



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, February 11, 2008

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 Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman

Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux

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 8380 SW Nyberg Street, 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 (voice) or 503.692.0574 (TDD). Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS

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 10 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

1. Swearing-in of Police Officers – *Bryan Belcher, Jill Chapman, Tamara Lewis*
2. Tualatin Youth Advisory Council Update
3. Community Action Organization Presentation – *Jerralynn Ness, Executive Director*
4. Heritage Center Annual Report Presentation

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 – 12)

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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." At that time, any member of the audience may comment on any item pulled 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.

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Celebration

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for Library Shelving and Furniture

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Providers Consortium Intergovernmental Agreement
(IGA) Relating to Disclosure of Sensitive Information

12. Citizen Involvement Committee Appointments156a

E. PUBLIC HEARINGS – Legislative or Other

1. Hearing Measure 37 Claim, Pascuzzi, Located at 10755 / 10835 / 11045157
SW Tualatin-Sherwood Road (M37-06-04)
[CONTINUED from September 10, 2007]

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS (Item No. 1)

1. Ordinance No. 1252-08 Related to Amending the Multi-Family Design Standards162
for Lands Within the Mixed Use Commercial Overlay
District (MUCOD); Amending TDC 73.130 and
73.190 (PTA-07-06)

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



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 2-11-08

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: February 11, 2008

SUBJECT: APPROVE MINUTES OF THE MEETINGS OF JANUARY 14, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meetings on January 14, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska, Jay Harris, and Donna Maddux; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Captain Brad King; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Kaaren Hofmann, Civil Engineer; Will Harper, Associate Planner; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

ABSENT: Councilors Chris Barhyte*, Ed Truax* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 5:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Historic Resources Ordinance

Community Development Director Doug Rux gave a PowerPoint presentation on a suggestion that was made by Council to revisit the ordinance dealing with historic resources, more specifically clarifying the demolition criteria language and review maintenance standards. This is part of Council's Strategic Action Plan Goals strategy on "Natural and Cultural History Preservation, and Council's desire to examine housing standards/property maintenance.

The purpose and objectives at this meeting is to discuss the suggested changes in the historic preservation program, with Council consensus on suggested changes, and any other identified changes.

Mr. Rux distributed information on the criteria that was done from the "Robinson Store". The criteria currently in the Tualatin Development Code, TDC 68.060(1)(a), reads... "No longer historically *or* architecturally significant; and..." The intent in 1993 when the ordinance adoption was done was for an application to meet one *or* the other, but not both. Clarification was determined to be needed as the question occurred with the Robinson Store demolition request in 2005.

Currently identified on the Historic Resource Maintenance is twenty-five designated resources, twenty-four structures or buildings, and one site (cemetery). Sixteen structures/buildings are used for residential purposes, two structures are barns, one is a commercial structure, three are public/semi-public structures, one is used as an industrial office, with one structure in commercial district (burned on 1/2/08). The Issue on the maintenance provision is an equity issue. The City Attorney is working on broadening the property maintenance provision. Mr. Rux reviewed the maintenance issues, and under staff's proposal, the majority would be covered, with five not covered by maintenance requirements.

Council discussed what it takes for a structure/building to get on the historic listing. Also mentioned was the exterior of a building versus the interior. Councilor Harris suggested having some sort of "replacement" or reconstruction clause. Mr. Rux said there are standards in place that deal with revision issues. The City only regulates the exterior of the resources, however the National Historic Registrar does regulate the interior of the resource and there is only one in town designated, which is the *Sweek House*.

Discussion followed on provisions of interior/exterior resources. Also discussed was if a resource has a designation of historic significance, could it then be taken off the list because of not having architectural significance. The question becomes then is the historical significance substantial enough.

Council discussed the complexities of the historic preservation program. Also mentioned was a property rights issue; if a property is deemed historical and how the owner would deal with that designation. Mr. Rux said there is a process to have a designation removed from the list. The question was asked and answered that the regulations in the TDC are not reflective of State statutes and City Attorney Brenda Braden said Council is not bound by that. Staff said the purpose of tonight's meeting is if Council wishes to make a clarification now to the current ordinance by not linking architecture *and* historic, and then revisit the general spirit and intent of the ordinance itself at a future time.

Council consensus and direction was to move forward in making the ordinance change clarification. Councilor Harris asked that the Tualatin Historical Society be contacted when issue goes back to the Planning Advisory Committee (TPAC). Council also suggested having all Council members present when this is further discussed in depth and that this issue be part of Council's action plan goals.

2. *Sign Amortization Program (time permitting)*

Associate Planner Will Harper began a PowerPoint presentation regarding creating a sign amortization program to remove large signs along I-5, in response to Council's 2007/08 work plan goal. He said staff will review the existing signs, look at possible revisions, possible removal, and review past, current and future sign regulations.

Mr. Harper gave a brief background on the sign code explaining that years back how signs were more for interstate use, "freeway-oriented" activity, which has changed over the years with development. Mr. Harper briefly reviewed the current sign code.

A break was taken from 6:00 p.m. to 6:05 p.m.

3. *Killamey Lane Sewer Conversion discussion*

Mayor Ogden said this issue was first discussed at the November 13, 2007 work session, of which he was absent. He said he had some questions regarding the discussion that was held, but added he sees no reason to reopen the issue. City Manager Sherilyn Lombos said staff will provide a brief overview of what was decided upon at the November 13th meeting. Councilor Harris mentioned his desire to reopen the discussion on looking at the sidewalk installation, but he also added that any discussion about sidewalks would be separate from the sewer hook-up.

City Engineer Mike McKillip gave a brief PowerPoint presentation explaining where staff is at this point, and how it was left at the November 13th meeting. At that meeting staff received direction to move forward with the project and discuss with property owners the various options presented which were: 1) If a property owner hooks up to the sewer as part of the project, the owner pays \$3,500 and the City does the remaining work to hook-up; 2) If a property owner hooks up within three years, the owner pays \$11,000 and does all the work associated with hook-up to the sewer, with the City contributing \$2,000 toward septic abatement; 3) If a property hooks up *after* three years, the owner pays \$24,000 and does all the work to hook up, with the City contributing \$2,000 toward septic abatement. Having different options offers an incentive program to property owners. Staff also researched whether this is precedent-setting. Mr. McKillip displayed maps in the PowerPoint presentation where other properties in the City have benefited from sewer hook-up fees and service similar to what is proposed for Killarney Lane.

Mr. McKillip then indicated how staff will proceed from this point, which would be to meet with property owners that want to be part of the project for summer 2008 construction, finalize hook-up details with owners, determine the pipe route, landscaping needs and any special concerns, with the bid to go out in March 2008 for construction to start in the summer.

Review of how the financing would work was also discussed. It was asked and explained by Civil Engineer Kaaren Hofmann that offering the different options can be an incentive for homeowners to have the sewer hook-up done this summer, and the \$11,000 estimate, which includes the \$3,500 hook-up fee, is what staff estimated the cost to the homeowner would be if they chose Option 2, and the same with Option 3 with the \$24,000 estimate. Ms. Hofmann said those dollar amounts are based on today's costs.

Council expressed confusion over using the \$11,000 and \$24,000 dollars figures as they could change with inflation, etc. Council reviewed the options and proposed removing the dollar amounts, and for staff to determine a deadline for property owners that decide to go with Option 1. If an owner chooses Option 2, whatever hook-up fees are in effect at the time and all associated costs to be paid by the owner, with the City paying \$2,000 toward septic abatement, and after three years, with Option 3, the owner pays whatever the hook-up fees are in effect at the time and all associated costs. Staff will provide additional stubs during construction if a property owner partitions their property in the future.

Mr. McKillip summarized that staff will come back to Council at the next meeting or after, with a resolution outlining the options, etc. Staff will then come back to Council in approximately six weeks, after staff has had an opportunity to meet with property owners, to finalize the details by adopting an ordinance.

Councilor Harris asked that the sidewalk installation issue be mentioned to the residents, and Mr. McKillip said Ms. Hofmann held a series of meetings with the neighbors, and early on there was discussion about installing sidewalks, while the sewer work was being done. As the meetings progressed, the conclusion of the majority of neighbors is they weren't interested. Mr. McKillip explained what it would entail to have sidewalks installed with regards to cost and who would pay, etc. Councilor Harris requested that staff continue the dialogue with neighbors, and that the sidewalks be on a future project listing.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council.

E. PUBLIC HEARINGS – *Legislative or Other*

F. PUBLIC HEARINGS – *Quasi-Judicial*

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 7:00 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
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Approved By Tualatin City Council

Date

2-11-08

Recording Secretary

M. Smith

TUALATIN CITY COUNCIL MINUTES OF JANUARY 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, and Donna Maddux; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Will Harper, Associate Planner; Captain Brad King; Kaaren Hofmann, Civil Engineer; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

ABSENT: Councilors Chris Barhyte*, Ed Truax* [** denotes excused*]

Mayor Ogden called the meeting to order at 7:06 p.m.

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

A. CALL TO ORDER

Councilor Harris led the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council Update*

Representatives from the Tualatin Youth Advisory Council (YAC) were present and gave an update on activities. Mentioned was focus group training that took place in conjunction with the Tigard-Tualatin School District, and the YAC becoming more involved in the "Tualatin Tomorrow" process.

Council asked about the youth survey that is being done on youth activity preferences; and Council also encouraged YAC members to stay involved in the "Tualatin Tomorrow" process, and become involved in the newly created ad hoc committee on the proposed bond measure in 2008.

2. *New Employee Introductions*

City Manager Sherilyn Lombos introduced to Council the City's new finance director, Don Hudson.

Ms. Lombos also introduced Carina Christensen, assistant to the city manager, on contract until the end of June, 2008.

Information Systems Director John Wall introduced Kevin Sachet, the City's new Information Systems Technician.

3. *Tualatin Valley Fire & Rescue*

City Manager said representatives from Tualatin Valley Fire & Rescue (TVF&R) were present to recognize one of the City's employees and thank the City Council and City Manager for the assistance that was given by the City's Operations Director Dan Boss with the recent flooding issues in Columbia County. It made a huge difference to TVF&R's Incident Management Team and they were proud to have Mr.

Boss as a member of the team. Having Mr. Boss' expertise and experience was invaluable, and with interagency coordination and assistance that was given to other agencies enhances the team to learn and come back better prepared for future incidents.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Councilor Maddux noted two corrections to the meeting minutes. The December 10, 2007 Work Session minutes, page 2, third paragraph, last sentence should read: *"Council consensus was to move forward with Option #3 and 35 mph, with the option of looking and staff must look at speed mitigation as staff goes through the design"*. The second correction is to the December 17, 2007 special work session minutes which did not include Councilor Maddux as present at the meeting, which she was.

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Meeting of December 10, 2007 and Special Work Session Meeting of December 17, 2007 (*as amended*)
2. Resolution No. 4739-08 Approving the Tualatin Tomorrow Vision Implementation Committee Structure and Selection of Chairperson
3. Resolution No. 4740-08 Authorizing an Intergovernmental Agreement (IGA) Between the City of Tualatin ("Tualatin") and Metro for a Southwest Tualatin Concept Plan Implementation Grant
4. Resolution No. 4742-08 Accepting Public Improvements for Franklin Business Park, Building E
5. Resolution No. 4743-08 Accepting Public Improvements for Nyberg Woods
6. Resolution No. 4744-08 Establishing Regular Meetings of the City Council and Advisory Committees of the City and Repealing Resolution No. 4624-07

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. PTA-07-05 – Amend the Industrial Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in IBPOD Development Greater than 10 Acres in Size, Amending TDC 69.020 and 69.065
-

Mayor Ogden opened the public hearing. Councilor Harris recused himself from the hearing as his company leases space from the applicant.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. It is a request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 69 – Industrial Business Park Overlay Planning District (IBPOD), created in 1987. Currently under the TDC, a child day care center is a permitted use in an industrial area. Also, under the TDC, in an IBPOD greater than 20 acres in size it is an allowed use. This proposal would allow a child day care

center in an IBPOD less than 20 acres, but more than 10 acres in size. Mr. Harper indicated on a map other active IBPOD areas in the city.

The applicant is the developer of the Meridian Business Park, currently constructing Buildings E and F. A tenant moving into Building E wants to establish a daycare business in conjunction with a K-6 school, which was approved as a conditional use permit (CUP). Currently a child day care center use is allowed in the Light Manufacturing (ML) and General Manufacturing (MG) Planning Districts as a permitted use provided it is a building with manufacturing, processing or warehousing, and is a permitted use in the IBPOD if it is greater than 20 acres and the service use is limited to 10% of the development's gross floor area. The applicant's tenant is not eligible for a daycare center under the current ML and MG planning district requirements as it is an IBPOD less than 20 acres. The applicant is proposing an amendment to the IBPOD standards to allow a child day care center in IBPOD development *greater* than 10 acres. Traffic information is provided in association with this project. The Engineering Division also provided comments as part of the staff report.

Mr. Harper reviewed Attachment E to the staff report, which is the criteria for Council's consideration of the PTA. Staff believes this proposal does meet the criteria as stated in the staff report.

Based on the staff report and information submitted by the applicant, staff is recommending Council consider the staff report, and supporting attachments and direct staff to prepare an ordinance granting PTA-07-05 based on the draft ordinance in Attachment C of the staff report. Mr. Harper also noted that the Tualatin Planning Advisory Committee (TPAC) voted unanimously to approve this amendment.

APPLICANT

Mike Berrey, Berrey Properties, Tara Lund, CIDA Architects, and Mike Ard, Lancaster Engineering, were present and explained why they are asking for this request. Mr. Berrey gave a brief PowerPoint presentation explaining the Meridian Business Park and its development throughout the last ten years. Currently they are under construction for some of the buildings, which will consist of 9 buildings, and close to 18.5 acres when complete. The primary reason for this request is for Children's Hour Academy, which will be located in Building E, as outlined in application, and ultimately have 165 students, which includes approximately 40% enrolled in day care, and the other 60% in K-6. Mr. Berrey said when analyzing the Children's Hour day care use and the K-6 school, they believe it would be safer to have both the daycare and school in the same building, which this amendment proposes to allow. The original student estimate already includes the daycare students. Mr. Berrey believes the impacts to this amendment are relatively minor, and would allow the children to be together in the same building.

PROPONENTS – None.

OPPONENTS – None.

COUNCIL DISCUSSION

Council discussed whether this proposal could not be better accomplished as a conditional use, instead of a plan text amendment. Staff believes the best way to address this type of need is to expand the allowed uses in the IBPOD, and staff does not believe this type of use would happen frequently.

Mike Ard, Lancaster Engineering, 321 SW 4th Avenue, Suite 400, Portland, OR 97204, explained trip counts, traffic numbers, and responded to the question of whether the use could be all day care, which is not the intent. Mr. Ard said in looking at a reasonable worst case development, and the analysis that was done addressing the transportation planning rule, a day care could be built at the proposed location. Having an all daycare use would exceed market demand.

The difference between an IBPOD under 10 acres and an IBPOD over 20 acres was also discussed. Staff explained the demand has changed since the IBPOD was created back in the early 90s. The 20-acre break was to discourage commercial uses in industrial areas, except when there is a "center" to serve. Mr. Harper said Tualatin recognized that these types of services, particularly in employment areas, would help employees, recognizing there was a need and market for this type of use.

Council recognized that different uses in industrial areas is a good idea, but continued to struggle with why the City wouldn't be better served by having this be a conditional use instead of an outright allowed use. Brief discussion followed and staff explained Council has three options – approve, deny, or direct staff to come back with an ordinance with modifications, which could allow making this a conditional use if Council chooses. Council expressed concern about what could happen a few years from now if this proposal is approved as a PTA and if the use were to change. Mr. Rux explained how the process would work if that were to happen. Council reiterated being more comfortable having this drafted as a CUP, and City Attorney Brenda Braden explained how the process would work.

Patricia Thomas, owner of Children's Hour Academy, 14790 SW Boones Ferry Road, Lake Oswego, OR, spoke to Council, and explained that under the law, there is regulations for the amount of children allowed in a facility. Mr. Berrey commented on the concern of what might happen in two years from now by saying other uses could end up larger than a daycare.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

Council discussed and continued to struggle with approving the request, but decided to move forward now, but come back in the future to reexamine the process of a plan text amendment versus a conditional use.

MOTION by Councilor Boryska, SECONDED by Councilor Maddux to direct staff to prepare an ordinance granting PTA-07-05 based on the draft ordinance in Attachment C of the staff report. MOTION CARRIED. [Vote: 5-0-2; Barhyte, Truax absent]

A break was taken from 8:47 p.m. to 8:54 p.m.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

1. *Commuter Rail Train Horn Noise Mitigation Update*
Postponed to January 28, 2008 due to time constraints.

2. *OSU Extension Services – Special Services District Proposal for Clackamas County*

Mike Bondi, resident faculty and Extension Services representative was present to give a brief PowerPoint presentation regarding Oregon State University (OSU) extension services in Clackamas County. Mr. Bondi gave a brief explanation about the district, which is to engage people of the state by bring research based knowledge to the masses to solve problems. The focus is agriculture, family living, youth development, such as 4-H, and other natural areas such as forestry and water, and many other services and programs. They have handled over 50,000 requests for services at the Extension last year in Clackamas County. Mr. Bondi explained the County commissioners are looking at how to continue to provide the services, etc. with a permanent tax base to have stable funding. The question before Council is for the consideration from Tualatin, in the form of a resolution, to support the district with the portion of the Tualatin that is located in Clackamas County, and by providing that support to be included in a district if a district was formed.

Mr. Bondi said historically extension services was a rural based program, however the programs have changed over the years and there is now more 4-H kids in the urban environment than in rural. There is over 3,500 kids in participation in schools, most of which are in the suburban communities. The big growth areas are robotics, GPS, small animals, etc. He also noted that farmers markets came from the extension service. There is a County Extension Office in every county except one, and of the 35 counties with Extension Services, 16 have a district, the other 19 rely on county funding. Clackamas County would be the first urban community that would have a district in Oregon. The proposal is for a permanent tax rate of \$0.05 per thousand dollars of assessed valuation (AV), generating up to \$1.5 million a year.

Mayor Ogden recognized the great works of the extension service, noted Clackamas County is having to “defund” many of its programs. Mr. Bondi said 11 cities have supported the proposal to date, none have opposed. The resolution enables Tualatin to be able to be part of the district, if the County determines to move forward with the process. Mr. Bondi also distributed information on the extension participation in the Tualatin area.

Discussion followed. Concern was expressed about making sure some of the funding would be seen in Tualatin if the district was formed. It was suggested having an intergovernmental agreement (IGA) or something similar. Ms. Lombos said this proposal wouldn't be governed by an IGA, but staff could look into some sort of agreement for services that would be provided.

Council directed staff to prepare a resolution supporting a Clackamas County order to initiate the formation of the Clackamas County Extension Service and 4-H District.

3. *City and Town Center Gateways Presentation*
Postponed to January 28, 2008 due to time constraints.

4. *Creation of Ad Hoc Committee to Study a Possible Bond Measure in 2008 in Parks and Recreation Facilities, Cultural Opportunities, and Youth and Family Activities Relating to the Tualatin Tomorrow Community Visioning Process*

Community Development Director Paul Hennon said Council recently accepted the Tualatin Tomorrow Community Vision and Strategic Action Plan, which included several activities. To move forward with the action steps, Council directed staff to prepare an approach to craft a proposed bond measure for the November 2008 ballot. The primary focal point would be the formation of an ad hoc committee to study a proposed bond measure, with up to three councilors as part of that committee, and citizens that may be interested. Staff asked for Council to pass along to staff any names of anyone that may be interested in being part of the committee. At the January 28, 2008 Council meeting, staff will have survey results and other information for Council to review on whether a measure is ripe for a November 2008 ballot.

