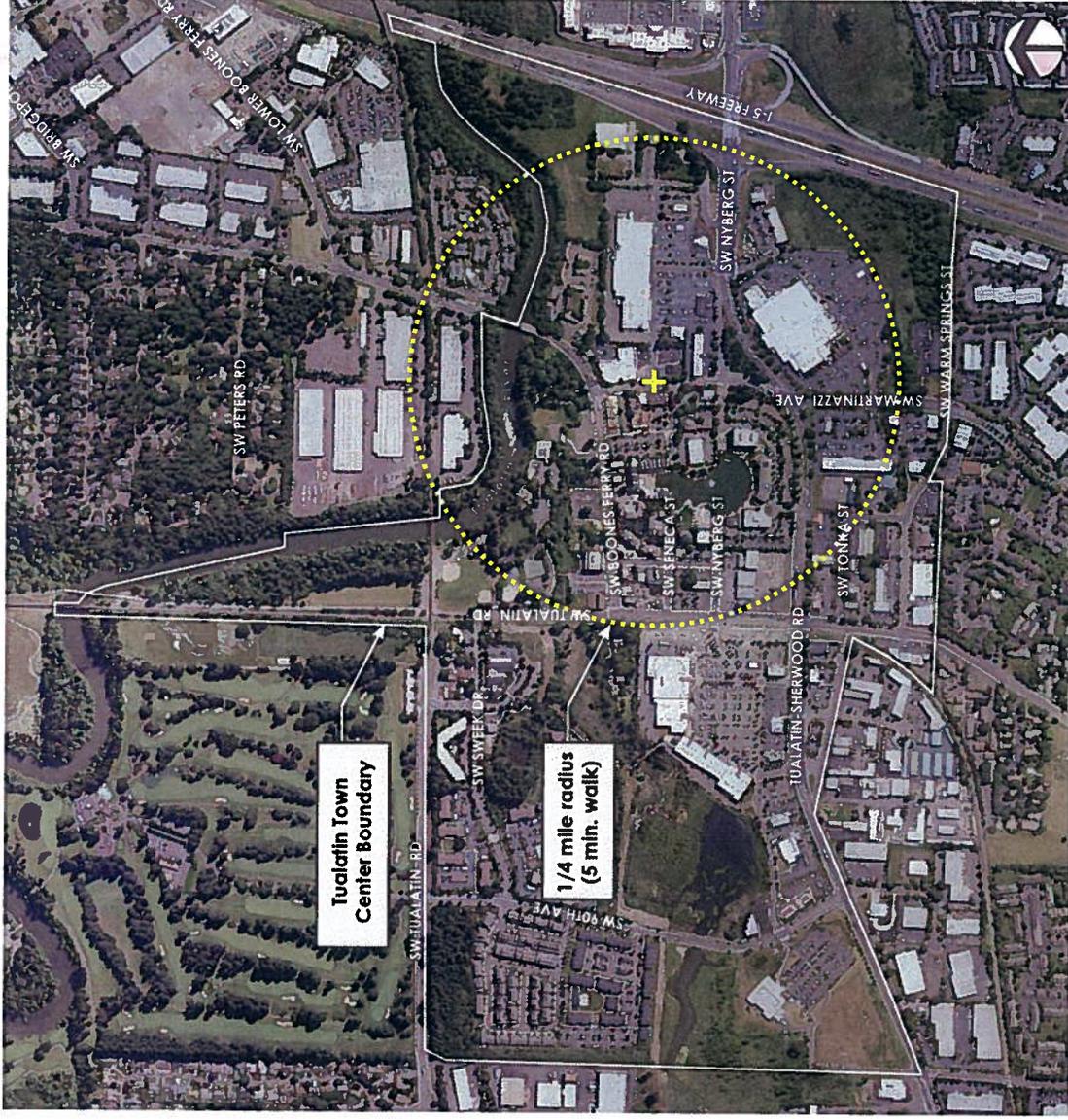
Report

Consultant recommendations, community responses from the outreach workshop, and recommended next steps are outlined in this summary memorandum.

Background

Key Issues

- Stakeholder comments were used to develop the following list of key issues:
- Create a recognizable, successful town center
 - Improve pedestrian and bicycle safety, comfort and access within the town center

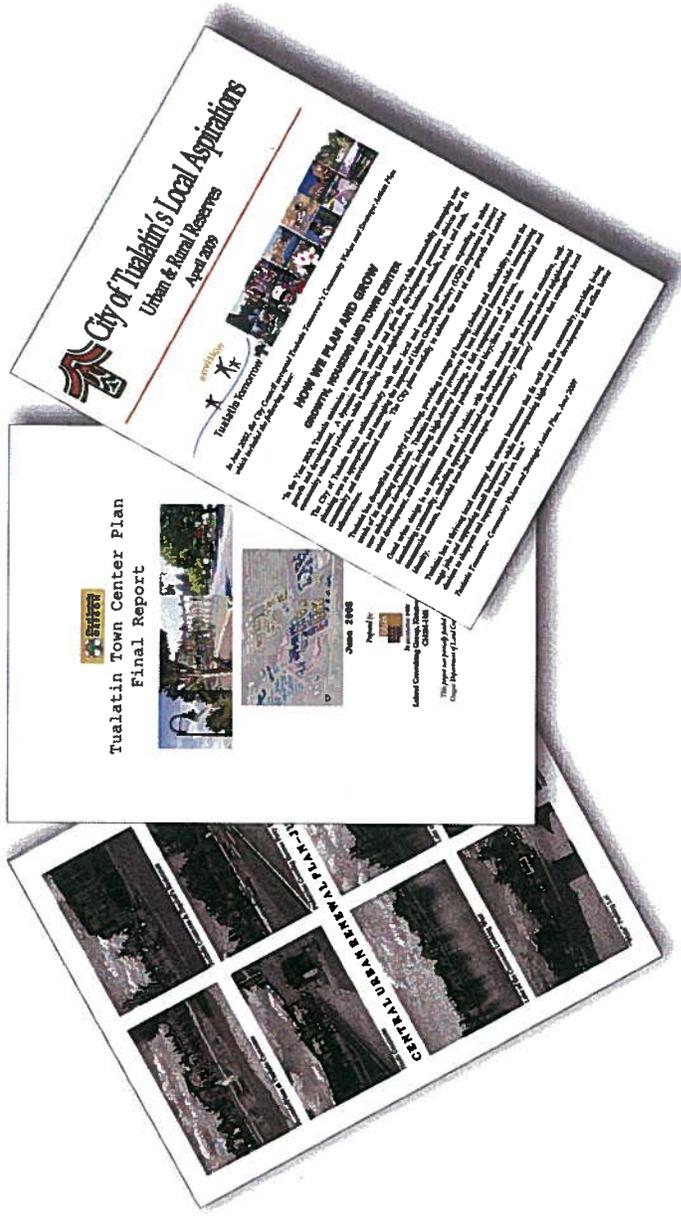


City of Tualatin Town Center

Existing Plans, Policies and Studies

The following local plans, policies and studies were reviewed:

- Tualatin Transportation System Plan
- Tualatin Tomorrow Strategic Plan
- Central Urban Renewal Plan
- Tualatin Community Plan and Development Code
- City of Tualatin's Local Aspirations
- I-5 to 99W Connector Project Alternative 7
- Metro Growth Plan
- City of Tualatin Parks and Recreation Master Plan



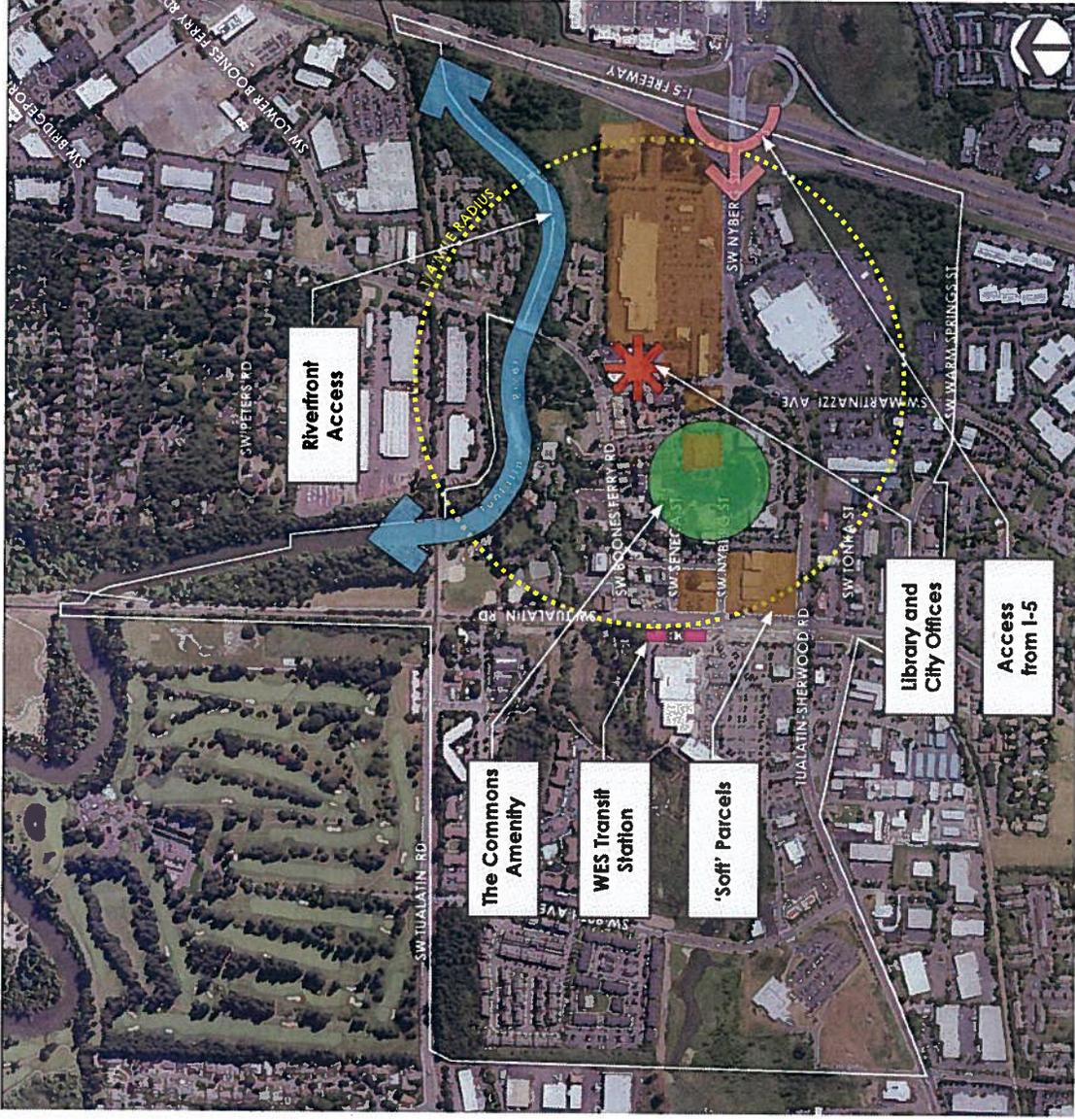
Existing Plans, Policies and Studies

Opportunities

The opportunities diagram to the right identifies existing town center elements to build upon and was created from stakeholder feedback and design team analysis.

The following opportunities have been identified:

- The Library and City offices civic node
- The Commons amenity
- Soft parcels including vacant and underutilized parcels and parking lots and driveways
- Riverfront access
- WES transit station
- Access from Interstate 5



Town Center Opportunities

Constraints

The constraints diagram to the right illustrates existing town center conditions that may present restrictions and was created from stakeholder feedback and consultant analysis.

- The following constraints have been identified:
- Heavy vehicular traffic on all through roads in the town center
 - Dead-end streets at The Commons
 - Difficult to access areas west of SW Tualatin Road and south of Tualatin-Sherwood Road



Town Center Constraints

Recommendations

Town Center Concept

The town center concept is a bold and attainable vision for re-establishing the heart of the Tualatin community.

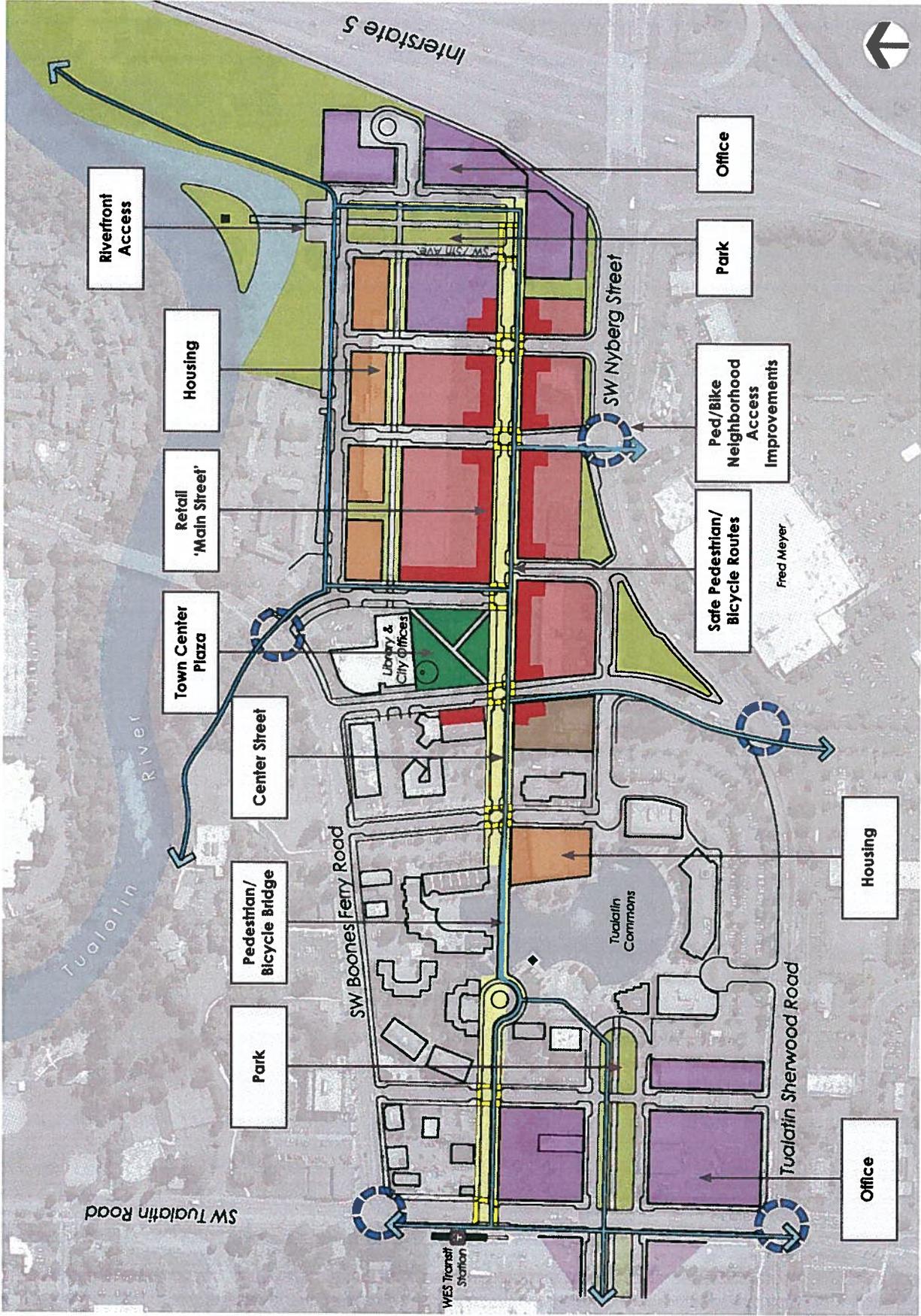
To build upon identified opportunities and constraints and existing investments, the town center concept focuses on the area adjacent to the Library and City offices, and includes the Tualatin Commons, the Kmart shopping center, and adjacent undeveloped land.

The urban design recommendations outlined in this document are the elements necessary for the creation of a successful town center and the improvement of pedestrian and bicycle safety, comfort and access within the town center. These recommendations:

- Are market-based and economically viable
- Address community desires

Recommendations

- **Center Street**—Establish the essential circulation armature of the town center with a pedestrian- and bicycle-friendly ‘local circulator’ street
- **Retail ‘Main Street’**—Establish the town center with a ‘hot spot’ of retail concentration, providing essential goods for residents, visitors, and employees.
- **Town Center Plaza**—Incorporate the existing Library and City offices plaza into a recognizable and memorable town center plaza
- **Safe Pedestrian/Bicycle Routes**—Improve pedestrian and bicycle access to the town center for all residents by establishing a protected bikeway and pedestrian sidewalk network that links neighborhoods to key destinations
- **Office**—Provide customers for adjacent retail businesses and employment opportunities for local residents
- **Housing**—Attract residents to the town center by providing urban housing types that are not currently available in Tualatin.
- **Parks**—Provide opportunities for informal, passive recreation and green amenities that will attract housing and office development



Center Street

Create a pedestrian- and bicycle-friendly local circulator street as an essential armature that all town center land use and circulation is built upon.

The Center Street concept provides the core structure for the establishment of the Tualatin town center by:

- Unifying and linking main street retail, Tualatin Commons, the river, and the WES transit station
- Providing continuous east-west pedestrian and bicycle access within the town center
- Creating auto access to existing businesses and proposed development

Center Street extends the existing portion of SW Seneca Street at SW Boones Ferry Road to the western boundary of the town center and includes the following components as indicated on the diagram to the right:

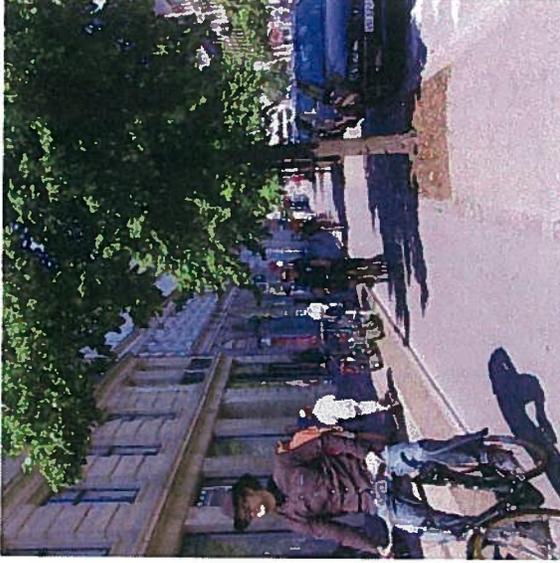
- Improvements to existing segments of SW Seneca Street, indicated in orange
- Pedestrian/bicycle bridge over Tualatin Commons, indicated in blue
- New roadway, indicated in yellow

Center Street should be designed as a low-speed street (5,000 min. to 15,000 max. auto trips per day). The following elements should be included within a public right-of-way:

- **Auto**—Two lanes of traffic and on-street parallel parking, no turn lanes
- **Bicycle**—Protected bikeway, separated from pedestrian and auto circulation
- **Pedestrian**—12-ft. sidewalks, landscaped curb extensions at intersections and raised crosswalks
- Canopy Trees
- Ornamental Lighting
- Street Furniture
- Public Art