Staff's recommendation to Council at this meeting is to form an ad hoc committee to study a possible bond measure in 2008 for parks and recreation facilities, cultural opportunities, and youth and family activities relating to the Tualatin Tomorrow Community Visioning process with membership as proposed in the staff report. It was asked and staff replied that the Tigard-Tualatin School District (TTSD) has been included in the process, and will continue to have them involved to whatever degree necessary, but would not be a voting member of the ad hoc committee. Mr. Hennon responded to the question of the role of the ad hoc committee, which would be a citizen group to formulate and propose to Council what should be placed on the ballot. Council suggested there be an ongoing dialogue with the ad hoc committee and the Council work alongside the ad hoc group, and continue to bring back for updates to Council on a regular basis. Three councilors will be needed for the ad hoc committee; Councilors Beikman and Harris volunteered, with Councilor Barhyte, as the third.

5. *Library Plaza Water Feature Design Update*

City Manager Lombos said at the November 26, 2007 Council meeting there was some discussion on the library plaza and the desire by the Council to energize it by placing a passive, non-interactive water feature in the plaza with a northwest theme. Skip Stanaway, lead architect with SRG Partnership was present to review with Council some possible design scenarios. Ms. Lombos asked for direction at this from Council at this meeting to be able to meet scheduling deadlines.

Mr. Stanaway said the library construction is nearing completion. The issue at hand is to have a water feature be part of the entry sequence. Three concept designs were presented for review. Of the three concepts presented, Concept C was the preferred design, but it was suggested to somehow have the water be able to be viewed from the street side also. Discussion followed on how best to have the design meet the aesthetics of being able to enjoy the water from the plaza and view it from the street. Council asked about the tree that is currently located where the plaza area will be. Mr. Stanaway said it helps create a sense of place within the plaza and adds a functional element to the plaza. Discussion followed on addressing the issue of removing/transplanting the tree somewhere else in the plaza. Council briefly discussed and Mr. Stanaway said he could design the layout with or without the tree. Mr. Stanaway said his recommendation is to keep the tree, but if Council chooses to remove the tree, not to place anything else there.

Council consensus for the library plaza water feature was to go with the benches design of Concept C, with some type of front facing water feature. Mr. Hennon said

the cost should be held at approximately \$100,000. If it increases, additional funds will need to be determined. There is a total of approximately \$240,000, which includes the art portion of the project, in addition to the water feature. After brief discussion on the art portion of the project, Council determined to put more funds toward the water feature; \$140,000 for the water feature, \$100,000 for art.

H. EXECUTIVE SESSION

None.

I. ITEMS REMOVED FROM CONSENT AGENDA

No items were requested to be removed from the Consent Agenda.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-11-08
Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A McKillip, City Engineer *MAK*
Dayna Johnson, Project Engineer *DJ*

DATE: February 11, 2008

SUBJECT: RESOLUTION AUTHORIZING CONSTRUCTION OF A
RETAINING WALL WITHIN A SANITARY SEWER EASEMENT

ISSUE BEFORE THE COUNCIL:

Consideration of whether the Council should adopt a resolution authorizing construction of a retaining wall within a sanitary sewer easement.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing construction of a retaining wall within a sanitary sewer easement.

EXECUTIVE SUMMARY:

The City of Tualatin Approved with Conditions the Riverhouse Condominiums project (AR 03-18) in February in 2004.

- Standard easements state that no building or utility shall be placed upon, under or within the property subject to this easement during its term without the written permission of the CITY.
- The Riverhouse project requires a bridge over Hedges Creek for pedestrian and vehicular access to the north parcel.
- The developer has approached the City requesting the ability to construct a retaining wall and fill over the existing sanitary sewer line. The use of a retaining wall and fill reduces the impact that slopes have on the creek and associated buffer areas.
- No bridge abutments are located within the sanitary sewer easement.
- The developer has provided a steel casing around the existing sanitary sewer line that will allow for the future upsizing of the existing sanitary sewer line, if necessary, as well as access to the line for maintenance.

OUTCOMES OF DECISION:

Authorizing the construction of a retaining wall within a sanitary sewer easement will result in the following:

- Fewer impacts to Hedges Creek and the associated buffers.
- Provides opportunity for a positive public/private partnership.

Not authorizing the construction of a retaining wall within a sanitary sewer easement will result in the following:

- Greater impacts to Hedges Creek and the associated buffers.

FINANCIAL IMPLICATIONS:

Through the Agreement the developer agrees to reimburse the City for expenses it may incur that are beyond acceptable or usual, due to the fill and retaining walls over the sanitary sewer easement during maintenance or future construction.

Attachments: A. Resolution with attachments

RESOLUTION NO. 4750-08

RESOLUTION AUTHORIZING CONSTRUCTION OF A RETAINING WALL WITHIN A SANITARY SEWER EASEMENT

WHEREAS the City through written permission may allow the construction of a retaining wall within an easement; and

WHEREAS as a result of the development of the Riverhouse Project, a bridge was required over Hedges Creek for pedestrian and vehicular access to the north parcel; and

WHEREAS the use of a retaining wall and fill reduce the impacts of slopes on the creek and associated buffer areas; and

WHEREAS the City wishes to encourage the viability of creeks and associated buffers within the City; and

WHEREAS the Developer has provided a steel casing around the existing sanitary sewer line that will allow for the future upsizing of the sanitary sewer line, if necessary, as well as access to the line for maintenance; and

WHEREAS a sanitary sewer easement exists in this area and is recorded as document #97-030207 & #97-030208.

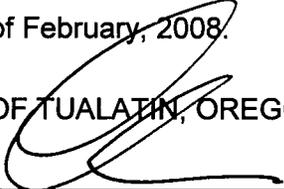
WHEREAS the Developer has agreed to reimburse the City for expenses it may incur that are beyond acceptable or usual, due to the fill and retaining walls over the sanitary sewer easement during maintenance or future construction.

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

Section 1. The City of Tualatin hereby authorizes the attached Agreement (Attachment 1) for the purpose of allowing Grantee to construct a retaining wall within a sanitary sewer easement, and the Mayor is authorized to sign the said Agreement.

ADOPTED AND APPROVED this 11th day of February, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By  _____
City Recorder

AGREEMENT

This AGREEMENT made and entered into this 18th day of September, 2007, by and between the City of Tualatin, a Municipal Corporation of Washington and Clackamas Counties, Oregon, ("City"), and CSB, LLC a corporation authorized to do business in the State of Oregon, ("Owner").

WITNESSETH

WHEREAS the Owner is owner of record of property covered by this Agreement as described in the attached map and legal description, and

WHEREAS the Owner has received an Approval with Conditions for Architectural Review AR 03-18 and is planning on constructing the Riverhouse Condominiums project in the City of Tualatin, and

WHEREAS the Riverhouse Condominiums project is building a bridge over Hedges Creek for pedestrian and vehicular access to the north building (the "bridge"). Fill for the bridge will encroach into the existing sanitary sewer easement. The owner is proposing retaining walls to reduce the impacts of slopes on the creek and associated buffer areas, and

WHEREAS the City does not object to the location of such walls provided the following conditions are met, and

THEREFORE, the parties agree as follows:

1. The City will allow the retaining walls for the bridge to encroach into the existing sanitary sewer easement so long as all the conditions contained in this agreement are met.
2. No bridge abutments shall be located within the sanitary sewer easement.
3. If the City incurs costs beyond what is acceptable or usual, due to the fill and retaining walls over the sanitary sewer easement during maintenance or future construction, the Owner agrees to reimburse the City for these expenses within 30 days of billing.

4. The Owner shall provide a steel casing around the sanitary sewer line that would allow for the future upsizing of the existing sanitary sewer line. Plans and specifications to be approved by the City and a Public Works Permit issued, prior to start of work.
5. If the bridge, retaining walls, and/or fill result in changes in creek flow that damages the pipe, the Owner will reimburse the City for these expenses within 30 days of billing.
6. The construction plans, and any future changes to the retaining walls, shall be reviewed by the City to assure no loads from the proposed retaining walls and associated fill will impact the required steel casing and sanitary sewer line.

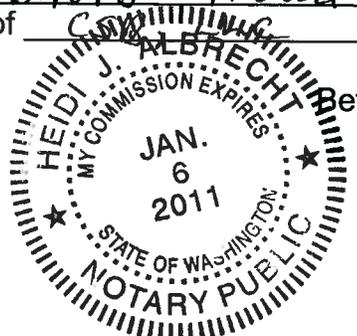
The City and Owner intend for all terms of this Agreement to be covenants, conditions and restrictions running with the title to the property covered by this Agreement, and shall be binding upon parties to this Agreement, their heirs, executors, assigns, administrators, and successors and shall be construed to be a benefit and a burden upon the property described above.

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

Company: CSB, LLC
 By: [Signature]
 Title: Member

STATE OF OREGON)
) ss.
 County of)

This instrument was acknowledged before me on the 19th day of September, 2007, by DAVID Stroud, as Member, (authority) of CSB, LLC.



Before me: [Signature]
 Notary Public for ~~Oregon~~ Washington

My commission expires: 1-6-2011

4. The Owner shall provide a steel casing around the sanitary sewer line that would allow for the future upsizing of the existing sanitary sewer line. Plans and specifications to be approved by the City and a Public Works Permit issued, prior to start of work.
5. If the bridge, retaining walls, and/or fill result in changes in creek flow that damages the pipe, the Owner will reimburse the City for these expenses within 30 days of billing.
6. The construction plans, and any future changes to the retaining walls, shall be reviewed by the City to assure no loads from the proposed retaining walls and associated fill will impact the required steel casing and sanitary sewer line.

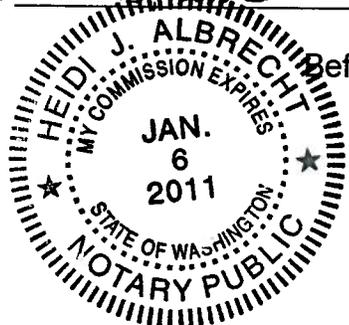
The City and Owner intend for all terms of this Agreement to be covenants, conditions and restrictions running with the title to the property covered by this Agreement, and shall be binding upon parties to this Agreement, their heirs, executors, assigns, administrators, and successors and shall be construed to be a benefit and a burden upon the property described above.

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

Company: CSB, LLC
 By: M Bart Beddoe
 Title: Member

STATE OF OREGON)
) ss.
 County of)

This instrument was acknowledged before me on the 19th day of September, 2007, by M Bart Beddoe, as Member, (authority) of CSB, LLC.



Before me: Heidi J. Albrecht
 Notary Public for ~~Oregon~~ Washington

My commission expires: 1-6-2011

4. The Owner shall provide a steel casing around the sanitary sewer line that would allow for the future upsizing of the existing sanitary sewer line. Plans and specifications to be approved by the City and a Public Works Permit issued, prior to start of work.
5. If the bridge, retaining walls, and/or fill result in changes in creek flow that damages the pipe, the Owner will reimburse the City for these expenses within 30 days of billing.
6. The construction plans, and any future changes to the retaining walls, shall be reviewed by the City to assure no loads from the proposed retaining walls and associated fill will impact the required steel casing and sanitary sewer line.

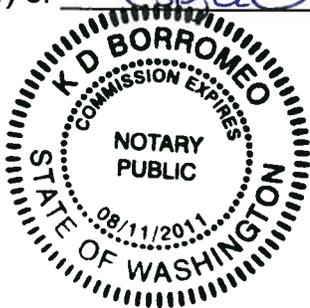
The City and Owner intend for all terms of this Agreement to be covenants, conditions and restrictions running with the title to the property covered by this Agreement, and shall be binding upon parties to this Agreement, their heirs, executors, assigns, administrators, and successors and shall be construed to be a benefit and a burden upon the property described above.

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

Company: CSB, LLC
 By: [Signature]
 Title: Member

STATE OF OREGON)
) ss.
 County of)

This instrument was acknowledged before me on the 19th day of September, 2007, by James L. Clay, as Member, (authority) of CSB, LLC.



Before me: [Signature]
 Notary Public for ~~Oregon~~ Washington

My commission expires: 8/11/11

City of Tualatin, Oregon

By: [Signature]

Title: Mayor

By: [Signature], City Manager

Attest: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ [Signature]

This instrument was acknowledged before me on the 11th day of February, 2008, by Lou Ogden, as Mayor, (authority) of City of Tualatin, Oregon.

Before me: Maureen A. Smith
Notary Public for Oregon

My commission expires: July 4, 2009



Exhibit "A"

LEGAL DESCRIPTION

River House Commons (RGS5371.02)

Retaining Walls Description

November 14, 2007

Page 1 OF 3

A portion of those Tracts of land described in Deed Document Numbers 97112333 and 97112334, Washington County Deed Records, also being a portion of those Tracts of land described in Deed Document Numbers 97-030207 and 97-030208, Washington County Deed Records, located in the Northwest one-quarter of Section 24, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 24; Thence North 00°16'40" West, 591.04 feet along the section line to the centerline of SW Boones Ferry Road (State Hwy. 217); Thence North 82°32'21" East, 1121.10 feet along said centerline to a point; Thence North 00°07'56" West, 212.13 feet along the common line between said Deed Documents 97112333 and 97112334, to the intersection of the northwesterly line of said Deed Document 97-030207 with said common line, said point being the **POINT OF BEGINNING**; Thence along said northwesterly line North 75°36'58" East, 5.48 feet to an angle point therein; Thence along the northeasterly line of said Deed Document 97-030207 South 67°53'13" East, 2.51 feet to a point; Thence leaving said northeasterly line South 42°18'19" West, 23.65 feet to a point on the Southeasterly line of said Deed Document 97-030208; Thence along said southeasterly line South 75°37'57" West, 74.36 feet to a point; Thence leaving said southeasterly line North 54°42'27" East, 42.00 feet to a point on the northwesterly line of said Deed Document 97-030208; Thence along said northwesterly line North 75°37'57" East, 47.53 feet to the intersection of said northwesterly line with said common line; Thence along said common line South 00°07'56" East, 0.53 feet to said **POINT OF BEGINNING**.

Contains 984 square feet or 0.023 acres, more or less.

The attached Exhibit "B" entitled "Retaining Wall Location Exhibit Map" is made a part hereof.

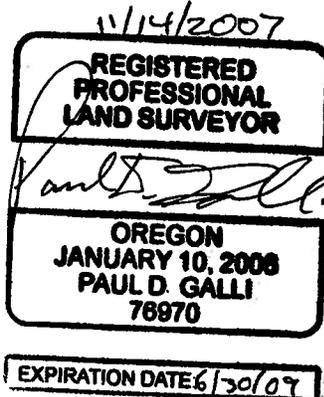
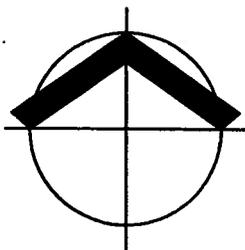
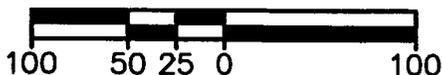


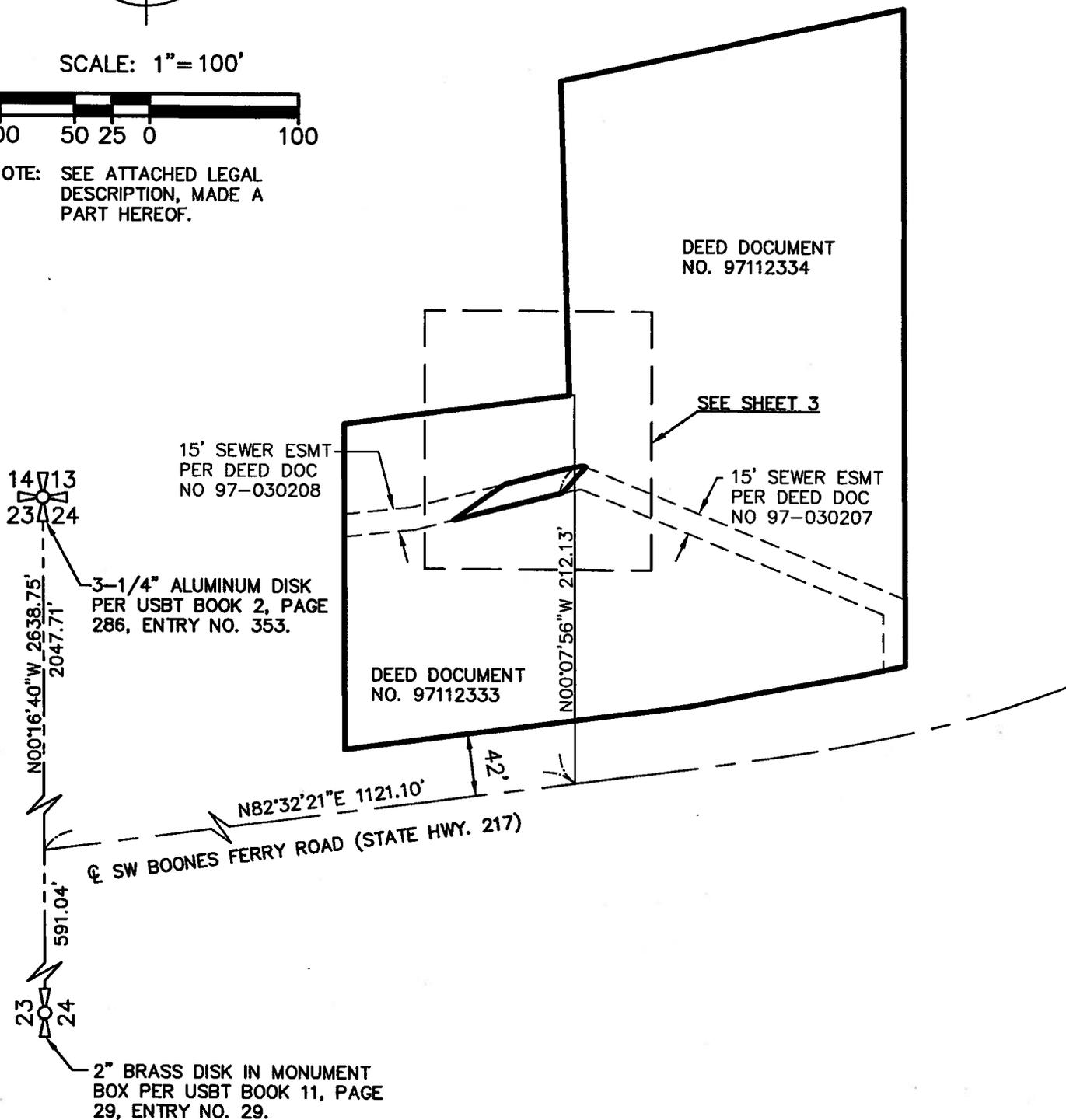
EXHIBIT 'B'



SCALE: 1" = 100'



NOTE: SEE ATTACHED LEGAL DESCRIPTION, MADE A PART HEREOF.



W R G
DESIGN INC.