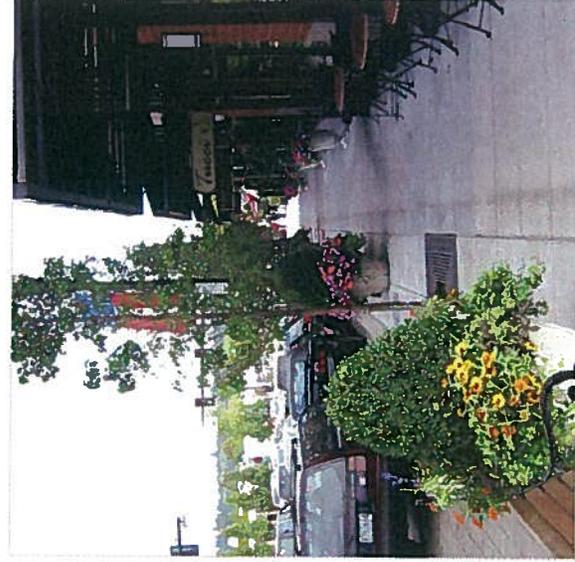
Provide On-Street Parking



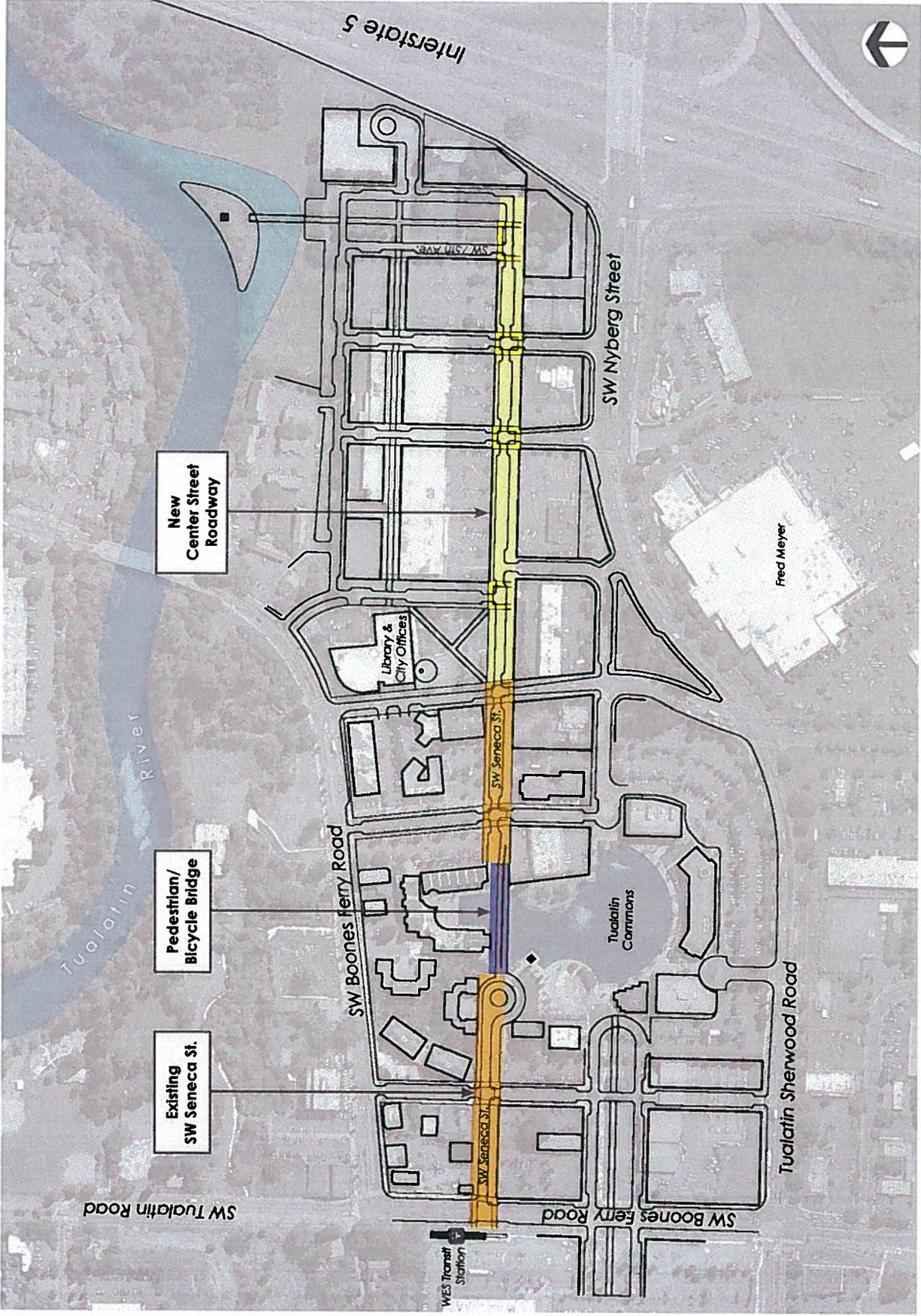
Accommodate Protected Bikeway



Prioritize Pedestrian Crossings



High-Quality Pedestrian Environment



Retail Main Street

Establish a hot spot where the sale of essential goods is provided for residents, visitors, and employees.

The retail 'main street' is a 1/4-mile-long portion of the Center Street between the Town Center Plaza at SW Martinazzi Avenue and the proposed office campus along the Interstate 5 frontage.

- Tualatin's 'main street' should meet the following fundamental requirements:
- Continuous ground-floor retail on both sides of the street to comprise a minimum of 150,000 s.f. of retail uses
 - Major retail development anchoring both ends of the street

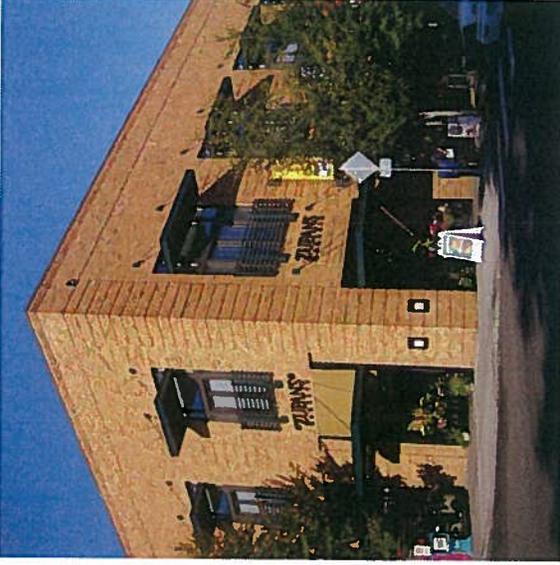
To ensure that a vibrant retail environment is created, zoning documents should be updated to direct retail to the town center and reduce competition from other retail concentrations. Essential development standards to include are:

- **Required Ground-Floor Retail**—Limit ground-floor uses to businesses that engage in the sale of merchandise, including restaurants; commercial uses (sale of services) should be discouraged. Upper floors may include a mix of commercial, housing and/or office uses
- **Build-to Lines**—Build to the street with zero-foot front lot lines
- **Active Edges**—Ground-floor retail facades should consist of at least 70% transparent glass

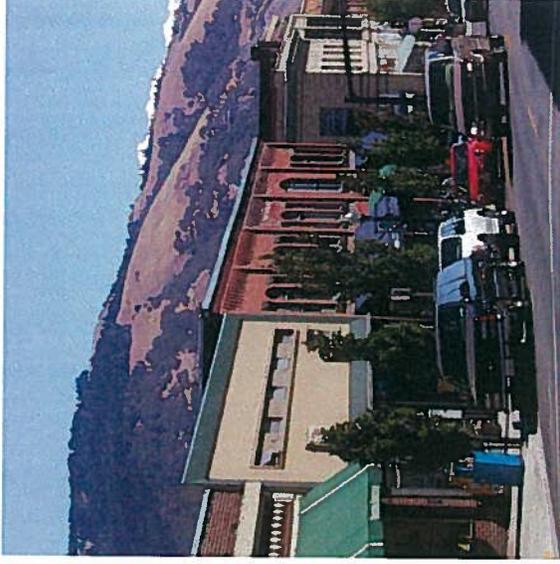
Retail Parking

Since only 20% of required retail parking demand can be accommodated on-street, locate a parking facility that meets the following requirements:

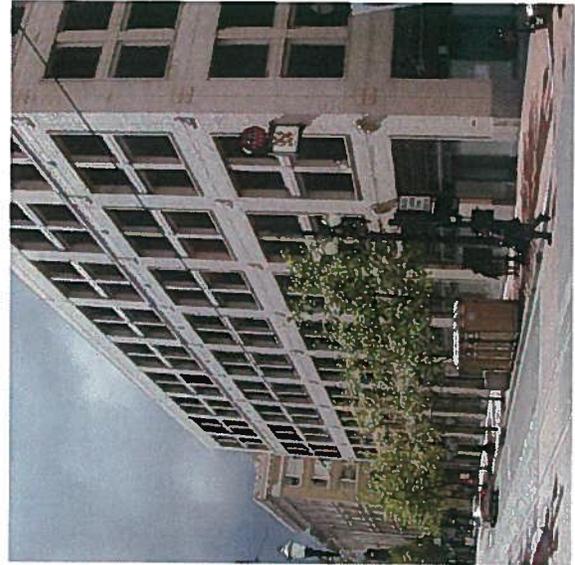
- Direct visibility and accessibility from Center Street by both pedestrians and cars
- Designed in a shopper-friendly manner, easy to navigate, safe and inviting
- Sized appropriately to accommodate long-term needs



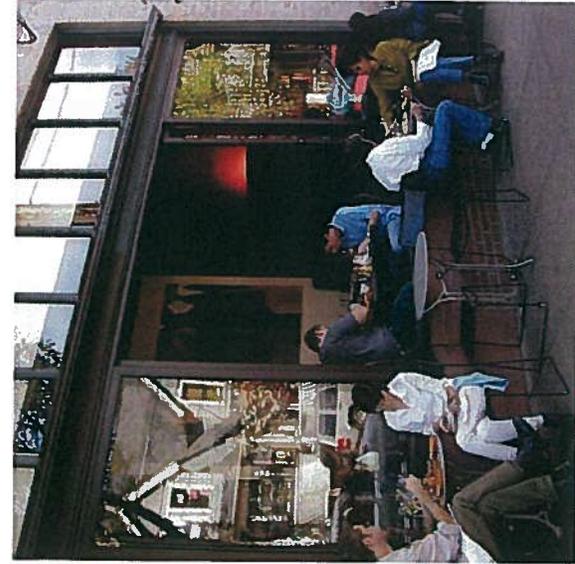
Retail Anchor



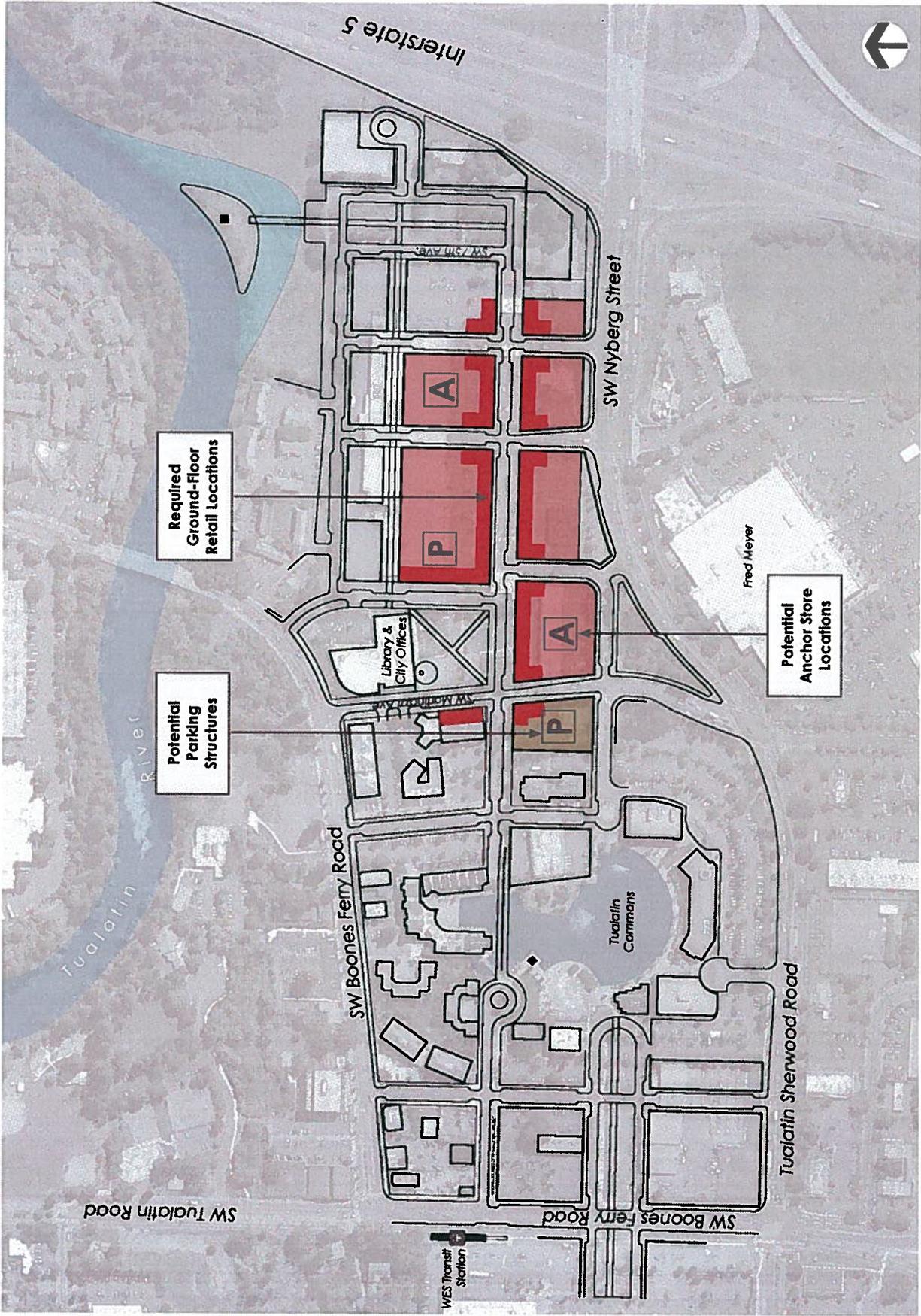
Street-Oriented Buildings



Shopper-Friendly Parking



Active Edge



Town Center Plaza

Provide a focus for Tualatin civic life, and an essential element of the retail main street, with a highly visible and much-needed public gathering space.

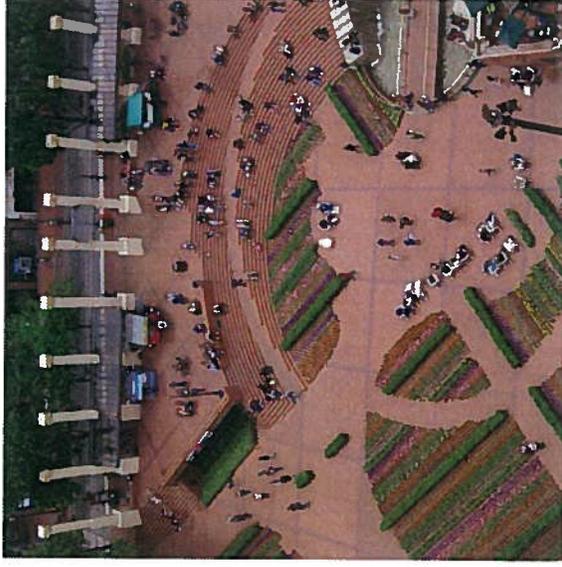
The recommended town center plaza location is on Center Street at the Library/City offices complex. Existing parking for the complex is to be accommodated in adjacent structures.

The town center plaza should be designed to meet the following criteria:

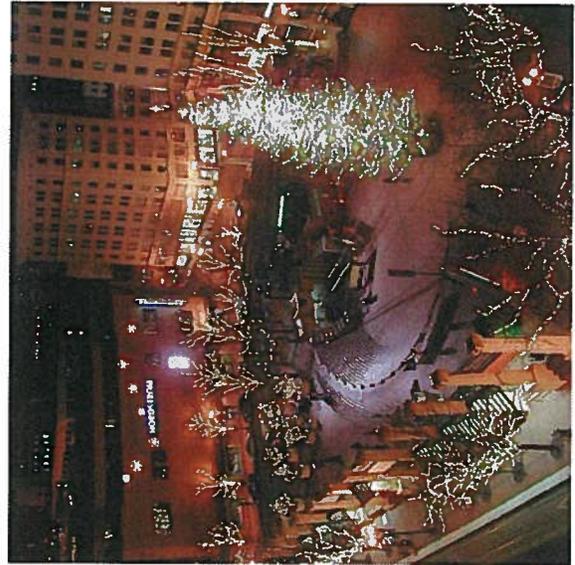
- Surrounded by buildings with active ground-floor uses
- A place for all ages, all seasons, from morning until night
- Publicly accessible at all times
- Simple and elegant design with large, flexible paved areas for holding public events