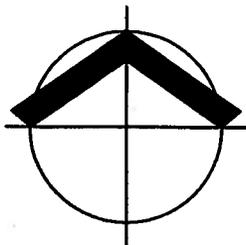
5415 SW Westgate Dr,
Ste 100 / Portland, OR
97221 / Tel. 503.419.2500

RETAINING WALL LOCATION EXHIBIT MAP
PORTION OF DEED DOCS 97112333 AND 97112334

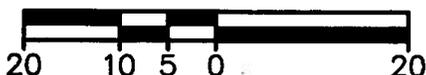
NW 1/4 OF SEC 24, T 2 S, R 1 W, WM.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

PROJECT NO. RGS537102
DATE: 11/14/2007
BY: BJM
SCALE: 1"=100'
SHEET NO. 2 OF 3

EXHIBIT "B"



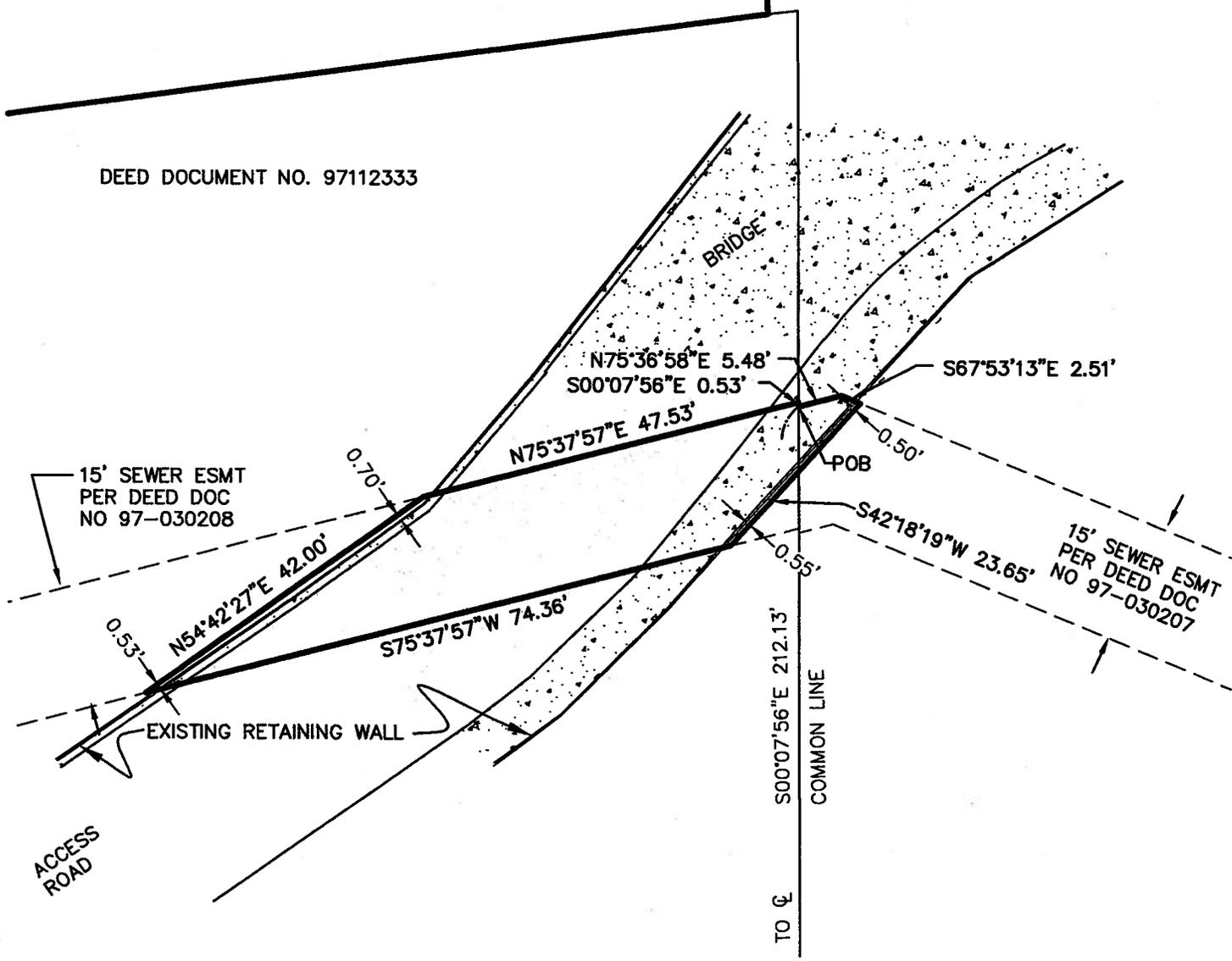
SCALE: 1" = 20'



NOTE: SEE ATTACHED LEGAL DESCRIPTION, MADE A PART HEREOF.

DEED DOCUMENT NO. 97112334

DEED DOCUMENT NO. 97112333



W R G
DESIGN INC.

5415 SW Westgate Dr,
Ste 100 / Portland, OR
97221 / Tel. 503.419.2500

RETAINING WALL LOCATION EXHIBIT MAP
PORTION OF DEED DOCS 97112333 AND 97112334

NW 1/4 OF SEC 24, T 2 S, R 1 W, WM.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

PROJECT NO. RGS537102
DATE: 11/14/2007
BY: BJM
SCALE: 1"=20'
SHEET NO. 3 OF 3



Approved By Tualatin City Council

Date 2-11-08

Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: February 11, 2008

SUBJECT: RESOLUTION AUTHORIZING THE SALE OF THE CITY'S
GENERAL OBLIGATION REFUNDING BONDS

ISSUE BEFORE THE COUNCIL:

Whether to approve the attached resolution authorizing the refunding of the 1999 Police Facility General Obligation Bond Issue and authorizing the Finance Director and City Manager to act on behalf of the City.

RECOMMENDATION:

Staff recommends the adoption of the attached resolution.

EXECUTIVE SUMMARY:

In January 1999, the City of Tualatin sold \$4,970,000 of General Obligation Bonds for the construction of the Tualatin Police Facility. This 20-year bond issue was dated February 1, 1999, with annual principal payments due February 1st of each year, commencing on February 1, 2000 with the final maturity being on February 1, 2019. The average interest rate of the bonds is 4.53%. The bond issue has an optional redemption at par, in whole or in part, plus accrued interest to the date of redemption, on any date on or after February 1, 2009. Therefore, \$3,000,000 in bonds are available for redemption in 2009.

Recently, short-term interest rates in the municipal bond market have dropped, making the 1999 bond issue a candidate for refunding (redeeming the existing bonds and re-issuing bonds at a lower interest rates).

The City proposes to refund the existing bond issue and sell a refunding bond issue around the middle of March 2008. The proposed bond issue is for a par amount of \$3,130,000, at an average interest rate of 3.15%, with a final maturity date of February 1, 2019. A refunding analysis was prepared by Seattle-Northwest

Securities on January 22, 2008 using current rates as of that date. The net savings, after accrued interest and costs of issuance, is projected to be approximately \$154,000 over the life of the bonds. If rates continue to drop, this savings would increase.

The authorizing resolution is a broad delegation form authorizing the Finance Director and City Manager to pursue the bond issue, negotiate and finalize the terms, and take other action to close the bonds, including the execution of a bond declaration. It does not lock the City into issuing the bonds. Therefore, if rates increase before the sale date, thereby reducing the savings, we do not have to issue the bonds.

ALTERNATIVES TO RECOMMENDATION:

The City Council could choose to not approve the resolution and not proceed with the refunding.

FINANCIAL IMPLICATIONS:

The City proposes to save over \$150,000 over the remaining life of the bonds.

Attachments: Resolution

RESOLUTION NO. 4751-08

RESOLUTION OF THE CITY OF TUALATIN, OREGON
AUTHORIZING THE SALE OF THE CITY'S GENERAL
OBLIGATION REFUNDING BONDS

WHEREAS the City of Tualatin (the "City") has previously issued its General Obligation Bonds, Series 1999 (collectively, the "Refundable Bonds"); and

WHEREAS the Refundable Bonds bear interest at rates that are higher than current market rates and the City may be able to reduce debt service costs by issuing its general obligation refunding bonds to refund and replace the Refundable Bonds; and

WHEREAS Section 54 of House Bill 3265 from the 2007 Regular Session of the Oregon Legislative Assembly authorizes the City to issue current refunding bonds to refund outstanding general obligation bonds; and

WHEREAS the City wishes to reduce the cost of debt service to the City's taxpayers by issuing general obligation bonds to refund all or a portion of the Refundable Bonds.

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

Section 1. *Bonds Authorized.* The City is hereby authorized to refund all or any portion of the Refundable Bonds, and to issue, sell and deliver one or more series of its General Obligation Refunding Bonds (the "Refunding Bonds") in a principal amount which does not exceed the principal amount necessary to refund the Refundable Bonds and pay costs of issuing the Refunding Bonds. However, the City shall not issue the Refunding Bonds unless the Refunding Bonds reduce debt service.

Section 2. *Delegation.* If the City's Finance Director or the City's City Manager, or the person designated by the City's Finance Director or the City's City Manager to act on behalf of the City pursuant to this Resolution (the "City Official"), determines to issue the Refunding Bonds, the City Official is hereby directed, on behalf of the City and without further action by the Council, to:

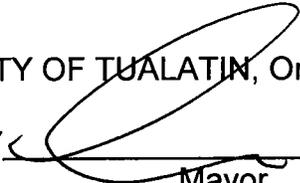
- (1) Provide that the Refunding Bonds may be issued in one or more series.
- (2) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Refunding Bonds.

- (3) Execute and deliver a bond declaration for each series of Refunding Bonds that specifies the form of the Refunding Bond for that series, and the final maturity schedule, interest rates, redemption provisions, administrative provisions and other terms of the series.
- (4) Solicit competitive proposals for the purchase of any series of Refunding Bonds and award the sale of that series to the proposer offering the most favorable terms to the City, or select one or more underwriters, negotiate the terms of the sale of any series of Refunding Bonds, and sell that series to those underwriters.
- (5) Undertake to provide continuing disclosure for each series of Refunding Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
- (6) Apply for ratings for each series of Refunding Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of the Refunding Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (7) Engage a paying agent, registrar, and escrow agent, enter into one or more paying agent agreements and/or escrow deposit agreements, deposit the proceeds of each series of the Refunding Bonds pursuant to the escrow deposit agreements, and hire other professionals necessary or desirable to issue each series of Refunding Bonds.
- (8) Defease and call for redemption any Refundable Bonds that are refunded by the Refunding Bonds.
- (9) Covenant for the benefit of the owners of each series of Refunding Bonds to use the proceeds of each series and the facilities financed with each series so that interest on each series of Refunding Bonds is excludable from gross income under the United States Internal Revenue Code of 1986, as amended, and designate each series of Refunding Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of that code.
- (10) Issue, sell, and deliver each series of Refunding Bonds, and execute and deliver any agreements or certificates and take any other action in connection with each series of Refunding Bonds which the City Official finds is desirable to permit the sale and issuance of that series of Refunding Bonds in accordance with this Resolution.

Section 3. *Security for Refunding Bonds*. The Refunding Bonds shall be general obligations of the City, and the full faith and credit of the City are hereby pledged to pay the Refunding Bonds when due. The City covenants for the benefit of the Refunding Bondowners that the City shall levy annually, as provided by law, in addition to its other ad valorem property taxes and outside the limitations of Sections 11 and 11b of Article IX of the Oregon Constitution, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after considering discounts taken and delinquencies that may occur in the payment of taxes, to pay the Refunding Bonds promptly as they mature. The City covenants with the owners of the Refunding Bonds to levy such a tax annually during each year that any of the Refunding Bonds are outstanding.

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, Oregon

BY 

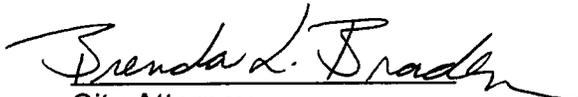
Mayor

ATTEST:

BY 

City Recorder

Approved as to Form:


City Attorney



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 2-11-08

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: February 11, 2008

SUBJECT: RESOLUTION ACCEPTING DEED OF DEDICATIONS AND EASEMENTS ASSOCIATED WITH THE SW HERMAN ROAD IMPROVEMENT PROJECT

ISSUE BEFORE THE COMMISSION:

Whether the Tualatin City Council should adopt a resolution accepting Deeds of Dedication and Slope/Utility Easements as part of the SW Herman Road Improvement Project.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The Fiscal Year 07/08 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Herman Road Improvement Project.
- The project area consists of SW Herman Road from SW Teton Avenue to 124th Avenue.
- This public improvement project is funded by the Tualatin Development Commission ("Commission") from SW 108th Avenue to SW 124th Avenue. The City is funding improvements from SW Teton Avenue to SW 108th Avenue.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to improve storm water drainage as well as overall roadway conditions.
- As part of the project, rights-of-way acquisition and utility, slope, and permanent easements have been identified.

- The acceptance of the Deed of Dedications and Easements are conditioned on the Commission at their February 11, 2008 meeting adopting a resolution authorizing compensation for the Deed of Dedications and Easements for the amounts noted in the attached documents.
- The Commission at its August 13, 2007 meeting directed the acquisition of rights-of-ways and easements.
- The documents to be accepted are from the following:
 - Silvey LLC; Herman Properties LLC; Clown Nose Properties, LLC; The Majnarich Family Limited Partnership (Deeds of Dedication and Slope/Utility Easements).
- The Deed of Dedications and Easements are being presented to the Council for acceptance because the subject project is for a public street improvement and the Commission does not accept these types of documents.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to accept Deed of Dedications and Easements will result in the following:

1. Allow the Commission to obtain the rights-of-way and easements needed to construct roadway improvements.
2. Allow the SW Herman Road Improvement Project to maintain its current timeline.

Denial of the request to accept Deed of Dedications and Easements will result in the following:

1. The project will be delayed.
2. The Commission will need to decide whether or not to renegotiate right-of-way and easement acquisition costs.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to acceptance of Deed of Dedications and Easements are as follows:

1. Renegotiate right-of-way and easement need and acquisition costs with current property owners.
2. Put project on hold.

FINANCIAL IMPLICATIONS:

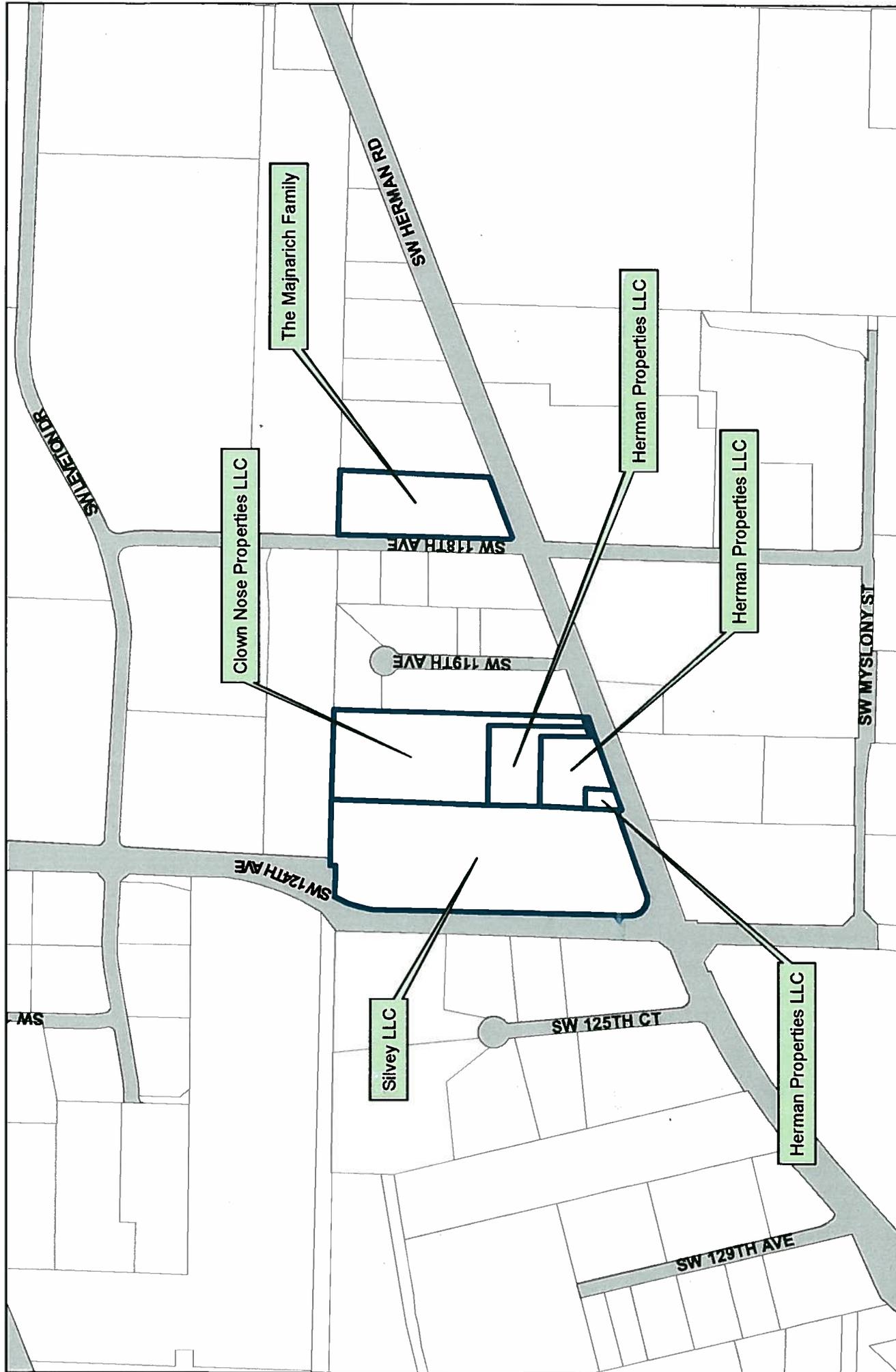
Compensation for the Deed of Dedications and Easements were addressed by the Commission at their February 11, 2008 meeting and is not applicable to acceptance of these documents. The Commission is paying for document recording.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments: A. Rights-of-Way and Slope/Utility Easements Map
 B. Resolution with Exhibits

Herman Road Improvement Project



RF 1:6,200

This map is derived from various digital database sources. The City of Tualsis does not warrant the accuracy, reliability, or completeness of the information provided in this map. The City of Tualsis, OR, makes no warranty or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Project 01262008

Parcels of Interest

RESOLUTION NO. 4752-08

RESOLUTION ACCEPTING DEED OF DEDICATIONS
AND EASEMENTS IN ASSOCIATION WITH THE
SW HERMAN ROAD IMPROVEMENT PROJECT

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

Section 1. The attached documents, Exhibits 1 thru 6, are hereby accepted by
the City of Tualatin:

- a. Deed of Dedication and Slope/Public Utility Easement from The
Majnarich Family Limited Partnership
- b. Deed of Dedication and Slope/Public Utility Easement from Silvey LLC
- c. Deed of Dedication and Slope/Public Utility Easement from Herman
Properties, LLC
- d. Deed of Dedication and Slope/Public Utility Easement from Herman
Properties, LLC
- e. Deed of Dedication and Slope/Public Utility Easement from Herman
Properties, LLC
- f. Deed of Dedication and Slope/Public Utility Easement from Clown
Nose Properties LLC

Section 2. The City Recorder shall be instructed to cause said Deed of
Dedications and Slope/Public Utility Easements to be recorded in the Book of
Records of the Washington County Recorder.