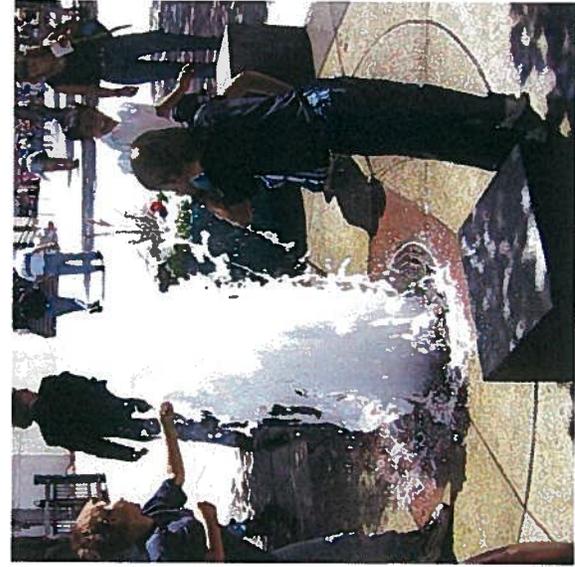
Simple and Elegant Design



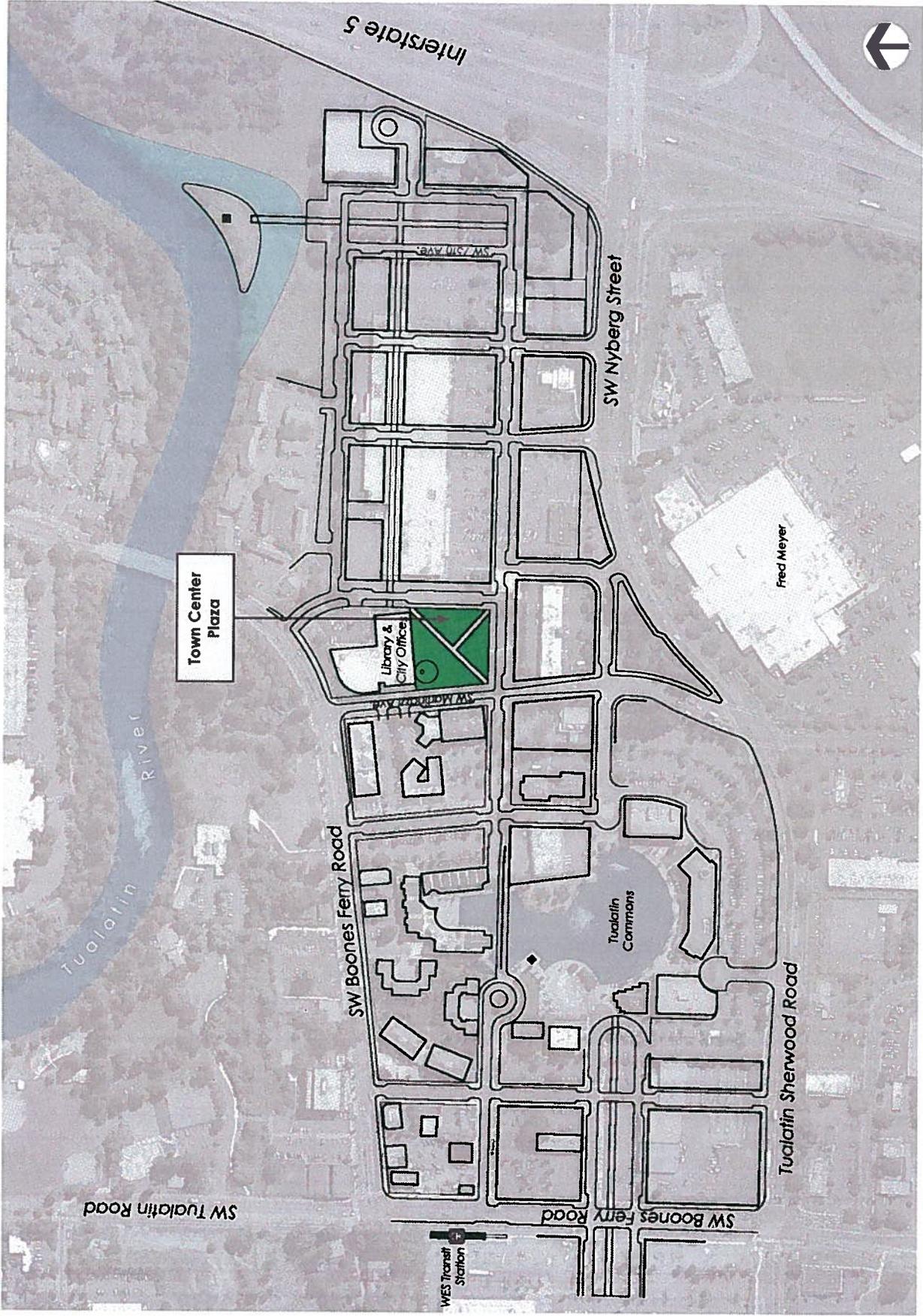
Flexible Paved Areas



A Place for All Seasons



Attractive to Families



Town Center Plaza Concept

Safe Pedestrian/Bicycle Routes

Reduce vehicle-miles traveled to the town center by providing safe, convenient pedestrian and bicycle access.

Safe pedestrian/bicycle routes would encourage Tualatin's residents, including families, to walk and bike by providing safe links between:

- Tualatin's residential neighborhoods and the town center
- Key destinations within the town center—the WES Transit Station, the Library/City offices, the retail main street, housing, office, parks
- The town center and the Tualatin River

The routes should include the following elements:

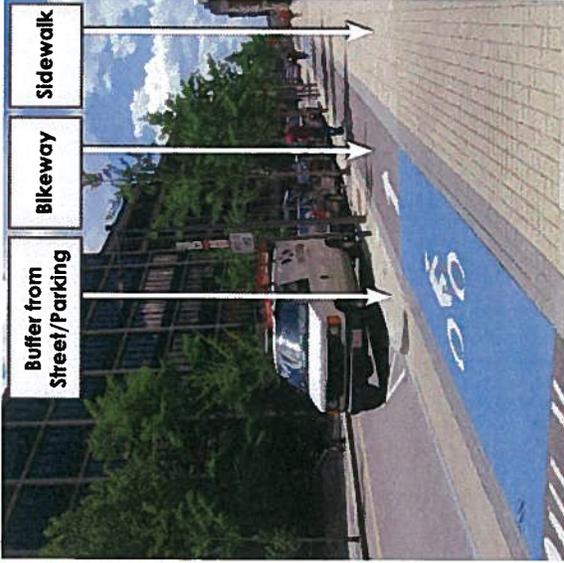
- **Sidewalks**—12-ft. minimum width including a 4-ft. dedicated zone for furnishings and seating
- **Bikeways**—Bi-directional or one way; separated from sidewalks by a material or grade change; separated from auto traffic by parallel curb side parking; separated from parking by a minimum 3-ft. wide buffer.

Intersection improvements are crucial to the success of the system and must prioritize pedestrian and bicycle safety and comfort with:

- Landscaped curb extensions
- Raised crosswalks
- Bike signals
- Blue painted lanes indicating crossing of bikeway

The routes system also includes a pedestrian/bicycle bridge linking the two existing segments of SW Seneca across the Commons. The bridge should be designed to:

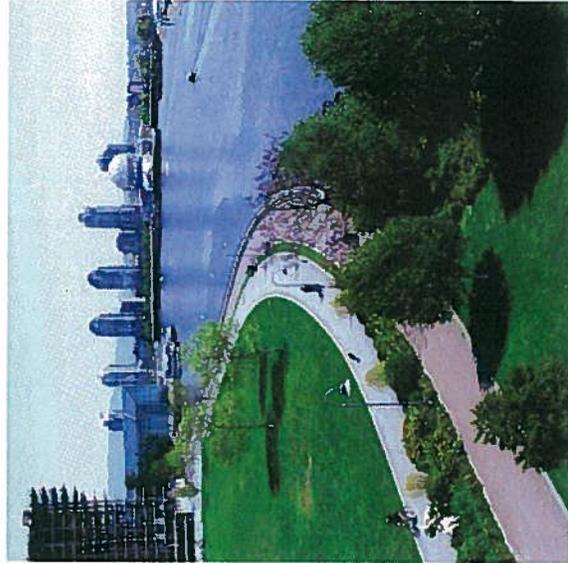
- Provide separate areas for bikes and pedestrians
- Accommodate maintenance and emergency vehicles
- Be ADA compliant



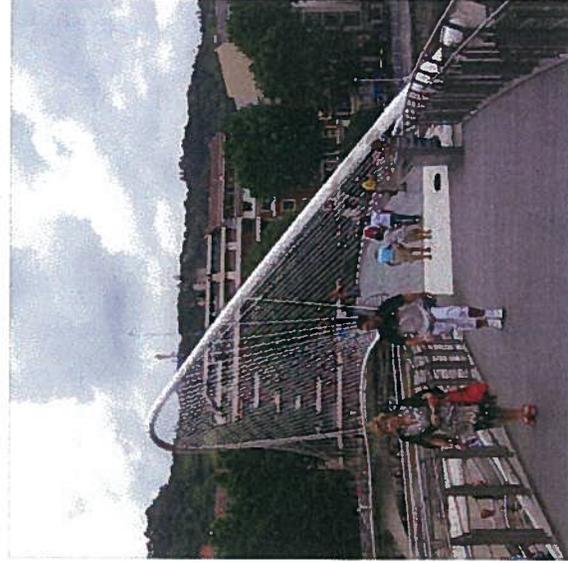
Safe Pedestrian/Bicycle Route



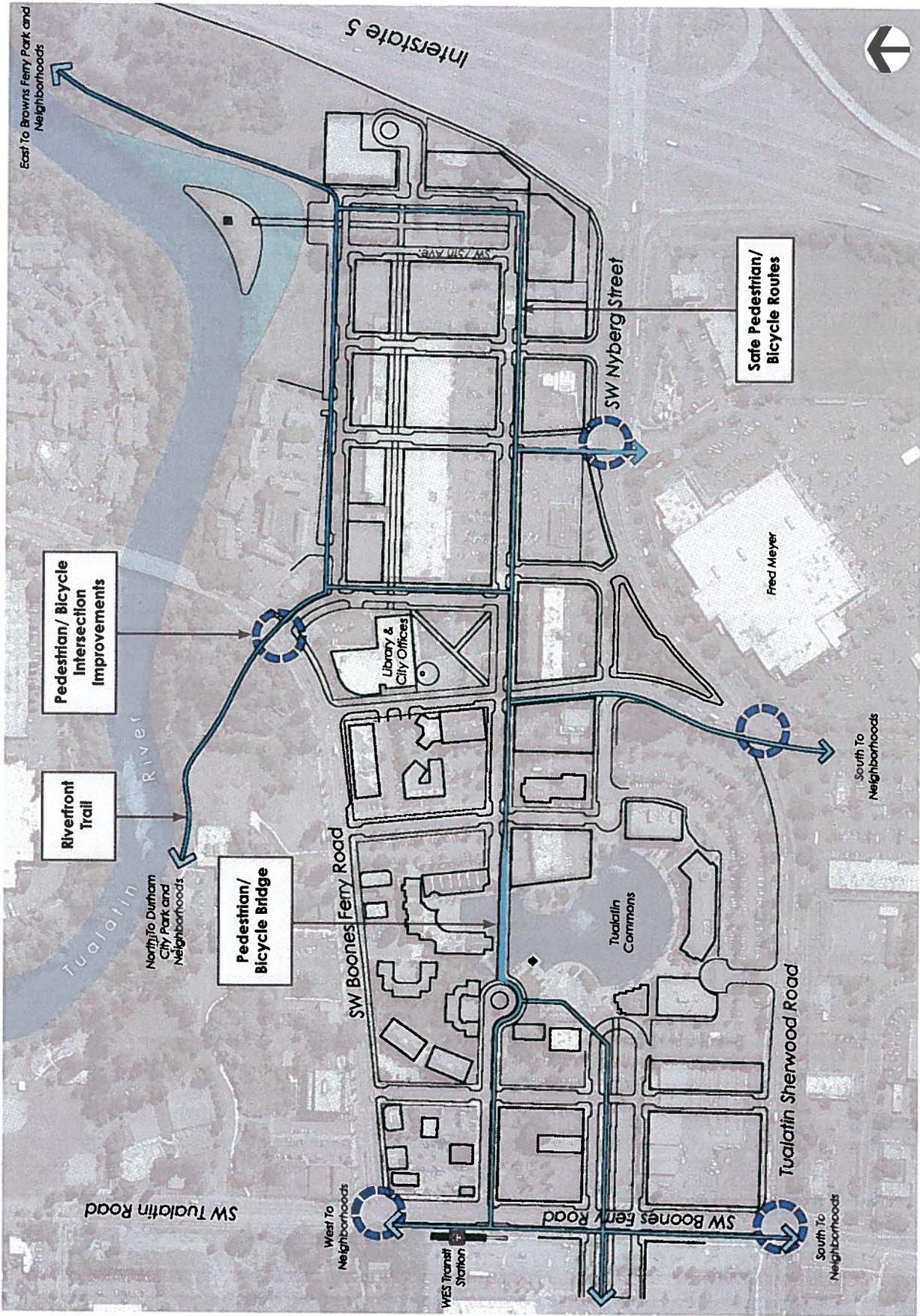
Provide Safe Crossings



Riverfront Trail



Pedestrian/Bicycle Bridge



Safe Bicycle/Pedestrian Routes Concept

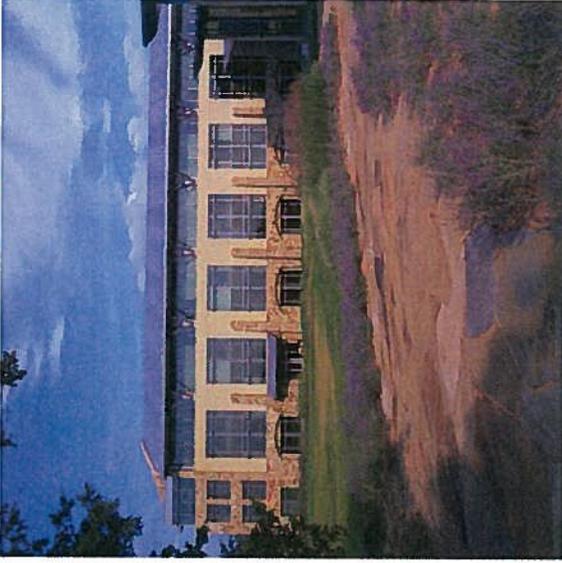
Office

Town center offices provide customers for adjacent retail businesses and employment opportunities for local residents.