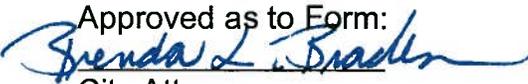
Section 3. The acceptance of the Deed of Dedications and Easements are
conditioned on the Tualatin Development Commission adopting a resolution
authorizing compensation for the Deed of Dedications and Easements.

INTRODUCED AND ADOPTED this 11th day of February, 2008

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:
By 
City Recorder

Approved as to Form:

City Attorney

Resolution No. 4752-08



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that The Majnarich Family Limited Partnership (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Ten Thousand Seven Hundred Seventy and No/100 Dollars (\$10,770.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20th day of December, 2007

The Majnarich Family Limited Partnership

CHARLES G. MAJNARICH

Name (print or type)

Charles G. Majnarich
Signature

GENERAL PARTNER

Title

BILLIE M. MAJNARICH

Name (print or type)

Billie M. Majnarich
Signature

GENERAL PARTNER

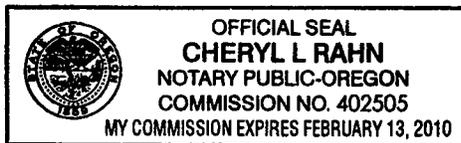
Title

STATE OF OREGON)
County of Washington) ss
)

On this 20th day of December, 2007, before me, the undersigned, a Notary Public, personally appeared Charles Majnarich and Billie Majnarich who are known to be the General Partner and General Partner of The Majnarich Family Limited Partnership and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Cheryl L Rahn
Notary Public for Oregon

My commission expires: 2/13/2010



CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

“EXCEPTED ENCUMBRANCES”

1. Tualatin city lien(s), if any. None shown as of October 23, 2007.
2. The herein described property lies within the boundaries of an Urban Renewal Plan.
For: Tualatin Urban Renewal Plan and Tualatin Central Urban Renewal Plan
3. Easement as disclosed in Resolution No. 1589-85, including the terms and provisions thereof,
To: City of Tualatin
Recorded Date: May 31, 1985
Recording Number: 85019990
For: Sanitary sewer
Affects: West 20.00 feet of Lot 3
4. Leveton Tax Increment Plan of the City of Tualatin Ordinance No. 998-98, including the terms and provisions thereof,
Recorded Date: June 29, 1998
Recording Number: 98069448; amended by Ordinance No. 1036-99 recorded December 29, 1999 as Fee 99140674; amended December 18, 2001 as Fee 2001-131620 and amended May 23, 2002 as Fee 2002-059374
5. Easement, including the terms and provisions thereof,
To: City of Tualatin, Oregon, a municipal corporation of the State of Oregon
Recorded Date: June 9, 1989
Recording Number: 89-26084, re-recorded July 6, 1989 as Fee 89-30633
For: Permanent slope and utility easements
6. Agreement, including the terms and provisions thereof,
Between: Chuck and Billie Majnarich of Murphy Industrial Supply
And: City of Tualatin
Recorded Date: April 6, 1995
Recording Number: 95023328
For: Street improvement agreement

EXHIBIT A

**Herman Road Improvement Project
June 26, 2007**

**Tax Map No. 2S122C 0300
THE MAJNARICH FAMILY
LIMITED PARTNERSHIP**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+10.00 To 52+36.00	93.00 feet in a straight line to 49.25 feet
From 52+36.00 To 55+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT therefrom that portion lying within the existing right-of-way or SW 118th Ave.

This area of land contains 1,027 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

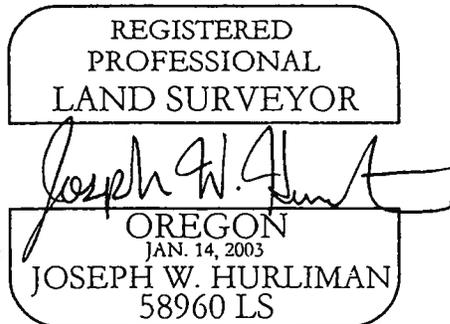
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+00.00 To 52+55.00	58.50 feet
From 52+55.00 To 52+70.50	58.50 feet in a straight line to 72.00 feet
From 52+70.50 To 52+74.50	72.00 feet in a straight line to 67.50 feet
From 52+74.50 To 55+00.00	58.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), EXCEPT therefrom that portion lying within the existing right-of-way or SW 118th Ave., EXCEPT that portion described in PARCEL 1, and EXCEPT that portion lying within the Slope and Utility Easement per Doc #89-30633, Parcel No. 300-C-2.

This area of land contains 2,440 square feet (0.056 acres), more or less.



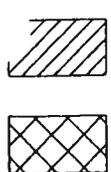
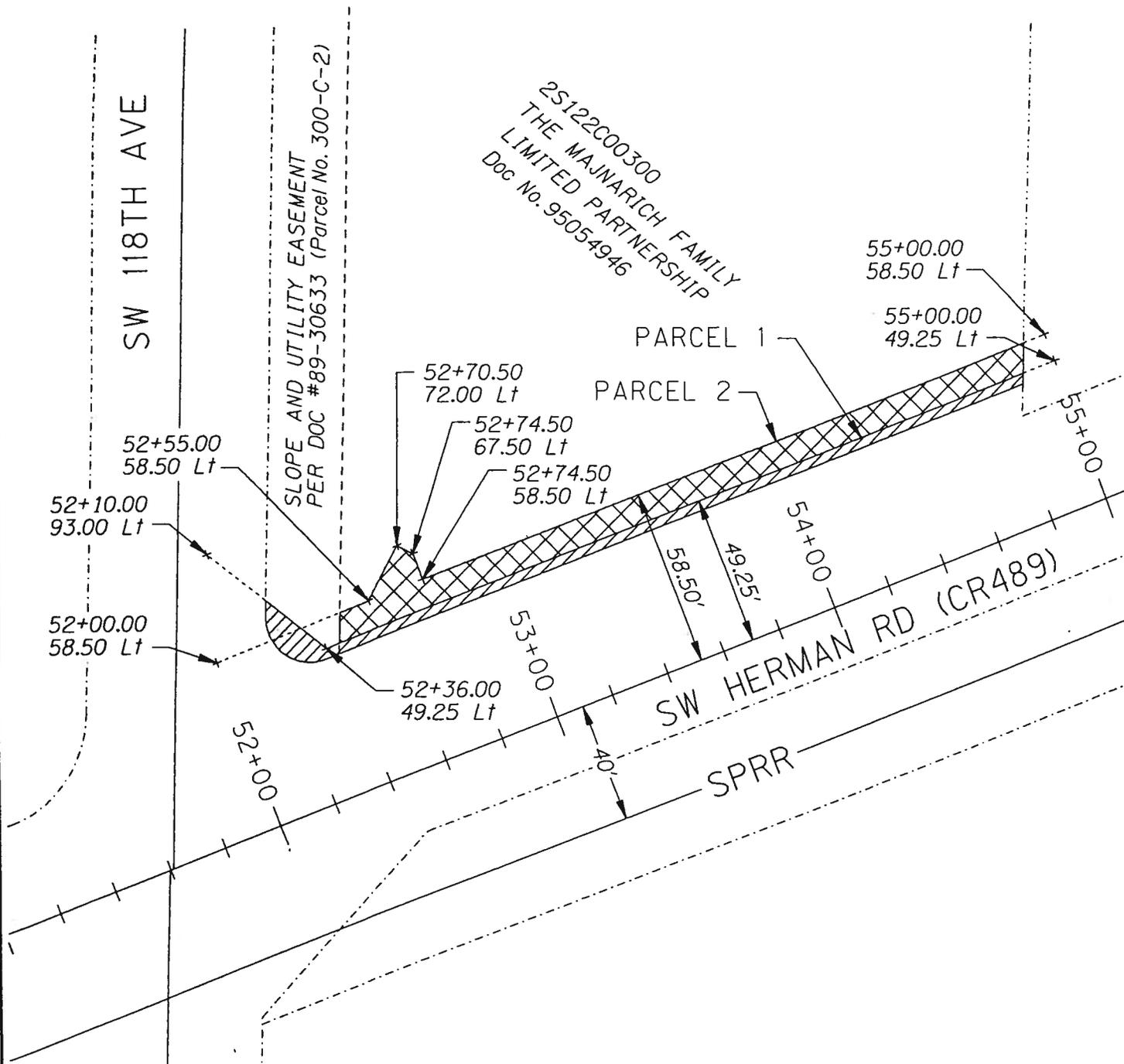
RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

2S122C00300
THE MAJNARICH FAMILY
LIMITED PARTNERSHIP
Doc No. 95054946

SW 118TH AVE

SLOPE AND UTILITY EASEMENT
PER DOC #89-30633 (Parcel No. 300-C-2)



PARCEL 1
RIGHT OF WAY DEDICATION

PARCEL 2
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Silvey LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Twelve Thousand Nine Hundred Forty-Three and No/100 Dollars (\$12,943.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, ²⁰⁰⁸ 2007

Silvey LLC

David Silvey
Name (print or type)

Name (print or type)

[Signature]
Signature

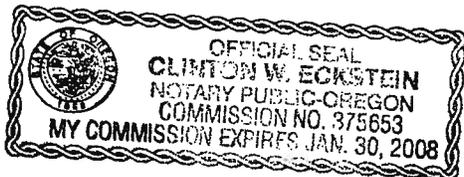
Signature

owner
Title

Title

STATE OF OREGON)
County of Washington) ss)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and owner who are known to be the owner and _____ of Silvey LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

EXHIBIT A

Herman Road Improvement Project
June 25, 2007

Tax Map No. 2S122C 0801
SILVEY LLC

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

SW HERMAN ROAD
STATION

WIDTH ON NORTHERLY SIDE OF
CENTERLINE

From 39+75.00
To 40+30.00

40.00 feet in a straight line to 41.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 28 square feet, more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

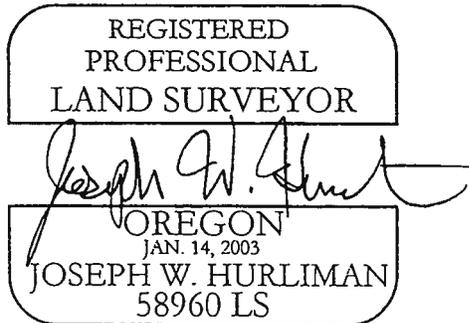
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 38+89.00 To 39+64.00	46.00 feet
From 39+64.00 To 40+35.00	46.00 feet in a straight line to 48.50 feet

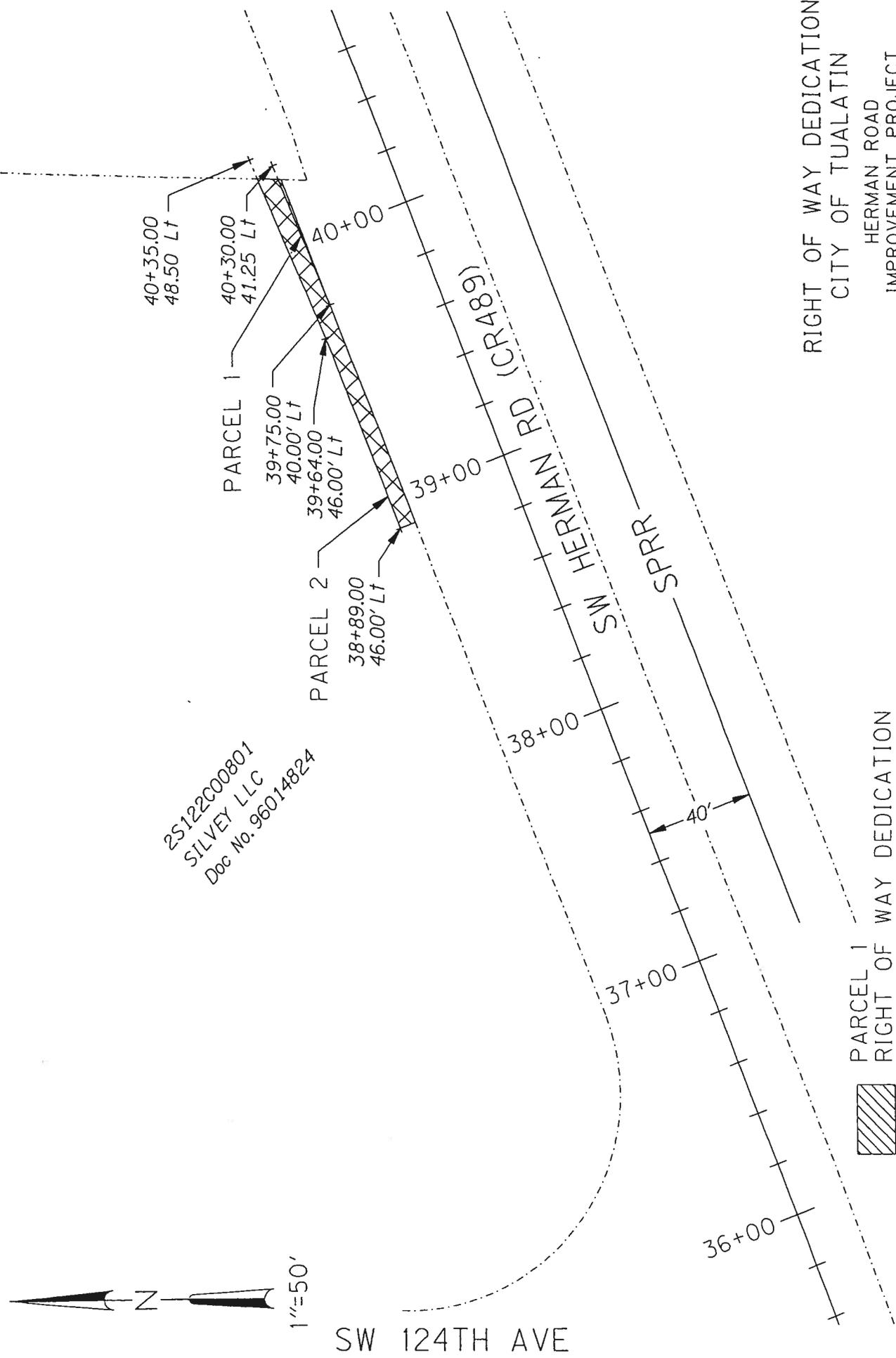
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 862 square feet (0.02 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B



RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

“EXCEPTED ENCUMBRANCES”

8. Tualatin city lien(s), if any. None shown as of October 24, 2007.
9. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
10. The herein described property lies within the boundaries of an Urban Renewal Plan.
For: Tualatin Urban Renewal Plan and Tualatin Central Urban Renewal Plan
11. Street Improvement Agreement, including the terms and provisions thereof,
Between: Suburban Door Co
And: City of Tualatin
Recorded Date: June 16, 1989
Recording Number: 89-039700
12. Easement, including the terms and provisions thereof,
From: David Silvey and Krista L. Silvey
To: City of Tualatin
Recorded Date: May 25, 1990
Recording Number: 90-26862, re-recorded October 26, 1990 as Fee No. 90-59346
13. Street Improvement Agreement for SW 124th Avenue, including the terms and provisions thereof,
Between: David Silvey
And: City of Tualatin
Recorded Date: May 6, 1994
Recording Number: 94018189, re-recorded May 6, 1994 as No. 94-044700
14. Leveton Tax Increment Plan of the City of Tualatin Ordinance No. 998-98, including the terms and provisions thereof,
Recorded Date: June 29, 1998
Recording Number: 98069448; amended by Ordinance No. 1036-99 recorded December 29, 1999 as Fee 99140674; amended December 18, 2001 as Fee 2001-131620 and amended May 23, 2002 as Fee 2002-059374
15. Easement Agreement, including the terms and provisions thereof,
Between: Silvey LLC, an Oregon limited liability company
And: Herman Properties, LLC, a limited liability company
Dated: June 12, 1998
Recorded Date: July 28, 1998
Recording Number: 98082182
For: Road purposes only for access and to construct, reconstruct, maintain and repair. Expenses for maintaining the road shall be paid by Grantee.
Affects: Leg of Parcel 1 for benefit of Lots 7 and 8

“EXCEPTED ENCUMBRANCES”

(Pg. 2)

16. Easement, including the terms and provisions thereof,
To: City of Tualatin
Recorded Date: July 18, 2000
Recording Number: 2000056920
For: Slopes and utilities
Affects: Northwest portion of Parcel 1

17. Easement, including the terms and provisions thereof,
To: City of Tualatin
Recorded Date: July 18, 2000
Recording Number: 2000056921
For: Slope and public utilities
Affects: Northwest portion of Parcel 1



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Twenty-Four Thousand Six Hundred Sixty-Six and No/100 Dollars (\$24,666.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, ²⁰⁰⁸~~2007~~

Herman Properties LLC

David Silver
Name (print or type)

Name (print or type)

David Silver
Signature

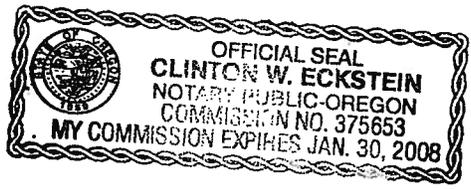
Signature

owner
Title

Title

STATE OF OREGON)
County of Washington) ss
)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVER and OWNER who are known to be the OWNER and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0606
Herman Properties, L.L.C.**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 43+60.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,088 square feet (0.048 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

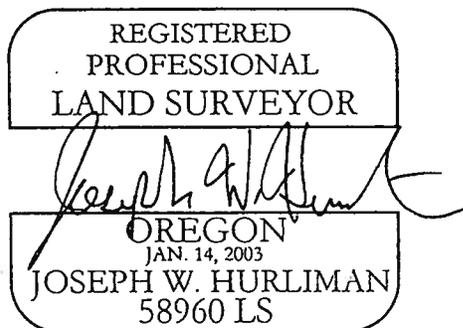
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+17.00 To 42+19.50	56.25 feet
From 42+19.50 To 42+25.50	63.75 feet
From 42+25.50 To 43+60.00	56.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

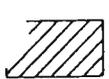
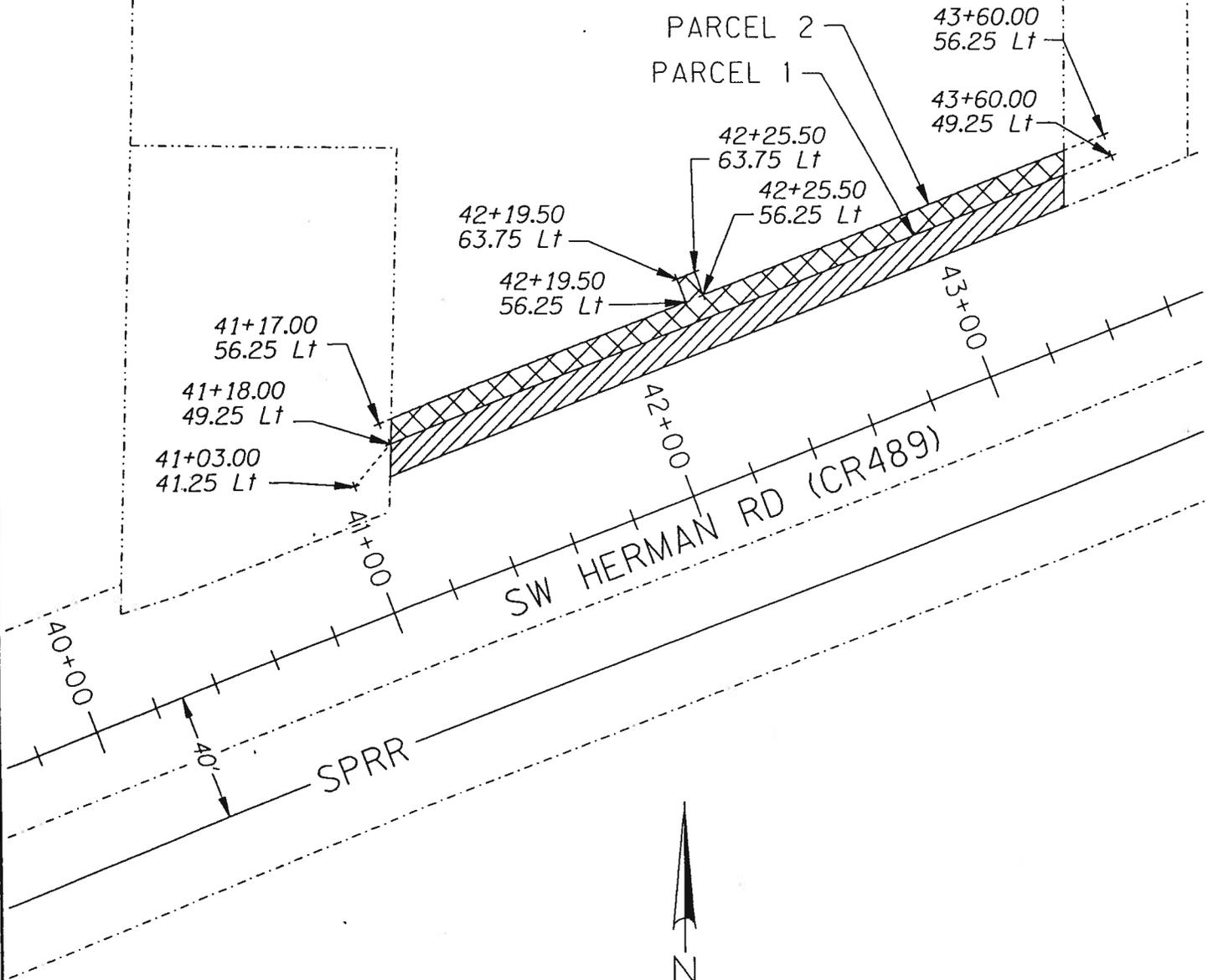
This area of land contains 1,624 square feet (0.037 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

2S122C00606
Herman Properties, L.L.C.
Doc No. 2000003703



PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT

1"=50'



RIGHT OF WAY DEDICATION
CITY OF TUALATIN

HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

“EXCEPTED ENCUMBRANCES”

7. Tualatin city lien(s), if any. None shown as of October 23, 2007.
8. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
9. Ordinance No. 685-86, including the terms and provisions thereof,
Filed By: City of Tualatin
Recorded Date: January 27, 1986
Recording Number: 86003933
10. Ordinance No. 684-86, including the terms and provisions thereof,
Filed By: City of Tualatin
Recorded Date: January 27, 1986
Recording Number: 86003934
11. Easement Agreement, including the terms and provisions thereof,
Between: Silvey LLC, an Oregon limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: June 12, 1998
Recorded Date: July 28, 1998
Recording Number: 98082182
12. Street Improvement Agreement, including the terms and provisions thereof,
Between: David Silvey
And: City of Tualatin
Recorded Date: August 28, 1998
Recording Number: 98095332
13. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087080
For: Waterline
14. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087081
For: Waterline

"EXCEPTED ENCUMBRANCES"

(Pg. 2)

15. Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087082
For: Sewer and storm drainage purpose

16. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087083
For: Access purposes

17. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087084
For: Access purposes

18. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087085
For: Parking, loading and pedestrian purposes



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Ten Thousand Five Hundred Nineteen and No/100 Dollars (\$10,519.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, ²⁰⁰⁸ 2007

Herman Properties LLC

David Silvey
Name (print or type)

Name (print or type)

David Silvey
Signature

Signature

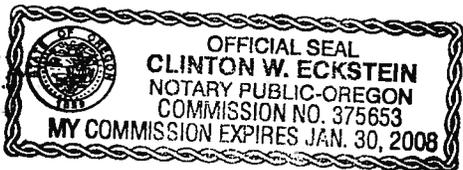
owner
Title

Title

STATE OF OREGON)
County of Washington) ss)

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and _____ who are known to be the

owner and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0602
Herman Properties LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet
From 40+30.00 To 41+03.00	41.25 feet
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 42+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 1,047 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

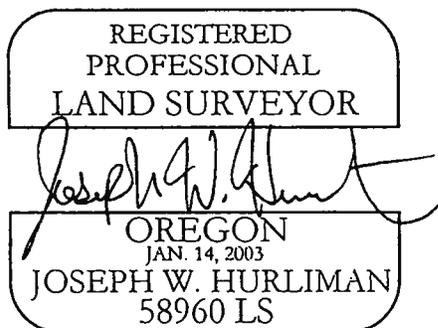
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 40+20.00 To 41+03.00	49.25 feet
From 41+03.00 To 41+17.00	49.25 feet in a straight line to 56.25 feet
From 41+17.00 To 42+00.00	56.25 feet

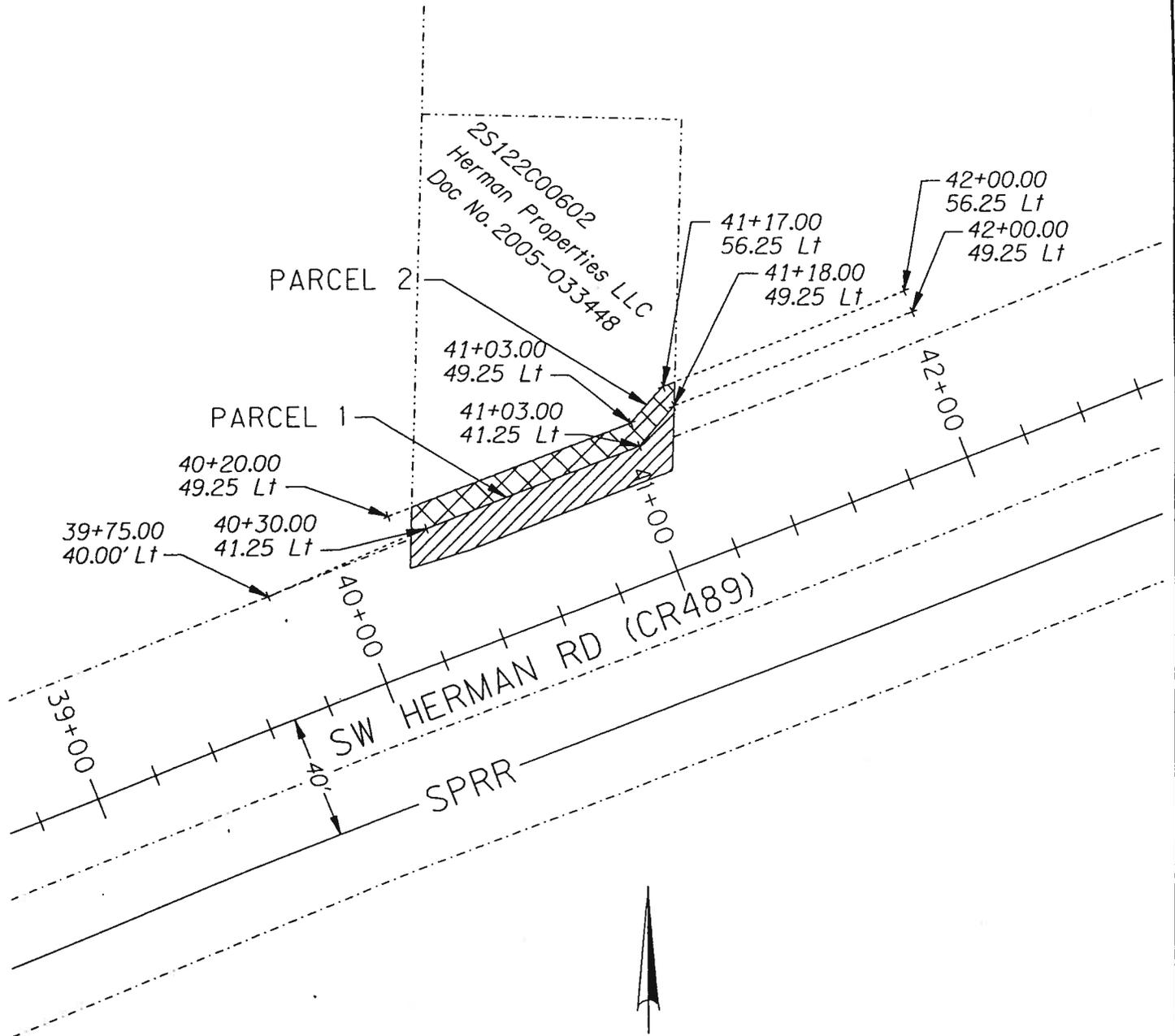
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 740 square feet (0.017 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B



PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN

HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

“EXCEPTED ENCUMBRANCES”

7. Tualatin city lien(s), if any. None shown as of October 24, 2007.

8. Ordinance No. 674-85, an Ordinance adopting the Leveton Tax Increment Plan and Amending the Tualatin Development Code, including the terms and provisions thereof,
Recorded Date: September 24, 1985
Recording Number: 85037690, amended by Ordinance No. 676-85 September 24, 1985, Fee No. 85037691 and further amended by Ordinance No. 777-89 September 15, 1989, Fee No. 89-44013, amended June 29, 19998, Fee No. 98069448, amended December 29, 1999, Fee No. 99140674, amended December 18, 2001, Fee No. 2001-131619 and Fee No. 2001-131620 and amended May 23, 2002, Fee No. 2002-059374

9. Slope and Public Utility Easement, including the terms and provisions thereof,
From: Wael M. Chamseddine and Becky Millemann, who acquired title as Becky Millmann
To: City of Tualatin, its successors in interest and assigns
Recorded Date: June 22, 2002
Recording Number: 2002-021407



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Four Thousand Two Hundred Ninety-Six and No/100 Dollars (\$4,296.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of Jan ²⁰⁰⁸ ~~2007~~

Herman Properties LLC

David Silvey
Name (print or type)

Name (print or type)

David Silvey
Signature

Signature

owner
Title

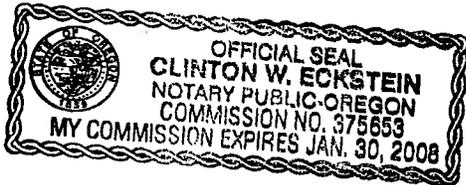
Title

STATE OF OREGON)
County of Washington) ss

On this 3 day of January, 2008 before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and _____ who are known to be the owner and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08



CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0605
Herman Properties, L.L.C.**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

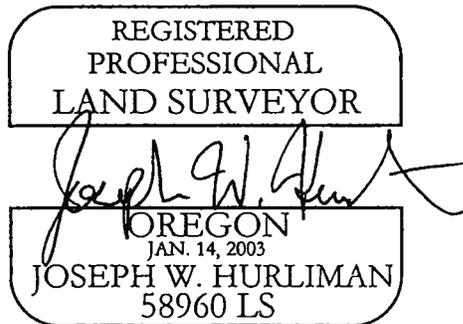
EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

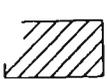
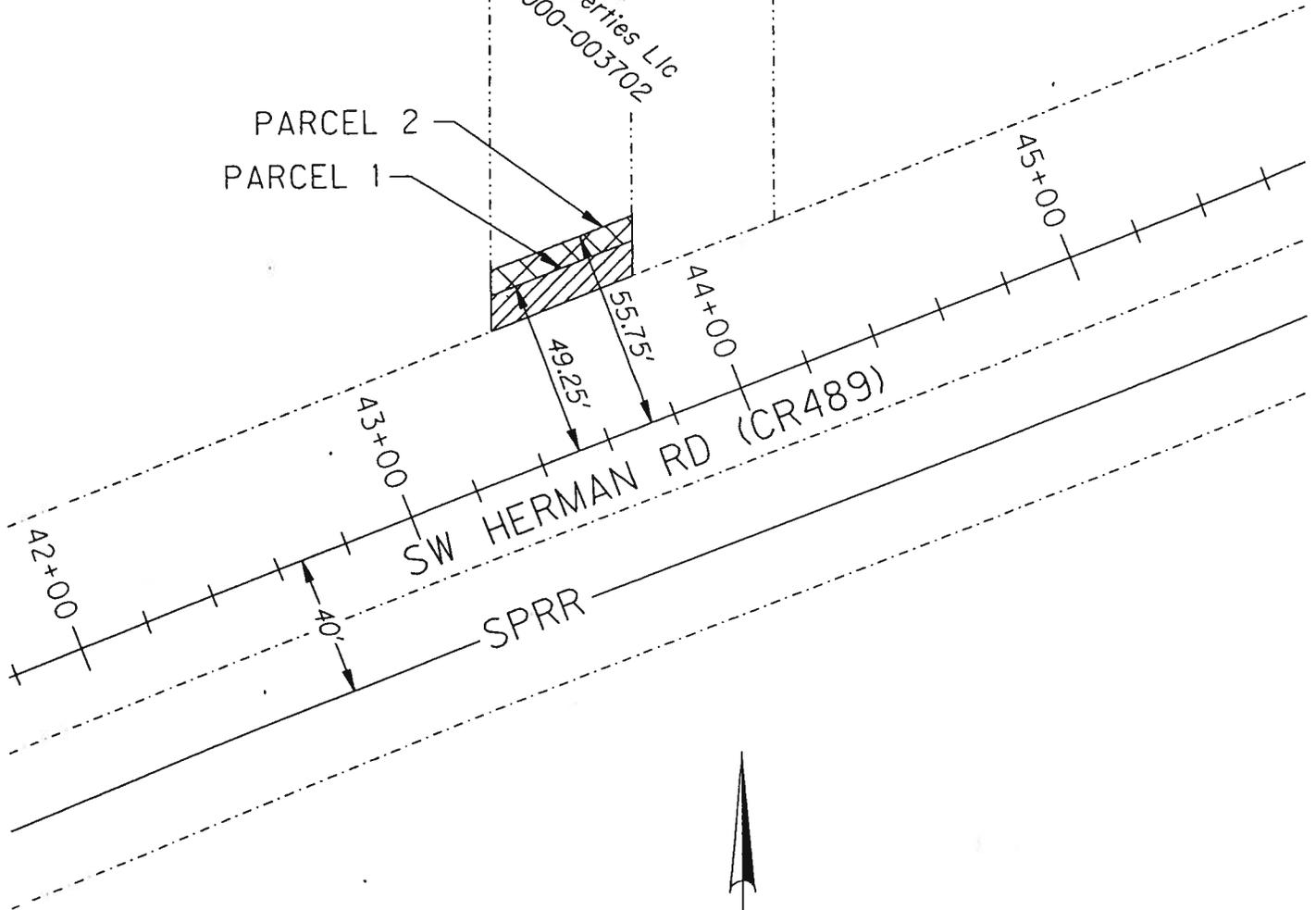


RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

25122C00605
Herman Properties LLC
Doc No. 2000-003702

PARCEL 2
PARCEL 1



PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

“EXCEPTED ENCUMBRANCES”

8. Tualatin city lien(s), if any. None shown as of October 26, 2007.
9. A real property transfer tax will be imposed at the rate of \$1.00 per \$1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.
10. Ordinance No. 685-86, including the terms and provisions thereof,
Filed By: City of Tualatin
Recorded Date: January 27, 1986
Recording Number: 86003933
11. Ordinance No. 684-86, including the terms and provisions thereof,
Filed By: City of Tualatin
Recorded Date: January 27, 1986
Recording Number: 86003934
12. Easement Agreement, including the terms and provisions thereof,
Between: Silvey LLC, an Oregon limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: June 12, 1998
Recorded Date: July 28, 1998
Recording Number: 98082182
13. Street Improvement Agreement, including the terms and provisions thereof,
Between: David Silvey
And: City of Tualatin
Recorded Date: August 28, 1998
Recording Number: 98095332
14. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087080
For: Waterline
15. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087081
For: Waterline
16. Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087082
For: Sewer and storm drainage purpose

"EXCEPTED ENCUMBRANCES"

(Pg. 2)

17. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087083
For: Access purposes

18. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087084
For: Access purposes

19. Reciprocal Easement Agreement, including the terms and provisions thereof,
Between: Herman Properties, L.L.C., a limited liability company
And: Herman Properties, L.L.C., a limited liability company
Dated: August 22, 2001
Recorded Date: August 28, 2001
Recording Number: 2001087085
For: Parking, loading and pedestrian purposes



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Clown Nose Properties LLC (the "GRANTOR") grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is Four Thousand Eight Hundred Eighty-Two and No/100 Dollars (\$4,882.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0604
Clown Nose Properties, LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Clown Nose Properties, LLC, a LLC, recorded on May 6, 2004, in Document No. 2004-050164, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

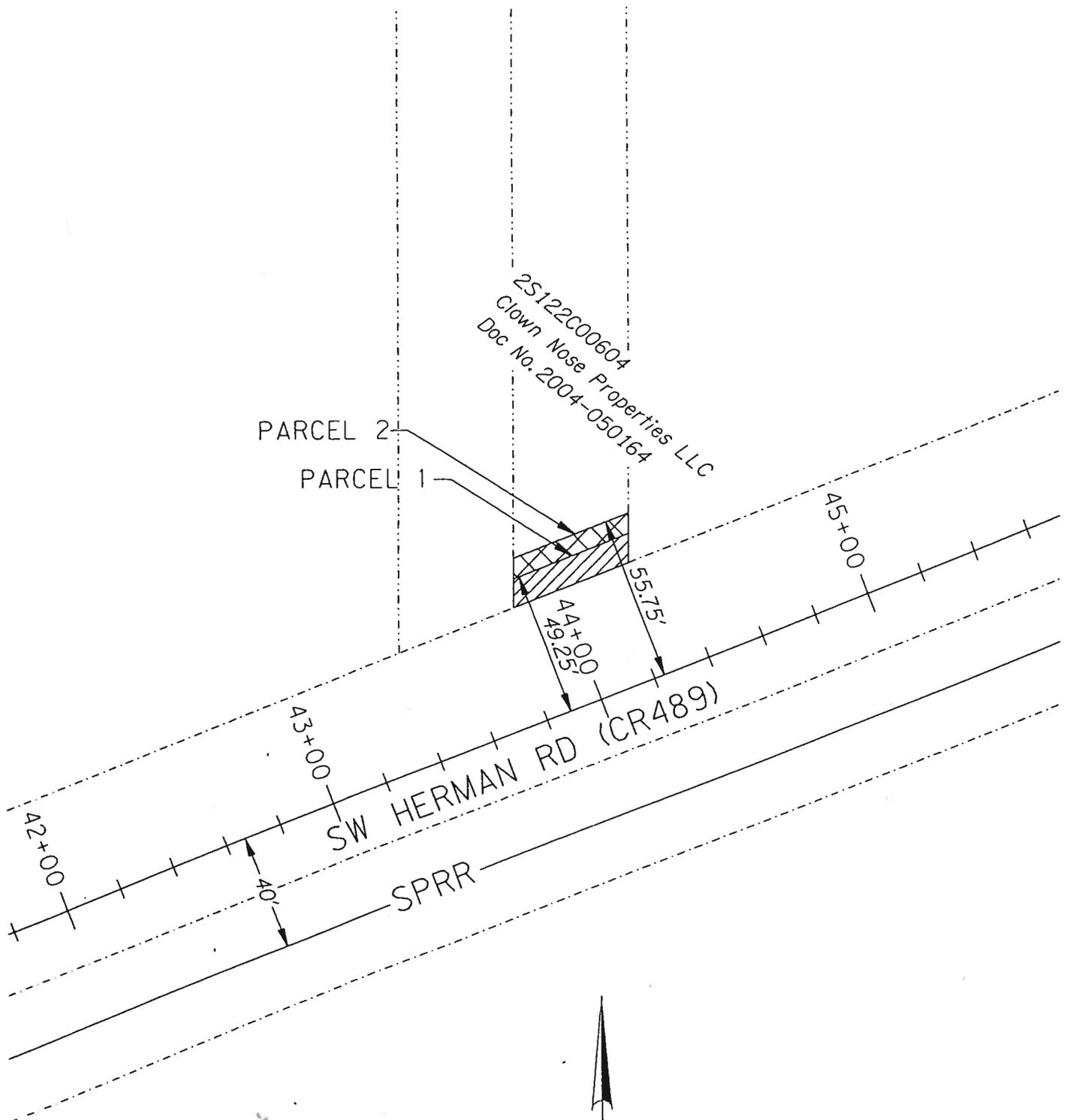

OREGON
JAN. 14, 2003
JOSEPH W. HURLIMAN
58960 LS

RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

25122C00604
Crown Nose Properties LLC
Doc No. 2004-050164

PARCEL 2
PARCEL 1



-  PARCEL 1
-  PARCEL 2
- RIGHT OF WAY DEDICATION
- SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