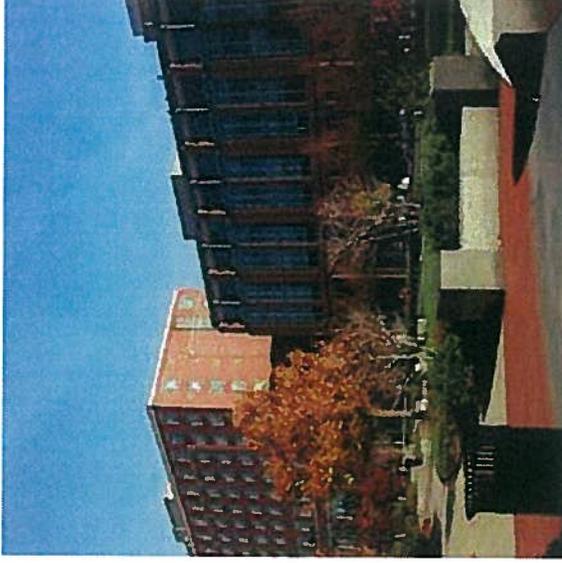
Office development located at the western edge of the town center will be attractive to businesses because of the high visibility and regional access afforded by Interstate 5 and the proximity of park and river amenities. Companies would find sites near the SW Boones Ferry Road and Tualatin-Sherwood Road intersection attractive due to the access afforded by these major arterials and the WES transit station as well as the adjacent park and The Commons amenities.

Office development in the Tualatin town center should include:

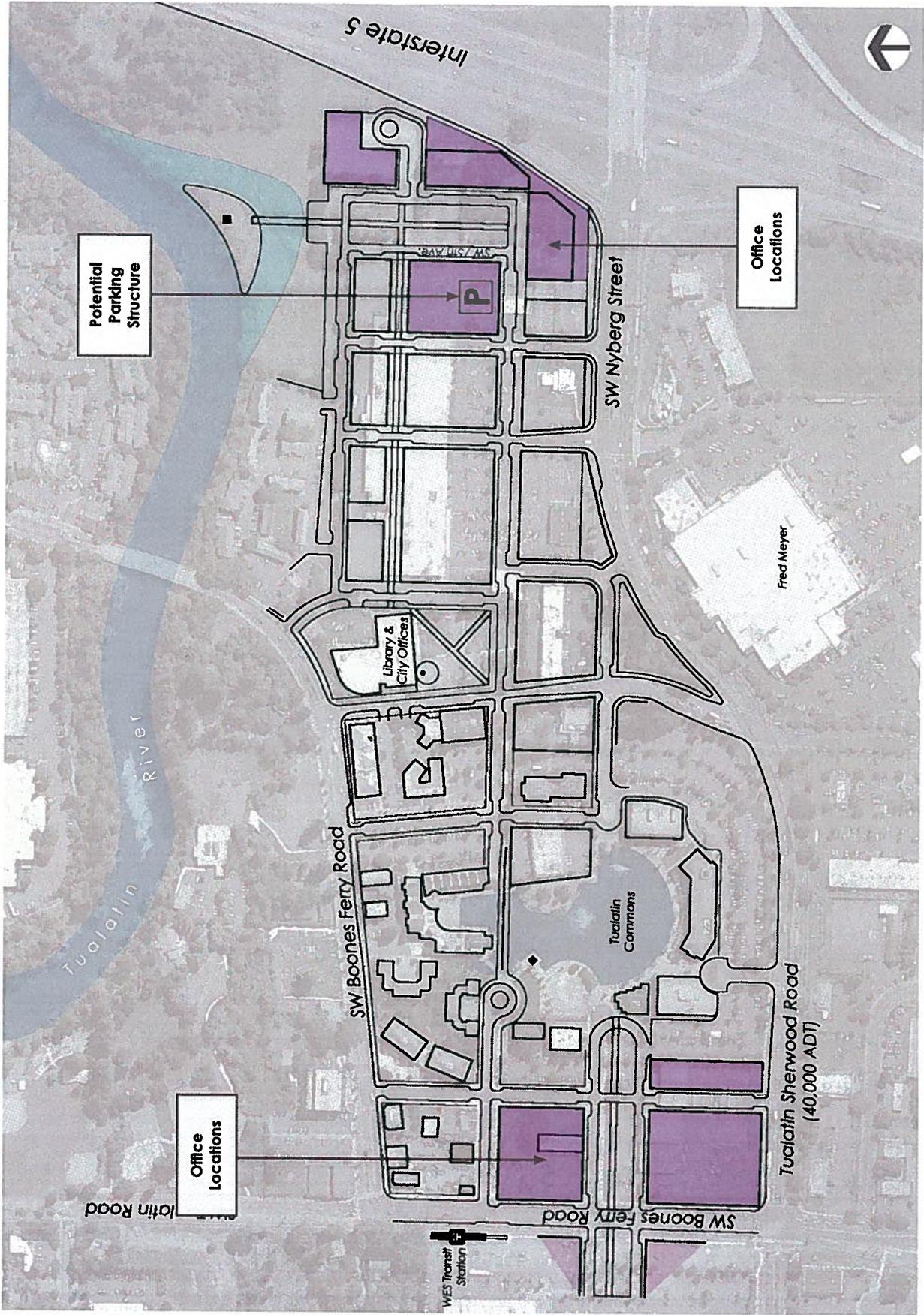
- Campus-like sites compatible with nearby open space and proposed parks
- Sites that accommodate Class-A building footprints (typically 200 ft. by 100 ft.)
- Mid-rise buildings three to eight stories in height that accommodate single users or multiple tenants
- Centralized parking structures to serve all employees and visitors; no surface parking lots



Adjacent to Pleasant Surroundings



Adjacent to other Offices



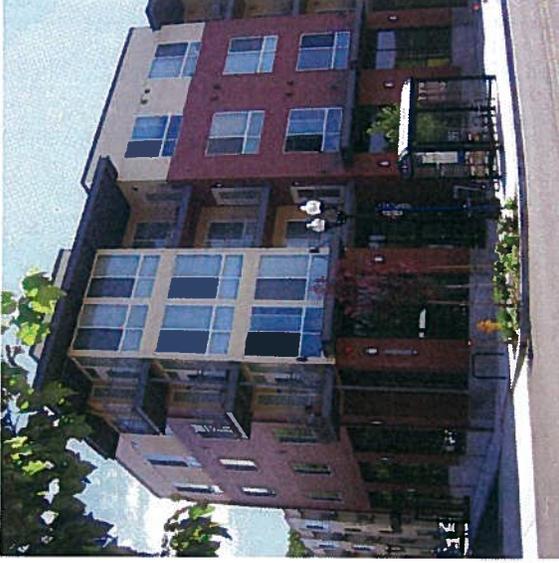
Housing

Attract residents, and vitality, to the town center by providing urban housing types that are not currently available in Tualatin.

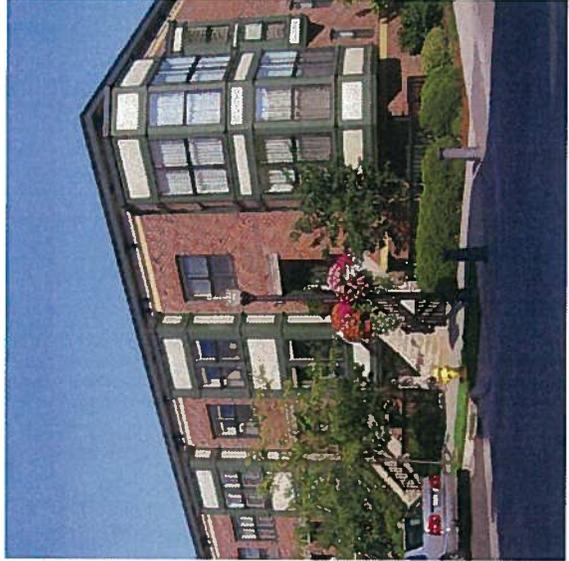
- Housing is located to take advantage of proximity to existing and proposed public amenities—The Commons, main street retail, the riverfront, park blocks and open space—and should be oriented to streets or public open spaces. In addition to the locations indicated on the diagram to the right, housing may be provided over retail uses.
- Housing development should include:
- Density not lower than 40 dwelling units/acre (net)
 - Structured parking; any surface parking provided should be screened from all roads and public spaces
 - Both affordable and market-rate units