"EXCEPTED ENCUMBRANCES"

9. City of Tualatin Ordinance No. 685-86, including the terms and provisions thereof,
Recorded Date: January 27, 1986
Recording Number: 86003933
For: Establishing connection charge in lieu of assessment in connection with Sanitary Sewer LID No. 33-83-SS

10. City of Tualatin Ordinance No. 684-86, including the terms and provisions thereof,
Recorded Date: January 27, 1986
Recording Number: 86003934
For: Connection charges in lieu of assessment in connection with water system LID No. 32-83-WA

11. Easement Agreement, including the terms and provisions thereof,
Between: Silvey LLC
And: Herman Properties, L.L.C.
Recorded Date: July 28, 1998
Recording Number: 98082182
For: Access roadway
Affects: Appurtenant roadway easement

12. Street Improvement Agreement, including the terms and provisions thereof,
Between: David Silvey
And: City of Tualatin
Recorded Date: August 28, 1998
Recording Number: 98095332

13. Reciprocal Easement for Water Line, including the terms and provisions thereof,
From: Herman Properties, L.L.C.
To: Herman Properties, L.L.C.
Recorded Date: August 28, 2001
Recording Number: 2001087080

14. Reciprocal Easement for Water Line, including the terms and provisions thereof,
From: Herman Properties, L.L.C.
To: Herman Properties, L.L.C.
Recorded Date: August 28, 2001
Recording Number: 2001087081

15. Easement Agreement for Sewer and Storm Drainage Purpose, including the terms and provisions thereof,
Executed By: Herman Properties, L.L.C.
Recorded Date: August 28, 2001
Recording Number: 2001087082

16. Reciprocal Easement Agreement for Access Purposes, including the terms and provisions thereof,
Executed By: Herman Properties, L.L.C.
Recorded Date: August 28, 2001
Recording Number: 2001087083

"EXCEPTED ENCUMBRANCES"

(Pg. 2)

17. Reciprocal Easement Agreement for Access Purposes, including the terms and provisions thereof,

From: Herman Properties, L.L.C.

To: Herman Properties, L.L.C.

Recorded Date: August 28, 2001

Recording Number: 2001087084

18. Reciprocal Easement Agreement for Parking, Loading and Pedestrian Purposes, including the terms and provisions thereof,

Executed By: Herman Properties, L.L.C.

Recorded Date: August 28, 2001

Recording Number: 2001087085



CITY OF TUALATIN, OREGON
SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that The Majnarich Family Limited Partnership (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Two Thousand Eight Hundred Thirty and No/100 Dollars (\$2,830.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20th day of December, 2007

The Majnarich Family Limited Partnership

CHARLES G. MAJNARICH

Name (print or type)

Charles G Majnarich
Signature

GENERAL PARTNER

Title

BILLIE M. MAJNARICH

Name (print or type)

Billie M. Majnarich
Signature

GENERAL PARTNER

Title

STATE OF OREGON)
) ss
County of Washington)

On this 20th day of December, 2007, before me, the undersigned, a Notary Public, personally appeared Charles Majnarich and Billie Majnarich who are known to be the General Partner and General Partner of The Majnarich Family Limited Partnership and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Cheryl L Rahn
Notary Public for Oregon

My commission expires: 2/13/2010



CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

Eas/Slope_Utility TDC

EXHIBIT A

**Herman Road Improvement Project
June 26, 2007**

**Tax Map No. 2S122C 0300
THE MAJNARICH FAMILY
LIMITED PARTNERSHIP**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+10.00 To 52+36.00	93.00 feet in a straight line to 49.25 feet
From 52+36.00 To 55+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT therefrom that portion lying within the existing right-of-way or SW 118th Ave.

This area of land contains 1,027 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

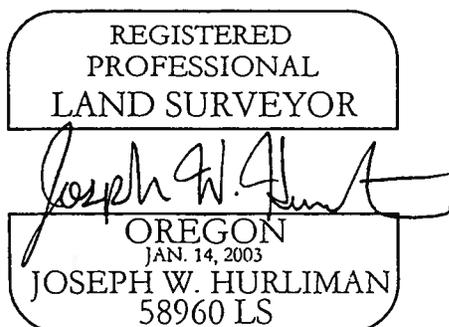
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to THE MAJNARICH FAMILY LIMITED PARTNERSHIP, recorded on August 7, 1995, in Document No. 95054946, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 52+00.00 To 52+55.00	58.50 feet
From 52+55.00 To 52+70.50	58.50 feet in a straight line to 72.00 feet
From 52+70.50 To 52+74.50	72.00 feet in a straight line to 67.50 feet
From 52+74.50 To 55+00.00	58.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), EXCEPT therefrom that portion lying within the existing right-of-way or SW 118th Ave., EXCEPT that portion described in PARCEL 1, and EXCEPT that portion lying within the Slope and Utility Easement per Doc #89-30633, Parcel No. 300-C-2.

This area of land contains 2,440 square feet (0.056 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

25122000300
THE MAJNARICH FAMILY
LIMITED PARTNERSHIP
Doc No. 95054946

SW 118TH AVE

SLOPE AND UTILITY EASEMENT
PER DOC #89-30633 (Parcel No. 300-C-2)

55+00.00
58.50 Lt

55+00.00
49.25 Lt

PARCEL 1

PARCEL 2

52+70.50
72.00 Lt

52+74.50
67.50 Lt

52+74.50
58.50 Lt

52+55.00
58.50 Lt

52+10.00
93.00 Lt

52+00.00
58.50 Lt

52+36.00
49.25 Lt

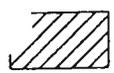
53+00

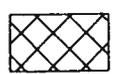
SW HERMAN RD (CR489)

SPRR

52+00



 PARCEL 1
RIGHT OF WAY DEDICATION

 PARCEL 2
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Silvey LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Nine Hundred Fifty-Seven and No/100 Dollars (\$957.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0801
SILVEY LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 28 square feet, more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

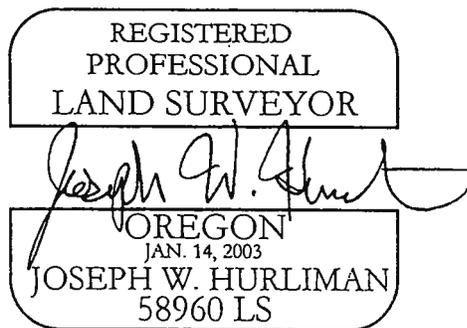
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to SILVEY LLC, an Oregon Limited Liability Company, recorded on February 21, 1996, in Document No. 96014824, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 38+89.00 To 39+64.00	46.00 feet
From 39+64.00 To 40+35.00	46.00 feet in a straight line to 48.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 862 square feet (0.02 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

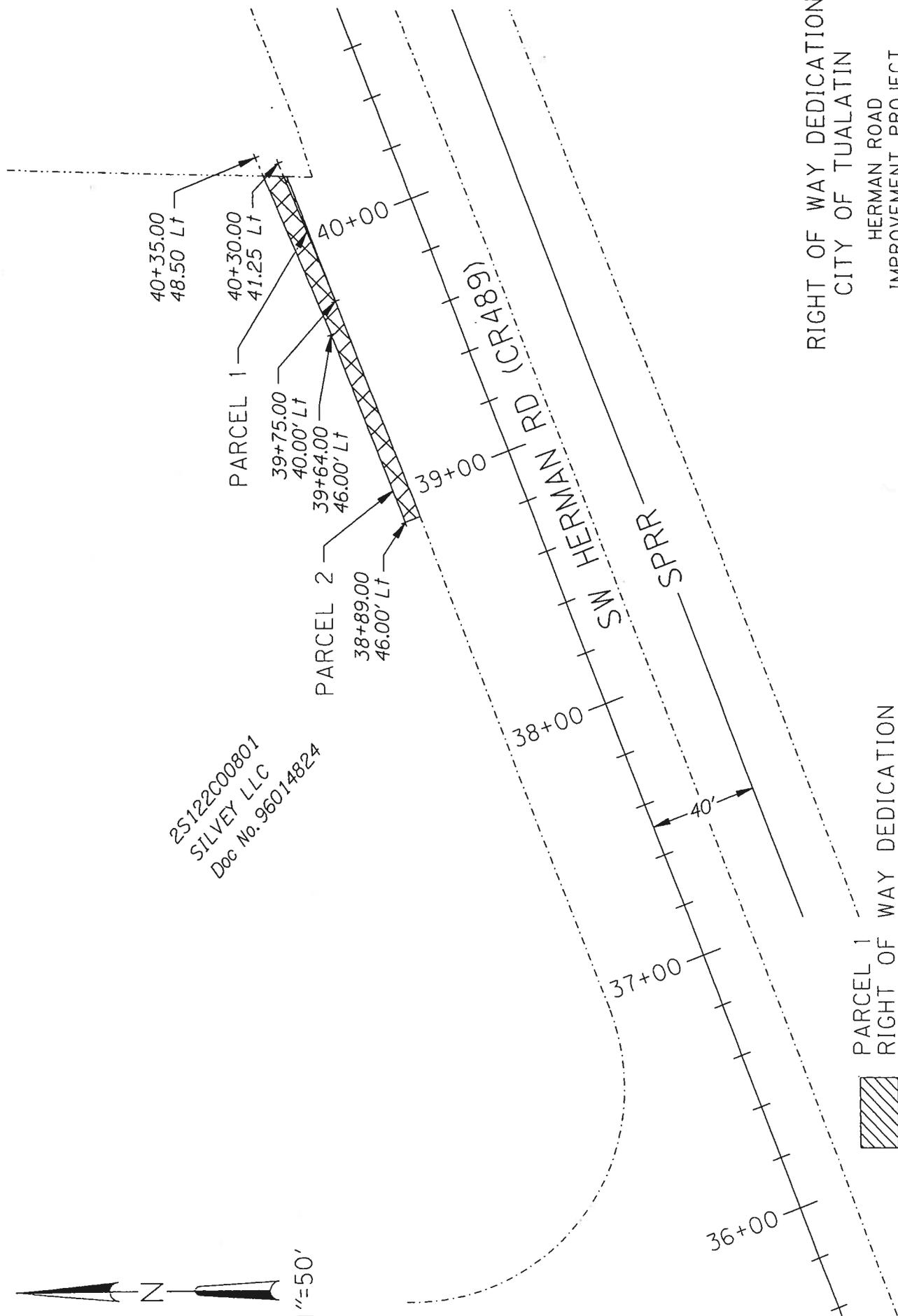
EXHIBIT B



1"=50'

25122C00801
SILVEY LLC
Doc No. 96014824

SW 124TH AVE



RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

PARCEL 1
RIGHT OF WAY DEDICATION

PARCEL 2
SLOPE AND UTILITY EASEMENT



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of One Thousand Eight Hundred Eighty-Four and No/100 Dollars (\$1,884.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, ²⁰⁰⁸2007

Herman Properties LLC

David Silvey
Name (print or type)

Name (print or type)

David Silvey
Signature

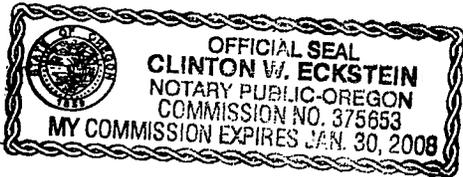
Signature

owner
Title

Title

STATE OF OREGON)
County of Washington) ss

On this 3 day of January, 2008 before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and OWNER who are known to be the OWNER and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:
By [Signature]
City Recorder

Eas/Slope_Utility TDC

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0606
Herman Properties, L.L.C.**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 43+60.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,088 square feet (0.048 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

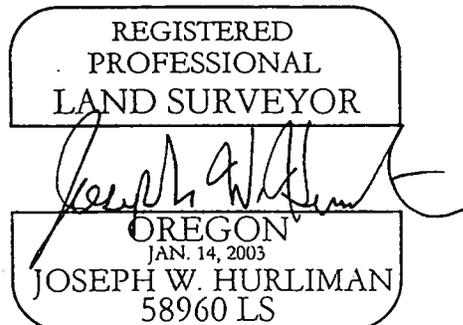
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003703, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 41+17.00 To 42+19.50	56.25 feet
From 42+19.50 To 42+25.50	63.75 feet
From 42+25.50 To 43+60.00	56.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

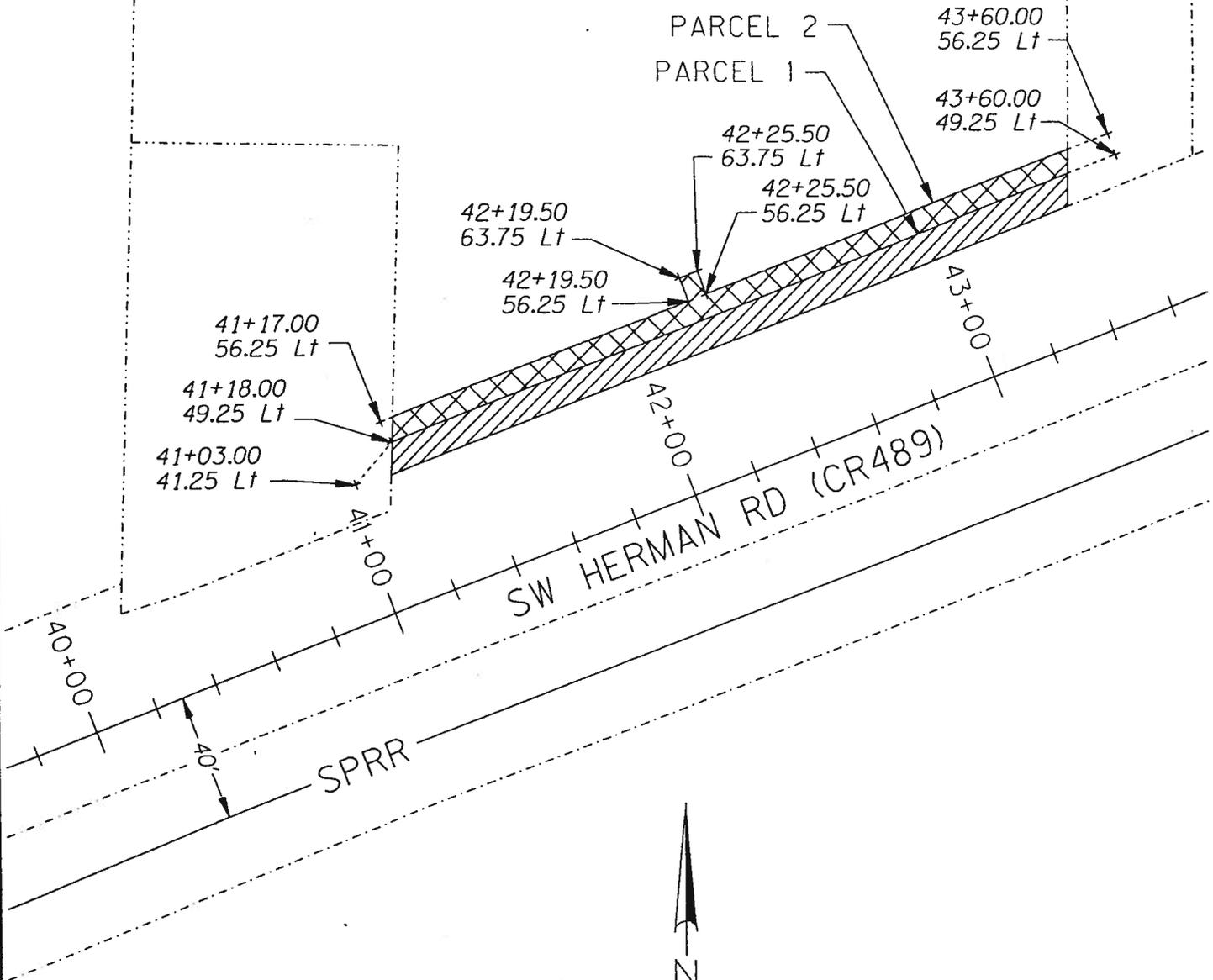
This area of land contains 1,624 square feet (0.037 acres), more or less.



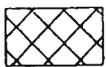
RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

25122000606
Herman Properties, L.L.C.
Doc No. 2000003703

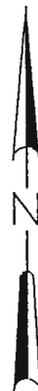


PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT

1"=50'



RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Eight Hundred Eighty-One and No/100 Dollars (\$881.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of January, ~~2007~~ ²⁰⁰⁸

Herman Properties LLC

David Silvey
Name (print or type)

Name (print or type)

David Silvey
Signature

Signature

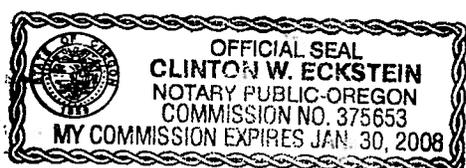
owner
Title

Title

STATE OF OREGON)
County of Washington) ss

On this 3 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared DAVID SILVEY and owner who are known to be the

and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
City Recorder

Eas/Slope_Utility TDC

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0602
Herman Properties LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 39+75.00 To 40+30.00	40.00 feet in a straight line to 41.25 feet
From 40+30.00 To 41+03.00	41.25 feet
From 41+03.00 To 41+18.00	41.25 feet in a straight line to 49.25 feet
From 41+18.00 To 42+00.00	49.25 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 1,047 square feet (0.024 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties LLC, a LLC, recorded on March 30, 2005, in Document No. 2005-033448, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 40+20.00 To 41+03.00	49.25 feet
From 41+03.00 To 41+17.00	49.25 feet in a straight line to 56.25 feet
From 41+17.00 To 42+00.00	56.25 feet

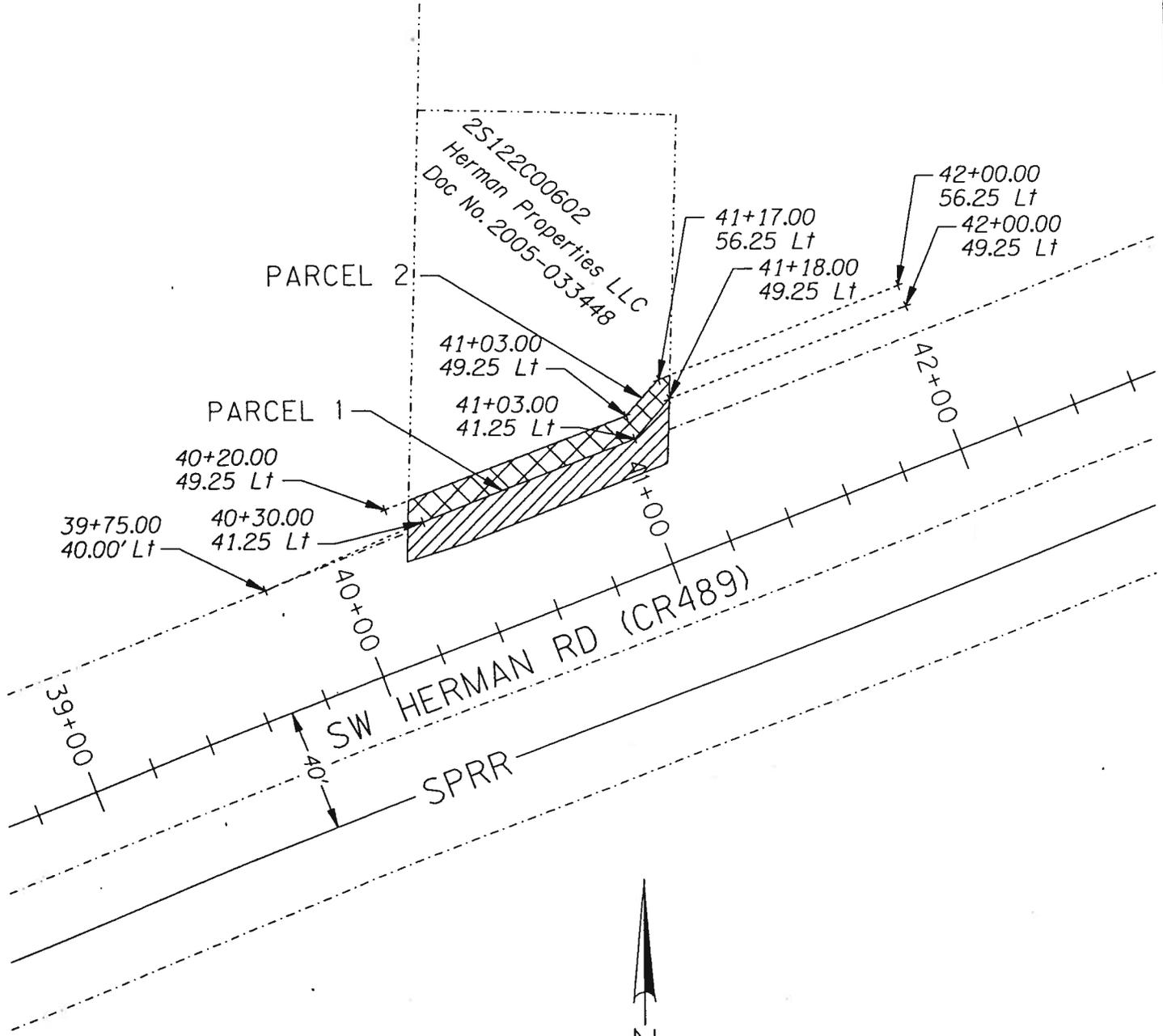
EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 740 square feet (0.017 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B



25122C00602
Herman Properties LLC
Doc No. 2005-033448

PARCEL 2

PARCEL 1

41+03.00
49.25 Lt

41+03.00
41.25 Lt

41+17.00
56.25 Lt

41+18.00
49.25 Lt

42+00.00
56.25 Lt

42+00.00
49.25 Lt

40+20.00
49.25 Lt

40+30.00
41.25 Lt

39+75.00
40.00' Lt

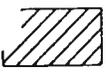
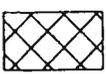
40+00

41+00

42+00

SW HERMAN RD (CR489)

SPRR

-  PARCEL 1
RIGHT OF WAY DEDICATION
-  PARCEL 2
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Herman Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Three Hundred Twenty-Nine and No/100 Dollars (\$329.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 3 day of Jan, ²⁰⁰⁸~~2007~~

Herman Properties LLC

David Silver
Name (print or type)

Name (print or type)

David Silver
Signature

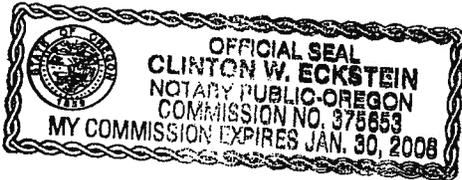
Signature

owner
Title

Title

STATE OF OREGON)
County of Washington) ss)

On this 3 day of January, 2008 before me, the undersigned, a Notary Public, personally appeared DAVID SILVER and owner who are known to be the owner and _____ of Herman Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me Clinton W. Eckstein
Notary Public for Oregon

My commission expires: 1/30/08

CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
City Recorder

Eas/Slope_Utility TDC

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0605
Herman Properties, L.L.C.**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 49.25 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 397 square feet (0.009 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to Herman Properties, L.L.C., recorded on January 19, 2000, in Document No. 2000003702, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 55.75 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

This area of land contains 279 square feet (0.006 acres), more or less.

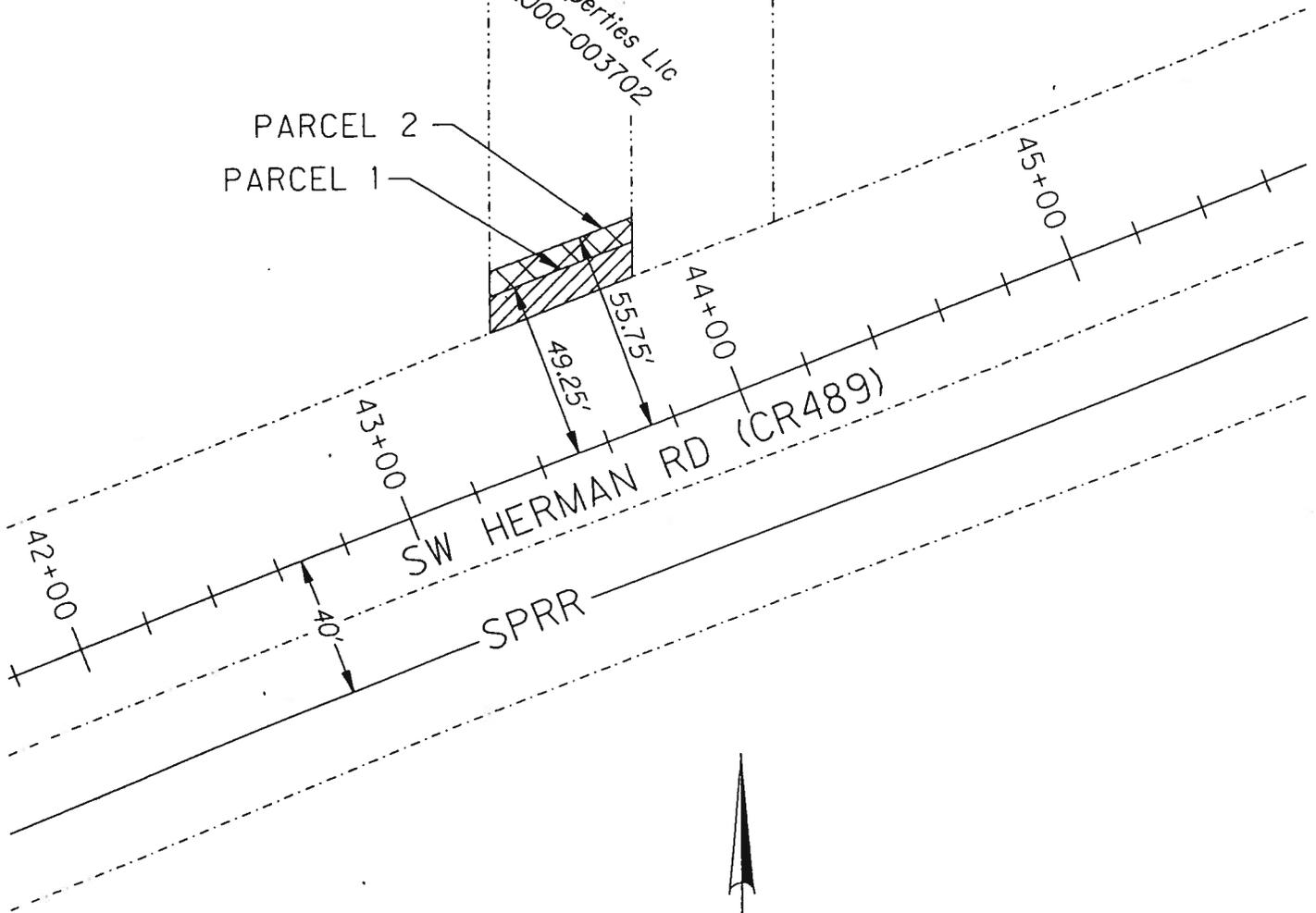


RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

25122C00605
Herman Properties LLC
Doc No. 2000-003702

PARCEL 2
PARCEL 1



PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN

HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Clown Nose Properties LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of Three Hundred Eighteen and No/100 Dollars (\$318.00) or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 20 day of DECEMBER, 2007

Clown Nose Properties LLC

JOHN CHAPMAN
Name (print or type)

Amy McGinnis
Name (print or type)

[Signature]
Signature

[Signature]
Signature

MANAGING MEMBER
Title

Member
Title

STATE OF OREGON)
) ss
County of Washington)

On this 20 day of December, 2007, before me, the undersigned, a Notary Public, personally appeared John Chapman and Amy McGinnis who are known to be the managing member and Member of Clown Nose Properties LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Janice L Davis
Notary Public for Oregon

My commission expires: May 18, 2011



CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:
By [Signature]
City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122C 0604
Clown Nose Properties, LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

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Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

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This area of land contains 397 square feet (0.009 acres), more or less.

EXHIBIT A -Continued

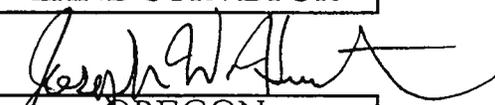
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EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

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REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JAN. 14, 2003
JOSEPH W. HURLIMAN
58960 LS

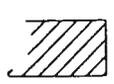
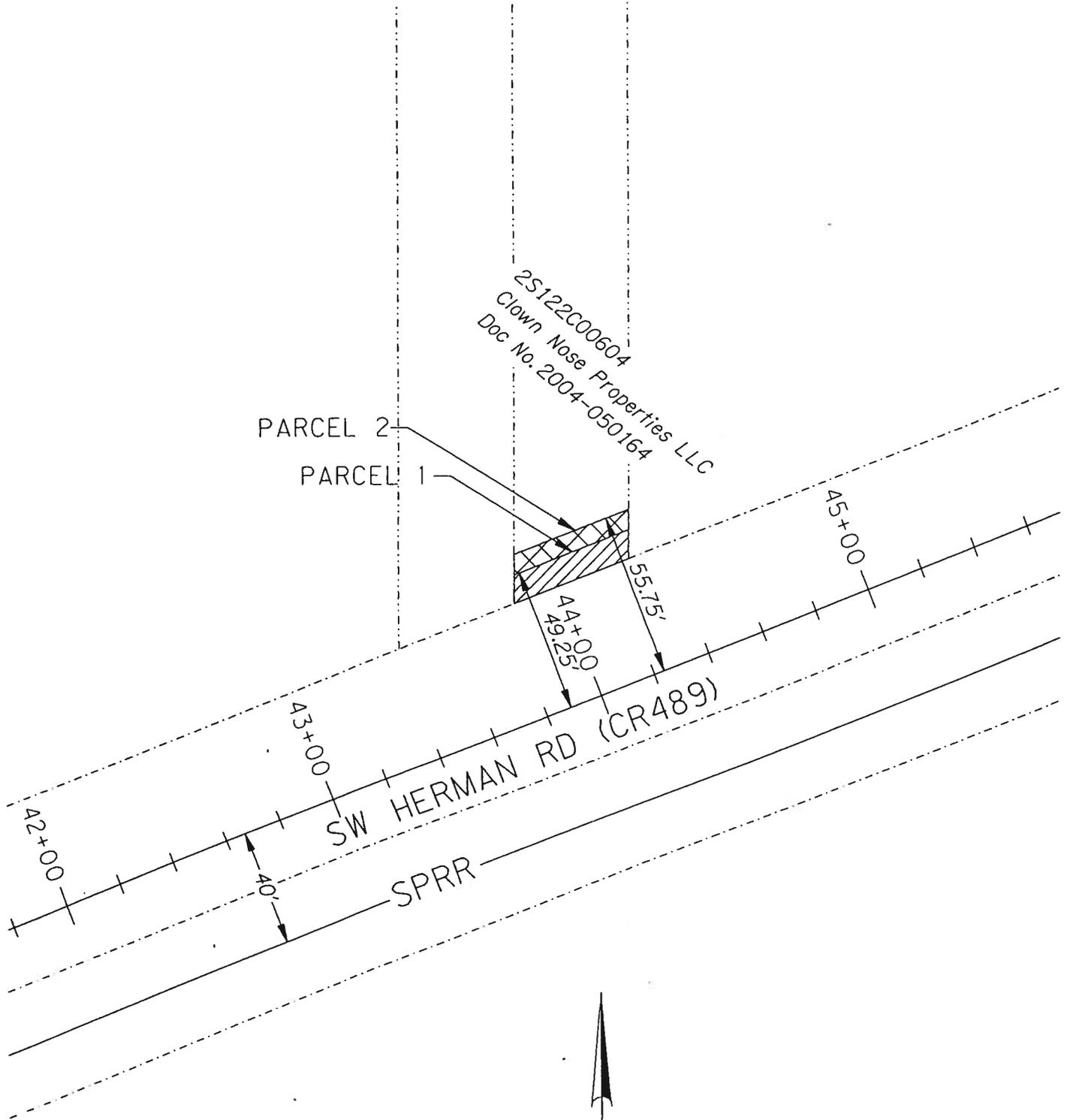
RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

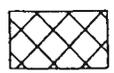
25122C00604
Clown Nose Properties LLC
Doc No. 2004-050164

PARCEL 2

PARCEL 1



PARCEL 1
RIGHT OF WAY DEDICATION



PARCEL 2
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 2-11-08

Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MCK*
Jon L. Sparks, Engineering Technician II *JLS*

DATE: February 11, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR ALL STAR MINI STORAGE (aka TUALATIN STORAGE)

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with All Star Mini Storage, located at 18270 SW Pacific Highway.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution approving and accepting the constructed public improvements.

EXECUTIVE SUMMARY:

All public improvements were constructed as part of All Star Mini Storage.

The improvements were done as required by the Public Facilities Decision issued on September 27, 2006, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

M:/STAFF REPORTS/PI ALL STAR MINI STORAGE

Attachments: A. Resolution

RESOLUTION NO. 4753-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR ALL STAR MNI STORAGE

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued GSW Development, LLC, (development subsequently purchased by Kevin Howard Real Estate) hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 06-25 to install sanitary sewer, storm sewer, and water line connections, water meter, and the half street improvements on SW 126th Lane including asphalt concrete pavement, concrete curb, gutter and sidewalk in association with All Star Mini Storage, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Facilities Decision issued on September 27, 2006; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

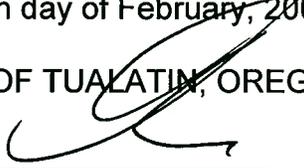
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. That the subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST
By  _____
City Recorder

Approved as to Form:


City Attorney

Resolution No. 4753-08



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager *SL*
DATE: February 11, 2008
SUBJECT: APPROVAL OF CHANGE OF OWNERSHIP LIQUOR LICENSE
APPLICATION FOR TUALATIN CHEVRON

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a change of ownership liquor license application for Tualatin Chevron.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Tualatin Chevron.

EXECUTIVE SUMMARY:

Tualatin Chevron has submitted a change of ownership liquor license application. The liquor license is for Off-Premises Sales with Fuel Pumps. The business is located at 9770 SW Tualatin-Sherwood Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

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

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

FINANCIAL IMPLICATIONS:

A fee of \$100 has been paid by the applicant.

Attachments: Vicinity Map



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*

DATE: February 11, 2008

SUBJECT: PROPOSED RENAMING OF A PORTION OF SW BOONES FERRY ROAD TO SW McEWAN ROAD

ISSUE BEFORE THE COUNCIL:

This staff report initiates the street name change process. This is a housekeeping item to change the name of the most easterly portion of SW Boones Ferry Road in Clackamas County.

RECOMMENDATION:

Staff recommends Council accept this recommendation to rename a portion of SW Boones Ferry Road, and the City Recorder be directed to give notice of the public hearing for February 25, 2008.

EXECUTIVE SUMMARY:

- This is not a public hearing. ORS 227.120 requires the Council to first recommend the renaming of any existing street. After the Council recommendation, a notice of public hearing will be published in *The Oregonian* and letters sent to the property and business owners that will be impacted.
- The proposed street name change will eliminate the current confusion of what is the correct street name in this area. Washington County Consolidated Communication Agency (WCCCA) raised the issue of eliminating the street name confusion for quick emergency response.
- Prior to the I-5 freeway interchange being constructed, Lower Boones Ferry Road (Market Road 13) ran straight from the Upper Boones Ferry Road/Boones Ferry Road intersection in Tualatin, east to the railroad tracks that are now the city limit lines between Tualatin and Lake Oswego. When the interchange was

built, the existing section of road in Washington County between I-5 and 65th Avenue was renamed SW McEwan Road. The existing piece of road in Clackamas County between 65th Avenue and its merge back into the new alignment of Lower Boones Ferry Road was named SW Boones Ferry Road (to match up with Lake Oswego dropping "Lower" from the street name).

On this short section of street between 65th Avenue and the merge, the businesses are using both Lower Boones Ferry Road and McEwan Road in their addresses. This causes confusion from customers since at least one of the buildings cannot be seen from the traveled Lower Boones Ferry Road. The manager of The Little Gym stated that the on-line map services do not show this section of street and he has to tell customers to turn left at McEwan Road so that they will find his business.

- This street name change is needed to match up the legal street names with the physical locations of the streets. This will assist response to emergency calls.
- Letters have been mailed out to WCCCA, CCOM (Clackamas County's 9-1-1 center), Clackamas County Surveyor, and ODOT. No objections were received.
- Prior to the public hearing a letter and copy of the Notice of Hearing will be sent to the property owners and businesses along this portion of street proposed to be renamed.

FINANCIAL IMPLICATIONS:

The Publication of Notice will be published once in *The Oregonian*. The approximate cost is \$350.