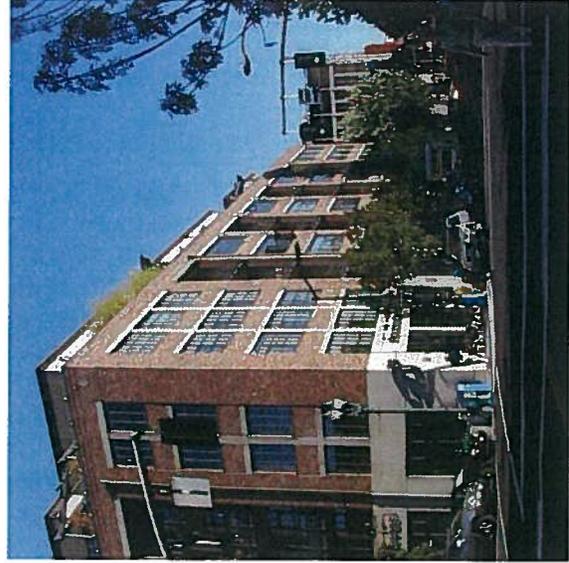
Proximity to Open Space Amenities



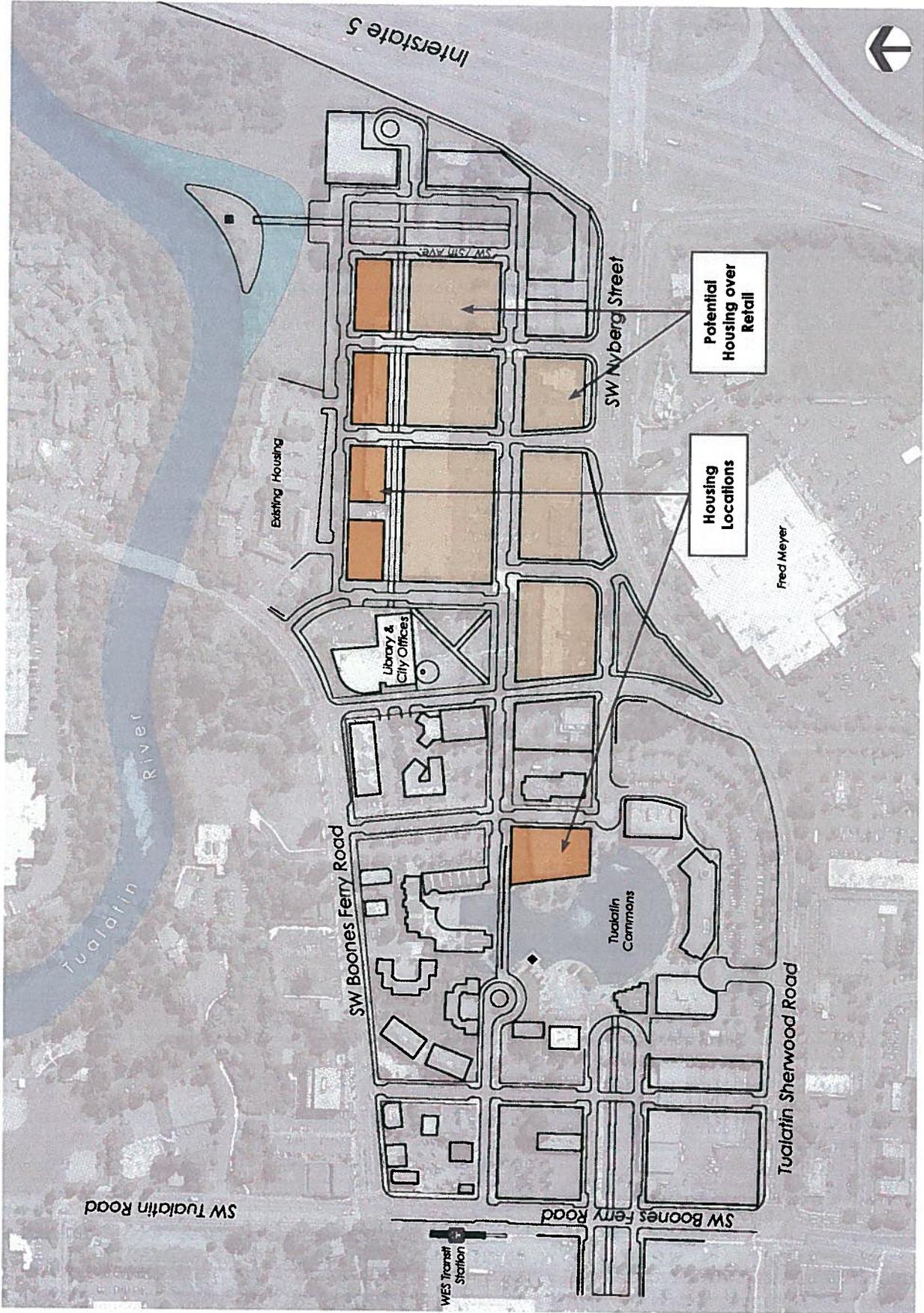
Affordable Rental Apartments



Townhomes



Condominiums over Retail



Next Steps

Next Steps

The Tualatin town center area will not benefit from small steps. A detailed and implementable master plan that will create a vital town center must be developed and adopted.

Tualatin Town Center Master Plan

The first steps in developing and implementing a town center master plan are:

- Identify a process and scope of work that will result in a long-term, strategic master plan.
- Identify and obtain funding source(s) for the development of the master plan.
- Identify all key stakeholders

Development of a Tualatin town center master plan will require a transparent and accountable public process that ensures economic benefit for local property owners and other stakeholders and meets the communities desire for a vibrant, 18-hour downtown.

The master plan should include at least the following components:

- **Main Street Retail Strategy**—Inventory of ground-floor space; existing-use inventory; ideal retail configuration; potential retail build-out area
- **Retail Parking Strategy**—Inventory of existing retail parking; identification of site(s) for retail parking structure; concept design for structure; curb-side parking requirements
- **Town Center Plaza Strategy**—Refinement of site configuration; final concept design
- **Street Configuration Design**—Travel lanes; curb-side parking; bike facilities; sidewalk character; crosswalks
- **City-wide Retail Strategy**—Policies to protect main street investment

The Tualatin town center design should refine the elements preferred by the community at the outreach workshop:

- Center Street
- Retail 'Main Street'
- Town Center Plaza
- Protected Bicycle/Pedestrian Routes
- Office
- Housing

The enthusiasm demonstrated at the outreach workshop and indicated in the community response sheet can provide the momentum to move forward with establishing a vital and accessible Tualatin town center.

Workshop Summary

Public Outreach Workshop Summary

A public outreach workshop was held at the Tualatin Police Services Building on Monday, June 1, 2009 from 6:30—8:30 p.m. Approximately 45 community members attended the event and 25 response sheets were returned. The response sheets provided feedback on urban design and transportation improvement concepts.

Workshop Format

The workshop included a consultant presentation and summary of the outreach objectives. Educational information on successful downtowns, successful retail and strategies for decreasing vehicle-miles traveled were presented in conjunction with the specific recommendations for Tualatin outlined in this summary memorandum. Community members discussed the outreach possibilities and completed individual written response sheets. A tally of the response sheets is illustrated to the right. Many participants added written comments, which are listed on the next page.

Response Sheet

Tualatin Town Center
TGM Outreach Public Workshop
June 1, 2009

Town Center Improvement Options

Please Check Preference

Do You Agree with the Following Recommendations?

	Yes	No	Other
1. Center Street Concept	25	0	1
2. Retail 'Main Street' Concept	24	2	0
3. Town Center Plaza Concept	25	1	1
4. Protected Bicycle/Pedestrian Route Concept	25	1	0
5. Employment Location Concept	19	3	3
6. Housing Location Concept	21	1	2

Comments

Tallied Responses from Outreach Workshop

Community Comments

The following community comments were collected from participants in the outreach workshop on June 1, 2009.

- Build on what is there already
- These are all good concepts—they need more vision than we seem to have
- Financing would be a big hurdle—bike lanes vs. cars—big trade-off
- It seems like we had these discussions before but the property owners were not even remotely interested
- Your Center Street 'dead-ends' at the pedestrian bridge. Problem?
- Takes away from existing retail—could close/bankrupt retail outside of zone
- Looks like old City Hall moved/demolished?
- Now, too small a plaza
- Employees should be close to downtown
- Area to the south of downtown has hills, could get people to come downtown, hard ride back
- Housing should be near river and near retail, transportation, restaurants
- All you examples of successful rehabs are in cities of what size, demographics, mix of office, commercial, residential close to these rehab areas? Too many variables to show successful in Tualatin
- Plaza concept is key to driving redevelopment of downtown. The rest of the framework can follow
- Reduce western office space
- Reroute Nyberg/Tualatin-Sherwood Road to south of Meyer complex
- This is a terrific concept that could make Tualatin one of the best locations to live and work. It will also attract many other businesses to our community
- I like it all. This is the direction I've always wanted Tualatin to move in for the 16 years I've lived here
- Thanks for considering pedestrian/bicycles and family-friendly locations
- Time dictates, let's get working. Two roads—Tualatin-Sherwood and Tualatin: we need to settle this problem
- I think you are on the right track—please be sure to continue to keep the Tualatin Tomorrow Vision and Strategic Action document in mind
- Town needs grid to give a sense of town—we need to show the plan to a wider audience
- I think this is great! I would enjoy hanging out here and walking around. This is missing now, which is why I don't enjoy Tualatin currently
- The protected bikeway should connect to a trail along the river
- Integrate community park and Fred Meyer
- Fred Meyer parking lot needs a garage and redevelopment
- Also develop Century Hotel parking lot?
- Significant improvements to bike/ped environment surrounding this area would have to be made to encourage increased bike/ped traffic to the area
- A parking structure that wouldn't be very close to the library makes it more difficult with small children. Extending the street so the Center Plaza is on one end of the lake seems more attractive. Lake Oswego's plaza does well on the lake. We need to model after nearby local areas that are successful e.g. Lake Oswego, Hawthorne, SW 23rd
- Make path along river a wide path
- Move Central Street north to create more separation from Nyberg Road
- Separate bike lane is great
- Tualatin has active residents, get them off the roads
- I like the bike path under I-5
- Consider pedestrian gate from rail station
- I like the overall concepts
- Very concerned about the traffic patterns and streets. Just not a good location for the concept
- I'm afraid that the retail is closed in—just like the Commons. Traffic will just flow by. Need to distract and make people stay in addition to adding interest



Revitalizing America's Cities



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date July 13, 2009
Recording Secretary J Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 
Michael A. McKillip, City Engineer
Doug Rux, Community Development Director 

DATE: July 13, 2009

SUBJECT: RESOLUTION AUTHORIZING BANCROFTING OF CERTAIN FEES AND CHARGES RELATED TO ROBINSON CROSSING I AND II AND AUTHORIZING THE CITY RECORDER TO ENTER CERTAIN REAL PROPERTIES WITHIN THE CITY OF TUALATIN ONTO THE CITY OF TUALATIN LIEN DOCKET

ISSUE BEFORE THE COUNCIL:

Whether to authorize Bancroft Bonding for certain fees and charges associated with the Robinson Crossing I and II projects.

RECOMMENDATION:

Staff recommends adoption of the attached resolution authorizing the acceptance of an application to pay certain fees and charges in installment payments and establishing the interest rate for the unpaid balance.

EXECUTIVE SUMMARY:

David Emami is constructing the Robinson Crossing I and II projects on SW Boones Ferry Road and has asked the City to be able to pay certain fees and charges related to the projects in installment payments. These fees and charges include Core Area Parking Impact Fees (CAPD) for Robinson I and II
Permit fees
System Development Charges and other connection fees.

Oregon Revised Statutes (ORS) chapter 223 and TMC chapter 2-7 allow the property owner to pay these system development charges in installment payments under the Bancroft Bonding Act, which essentially allows the property owner or developer to finance these charges through the City.

Staff Report: Resolution to Authorize Bancroft Bonding for Robinson Crossing I and II Projects

July 13, 2009

Page 2 of 2

Interest is set by Council resolution and is proposed at an interest rate of the Prime Rate on the date the agreement with Mr. Emami is signed, plus 1% (the current Prime Rate is 3.25%). Payment terms will require semi-annual principal and interest payments, for a term not to exceed five years.

The CAPD is a fee imposed to develop and maintain parking areas in the downtown, and thus is similar to an SDC. Staff is of the opinion that it is appropriate for this fee to be included with the other SDC fees in the installment payments.

The paying of permit fees in installments is not addressed in the ORS or TMC. Staff contacts with other building inspection agencies indicated that none of those contacted allow building permit fees to be paid in installments. They are all paid in cash prior to permit issuance.

However, allowing Mr. Emami to pay the building permit fees in installments is justified in this case for the following reasons;

- The project is located in the Central Urban Renewal District (CURD).

- The CURD would normally participate in projects to develop the town center

- This project is the type of project that the Council envisions the being developed in the Town Center,

- This action is consistent with the prior council actions to have the City fund the sewer extensions for this project.

- There may be a request for an arrangement similar to the sewer financing for additional fire hydrants in the vicinity of this project.

The Council may approve the Bancrofting of these fees without violating the prohibition against the lending of credit because the City's general fund would not be exposed if the funds were not repaid.

OUTCOMES OF DECISION:

If adopted, this resolution allows Mr. Emami to enter into an agreement to pay certain fees and charges related to the Robinson Crossing I and II in installment payments.

FINANCIAL IMPLICATIONS:

SDC revenue and permit revenue will not be available for immediate use on projects or to cover operating expenses. If situations arise where this revenue is needed before the installment payments are made, the City could borrow the funds needed and use the installment payments to partially make debt payments on the loan.

The exact amount of the fees and charges is still being calculated and will not be final until a building permit application is made and the permit is ready to issue.

Attachments: A. Resolution

RESOLUTION NO. 4911-09

A RESOLUTION AUTHORIZING BANCROFTING OF CERTAIN FEES AND CHARGES RELATED TO ROBINSON CROSSING I AND II AND AUTHORIZING THE CITY RECORDER TO ENTER CERTAIN REAL PROPERTIES WITHIN THE CITY OF TUALATIN ONTO THE CITY OF TUALATIN LIEN DOCKET

WHEREAS, ORS chapter 223 and TMC chapter 2-7 allow a property owner to pay system development charges in installment payments under the Bancroft Bonding Act; and

WHEREAS, David Emami has asked that the City allow him to pay Core Area Parking Fees for the Robinson I and II projects, as well as his permit fees, system development and other connection charges related to the Robinson II project in installment payments; and

WHEREAS, the City Council has the authority to approve the application from Mr. Emami for installment payments for the items listed above and set the appropriate interest rate and term for these payments.

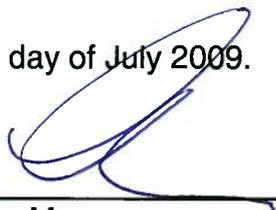
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TUALATIN that:

Section 1. The City Council directs staff to accept the application from Mr. Emami for semi-annual installment payments, for a period not to exceed 5 years, at an interest rate equal to the Prime Rate in effect on the date of the approved application, plus 1%.

Section 2. The City Recorder is authorized to enter the affected properties into the City's Lien Docket.

INTRODUCED AND ADOPTED this 13th day of July 2009.

BY



Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

BY



City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

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

DATE: July 13, 2009

SUBJECT: AN ORDINANCE ESTABLISHING A VOCATIONAL TRAINING FACILITY TAX ASSESSMENT CATEGORY FOR THE CORE AREA PARKING DISTRICT

ISSUE BEFORE THE BOARD:

Whether City Council should adopt a resolution approving Vocational Training Facility as a new Core Area Parking District (CAPD) category to determine annual tax calculation.

RECOMMENDATION:

The Core Area Parking District Board (CAPDB) met on June 17, 2009, and voted (4 to 0) recommending that the City Council adopt a resolution to approve Vocational Training Facility as a new tax assessment category for the CAPD.

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing
- This is a request of the Tualatin City Council to approve Vocational Training Facility as a new tax assessment category for a beauty school located in the CAPD at Lakeside Plaza.
- The beauty school currently does not fall into any of the existing tax assessment categories listed in Section 11-3-080 (Computation of Tax) Table A of the Tualatin Municipal Code (TMC).
- Existing TMC tax categories for the CAPD are as follows:
 - General Office

- Medical/Dental
 - Banks/Savings and Loan
 - Retail/Service
 - Restaurant/Tavern
 - Places of Assembly
 - Retirement Housing Facility
 - Dwelling Units within District
- Mr. David Emami, owner of the Lakeside Plaza, has requested that the tax assessment for the beauty school be calculated with a new category designation to be determined by the City.
 - The purpose of the category designation is to enable the Core Area Parking District to assess annual taxes on the beauty school consisting of 8,325 square feet of usable area.
 - Based on CAPD records for fiscal year 07/08, the entire Lakeside Plaza Building was being leased (9,500 square feet) at an annual billing rate of \$4,459.31.
 - The discount option for full payment was utilized bringing the charged total to \$4,236.34.
 - The tax assessment category was General Office with a Space Factor of 3.50, which is used in the formula to calculate the annual tax rate.
 - This billing rate will be impacted by the 1% CAPD tax increase recommended to City Council by the CAPDB and approved by City Council for fiscal year 09/10.
 - Staff is suggesting that the new tax assessment category be named Vocational Training Facility and be assessed the same rate as General Office with a Space Factor of 3.50.
 - Before the tax assessment category and billing rate issues can move forward, the City Council must approve the Vocational Training Facility category.
 - There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request for a new CAPD tax assessment category and billing rate will result in the following:

1. Adding Vocational Training Facility as a category in the Tualatin Municipal Code with a Space Factor of 3.5.
2. Ability to properly assess an annual Core Area Parking District tax on the beauty school use at the Lakeside Plaza.

Denial of the request for a new CAPD tax assessment category and billing rate will result in the following:

1. A delay in identifying a new CAPD tax assessment category for the beauty school use at the Lakeside Plaza.
2. Preventing CAPD tax assessment and collection specific to the beauty school.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing Vocational Training Facility as a new CAPD tax assessment category are as follows:

1. Identify a different name for the tax assessment category.
2. Change the Space Factor used in the formula to calculate the tax rate.
3. Not create a new CAPD tax assessment category.

FINANCIAL IMPLICATIONS:

The Core Area Parking District will generate additional revenue from this use through an annual tax rate of \$147.94.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments:

1. Ordinance
2. Lakeside Plaza Vicinity Map

ORDINANCE NO. 1286-09

AN ORDINANCE ESTABLISHING A VOCATIONAL TRAINING
FACILITY TAX ASSESSMENT CATEGORY FOR THE CORE
AREA PARKING DISTRICT

WHEREAS Tualatin Municipal Code (TMC) 11-3-030(4)(d) establishes that the City Council shall consult the Core Area Parking District Board (Board) concerning regulations of parking lots within the Core Area Parking District (District) and other matters pertaining to the District; and

WHEREAS the Board met on June 17, 2009, and reviewed the initial request from David Emami for a new District tax assessment category; and

WHEREAS the new District tax assessment category is necessary as a result of a new use located within the District not accounted for in TMC 11-3-080 (Computation of Tax); and

WHEREAS the new use is a beauty school and the tax assessment category will be known as Vocational Training Facility with a Space Factor of 3.50; and

WHEREAS the tax category will enable the District to properly assess an annual tax on the beauty school.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. TMC 11-3-080 Table A is amended with the following:

A new tax assessment category, the Vocational Training Facility with a Space Factor of 3.50, is added to Table A of TMC 11-3-080 for the Core Area Parking District.

TABLE A
Parking Space Requirement Factor

Building Type	Space Factor
General Office	3.50
Medical/Dental Office	5.00
Banks/Savings and Loan	4.50
Retail/Service	3.85
Restaurant/Tavern	5.00
Places of Assembly	2.00
<u>Vocational Training Facility</u>	<u>3.50</u>
Retirement Housing Facility	.50 spaces per dwelling unit
Dwelling Units within District	2.00 spaces per dwelling unit, including garage

INTRODUCED AND ADOPTED this 13th day of July 2009.

CITY OF TUALATIN, Oregon

By _____

Mayor

ATTEST:

By _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

Lakeside Plaza Vicinity Map



SW Boones Ferry Rd

SW Boones Ferry Rd

SW 84th Ave

SW Seneca St

SW Nyberg St

SW Tualatin

Attachment 2

RF 1:1,500



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR, assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 06/02/2009