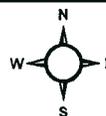
Attachments: Map

Street Name Change Proposal

Air Photo, June 2006



Street section proposed to be renamed McEwan Rd



RF 1:1,200

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 1/17/2008



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Paul Hennon, Community Services Director *PH*

DATE: February 11, 2008

SUBJECT: 2007 HERITAGE CENTER ANNUAL REPORT

ISSUE BEFORE THE COUNCIL:

Council will receive the 2007 Tualatin Heritage Center Annual Report and site plan for construction of the Heritage Center Phase 2 Patio Improvements Project.

RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) has reviewed the proposed site plan and supports the Tualatin Historical Society's request to construct the Heritage Center Phase 2 Patio Improvements Project subject to staff oversight and assistance in compliance with the site plan, construction specifications, architectural review, permit conditions and ORS prevailing wage rate requirements.

Staff respectfully recommends that the Council accept the 2007 Tualatin Heritage Center Annual Report and site plan for construction of the Heritage Center Phase 2 Patio Improvements Project.

EXECUTIVE SUMMARY:

The Tualatin Historical Society operates the Tualatin Heritage Center through a unique and successful partnership with the City of Tualatin. This is the second annual report. It is presented to Council on the exact date of the second anniversary of the February 11, 2005 opening of the Heritage Center following an extensive community fund-raising

campaign, relocation of the old Methodist Church building from its former site about a mile away, and significant renovation at the historic Sweek Pond site.

The Tualatin Historical Society is about to begin construction of the Heritage Center Phase 2 Patio Improvements Project. The Tualatin Historical Society has already raised sufficient funds and commitments of in-kind contributions to complete the patio project and has a reasonable contingency should costs exceed projections. Construction will begin soon and be complete sometime this summer.

OUTCOMES OF DECISION:

With acceptance of the report the Tualatin Historical Society fulfills its obligation to submit an annual report covering the prior year's operations of the Tualatin Heritage Center and will proceed with implementation of the Heritage Center Phase 2 Patio Improvements Project.

FINANCIAL IMPLICATIONS:

The improvements will be donated to the City upon completion and acceptance. The projected value of the planned improvements is approximately \$45,000. The patio will be maintained by the Parks Maintenance Division and maintenance impact is anticipated to be minor.

PUBLIC INVOLVEMENT:

The TPARK has reviewed the patio site plans. The 200-plus member Tualatin Historical Society has conducted a community fund-raising program to finance the costs of the patio and associated landscaping through a combination of engraved brick sales, and cash and/or in-kind contributions from local businesses, the Tualatin Rotary Club, and the Tualatin Historical Society.

Design Resources Group, a landscape design and construction business in Tualatin is providing design and construction management services at cost. Pumelite, a long-time Tualatin business, is providing pavers at a heavily discounted price. Pro Gro, another Tualatin business, is providing soil for planters.

Attachments: A. 2007 Tualatin Heritage Center Annual Report

C: Members of Tualatin Park Advisory Committee
 Larry McClure, Tualatin Heritage Center Director

2007 Heritage Center Annual Report

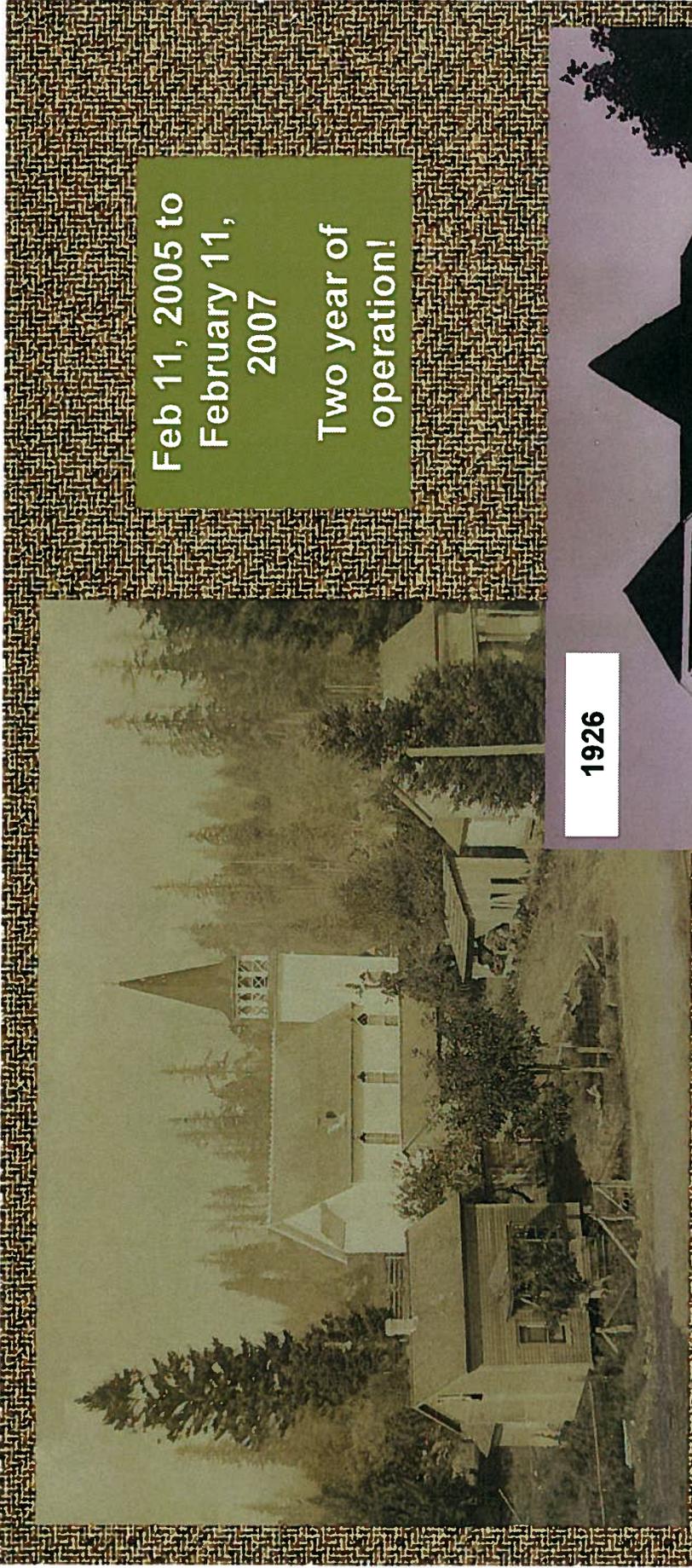


Tualatin
Heritage Center



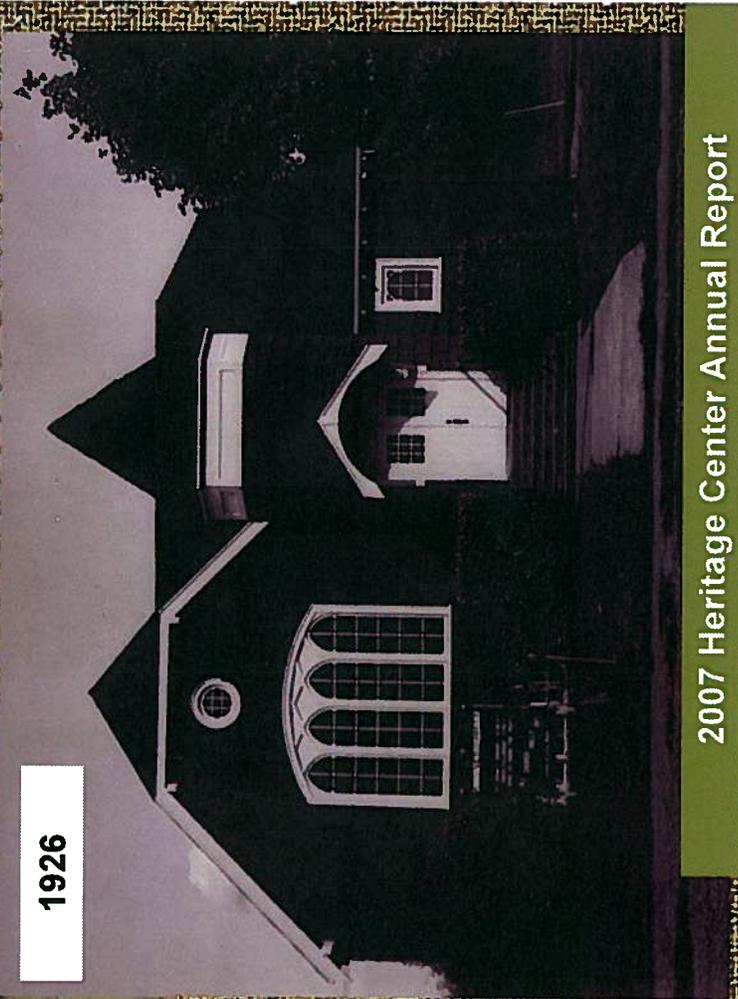
A Partnership of the
Tualatin Historical Society
& City Of Tualatin





1926

Feb 11, 2005 to
February 11,
2007
Two year of
operation!



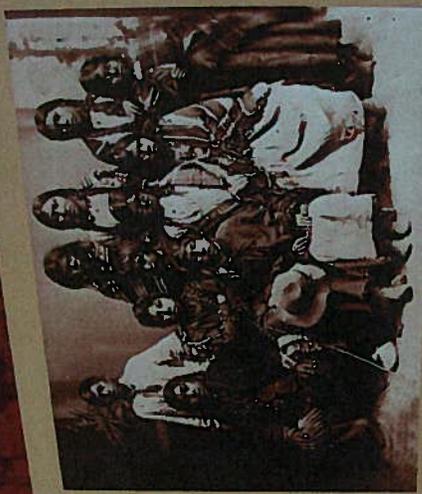
Staffing and Volunteers
•Lindy Hughes
•Volunteers



Financial Conditions

Atlatli-Kalapuya of Washington County

The Atlatli-Kalapuya people lived in the Willamette Valley from approximately 10,000 years ago. They were a diverse group of people who lived in small, semi-permanent villages. They were known for their intricate basketry and their use of the bow and arrow. The Atlatli-Kalapuya people were a part of the larger Kalapuya culture, which was widespread in the Pacific Northwest. They were known for their peaceful nature and their ability to adapt to their environment. The Atlatli-Kalapuya people were a part of the rich cultural heritage of the Willamette Valley.



WATER RIGHTS
 The Atlatli-Kalapuya people lived in the Willamette Valley from approximately 10,000 years ago. They were a diverse group of people who lived in small, semi-permanent villages. They were known for their intricate basketry and their use of the bow and arrow. The Atlatli-Kalapuya people were a part of the larger Kalapuya culture, which was widespread in the Pacific Northwest. They were known for their peaceful nature and their ability to adapt to their environment. The Atlatli-Kalapuya people were a part of the rich cultural heritage of the Willamette Valley.



Displays

Programs and Attendance

The Willamette Valley through time

SINCE THE BEGINNING

14,000 YEARS AGO
 The first people to live in the Willamette Valley were the Paleo-Indians. They were a group of people who lived in small, semi-permanent villages. They were known for their intricate basketry and their use of the bow and arrow. The Paleo-Indians were a part of the larger Native American culture, which was widespread in the Pacific Northwest. They were known for their peaceful nature and their ability to adapt to their environment. The Paleo-Indians were a part of the rich cultural heritage of the Willamette Valley.

10,000 YEARS AGO
 The Atlatli-Kalapuya people lived in the Willamette Valley from approximately 10,000 years ago. They were a diverse group of people who lived in small, semi-permanent villages. They were known for their intricate basketry and their use of the bow and arrow. The Atlatli-Kalapuya people were a part of the larger Kalapuya culture, which was widespread in the Pacific Northwest. They were known for their peaceful nature and their ability to adapt to their environment. The Atlatli-Kalapuya people were a part of the rich cultural heritage of the Willamette Valley.

1792-1800 CONTACT PERIOD
 The contact period was a time of significant change for the Willamette Valley. It was a time when the European settlers first arrived in the region. They brought with them new technologies and ideas, which had a profound impact on the local population. The contact period was a time of both challenge and opportunity for the Willamette Valley. It was a time when the region began to develop into the modern state of Oregon.

1804-1850 HISTORIC PERIOD
 The historic period was a time of rapid growth and development for the Willamette Valley. It was a time when the region became a major center of trade and commerce. The historic period was a time when the region's economy began to diversify, and its population grew significantly. The historic period was a time when the Willamette Valley truly came into its own as a major part of the Pacific Northwest.

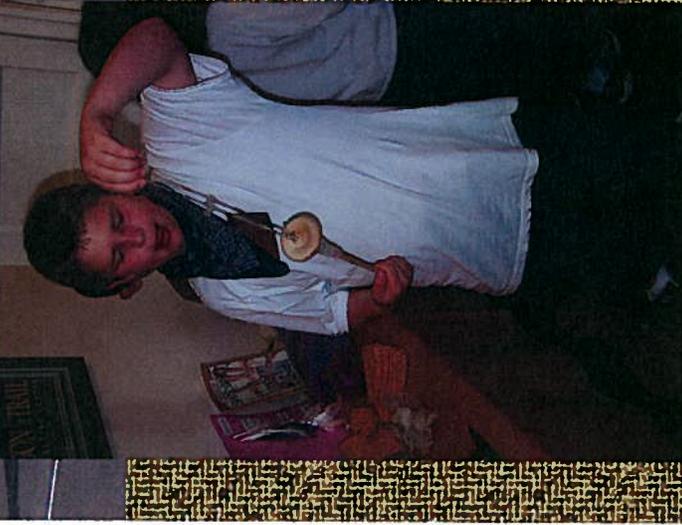
1850-1900
 The late 19th century was a time of continued growth and development for the Willamette Valley. It was a time when the region's infrastructure was improved, and its economy continued to expand. The late 19th century was a time when the Willamette Valley became an even more important part of the Pacific Northwest. It was a time when the region's rich cultural heritage was being recognized and preserved.

1900-1950
 The early 20th century was a time of significant change for the Willamette Valley. It was a time when the region's population grew rapidly, and its economy diversified further. The early 20th century was a time when the Willamette Valley became a major center of industry and commerce. It was a time when the region's rich cultural heritage was being celebrated and promoted.

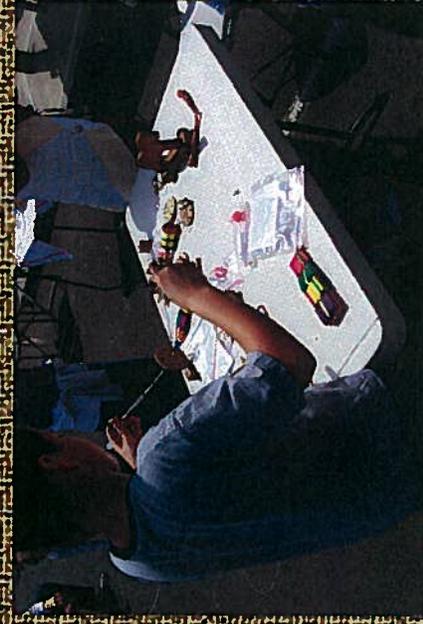
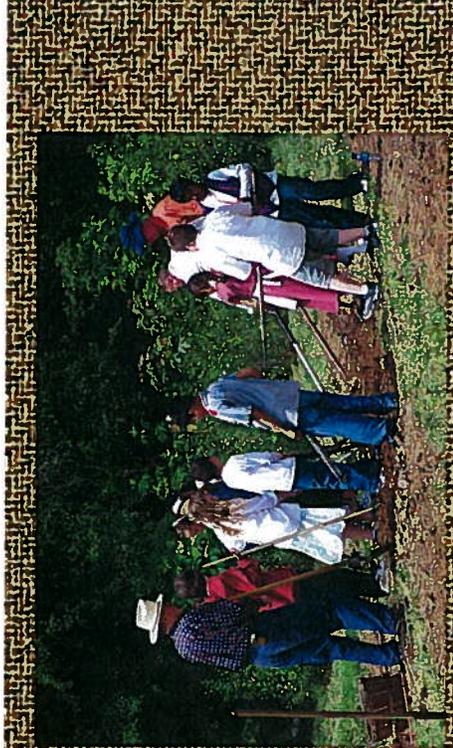
1950-1980
 The mid-20th century was a time of continued growth and development for the Willamette Valley. It was a time when the region's infrastructure was further improved, and its economy continued to expand. The mid-20th century was a time when the Willamette Valley became an even more important part of the Pacific Northwest. It was a time when the region's rich cultural heritage was being recognized and preserved.

1980-2000
 The late 20th century was a time of significant change for the Willamette Valley. It was a time when the region's population grew rapidly, and its economy diversified further. The late 20th century was a time when the Willamette Valley became a major center of industry and commerce. It was a time when the region's rich cultural heritage was being celebrated and promoted.

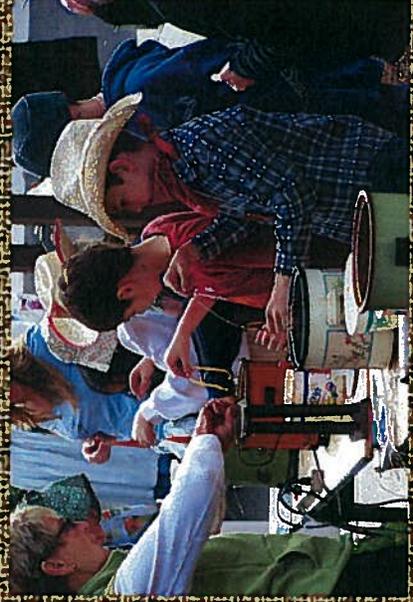
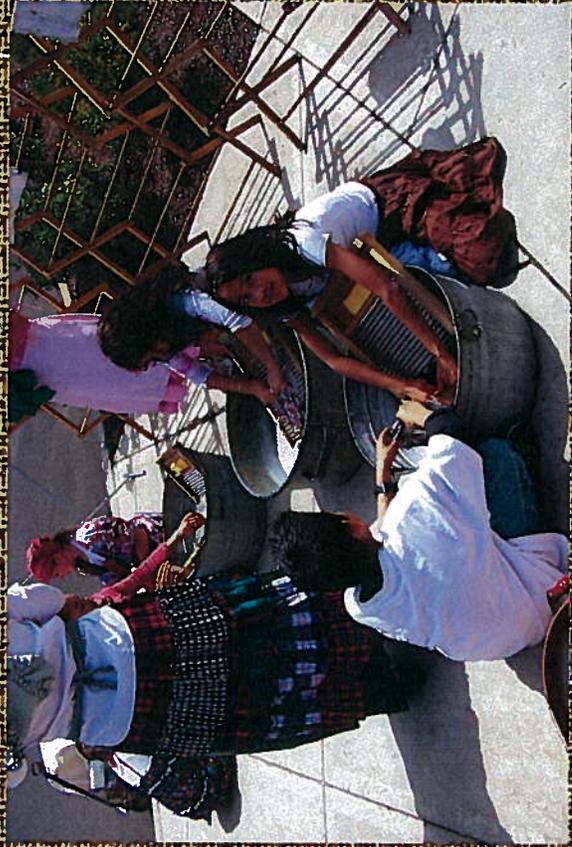
2000-PRESENT
 The 21st century is a time of continued growth and development for the Willamette Valley. It is a time when the region's infrastructure is being further improved, and its economy is continuing to expand. The 21st century is a time when the Willamette Valley is becoming an even more important part of the Pacific Northwest. It is a time when the region's rich cultural heritage is being recognized and preserved.

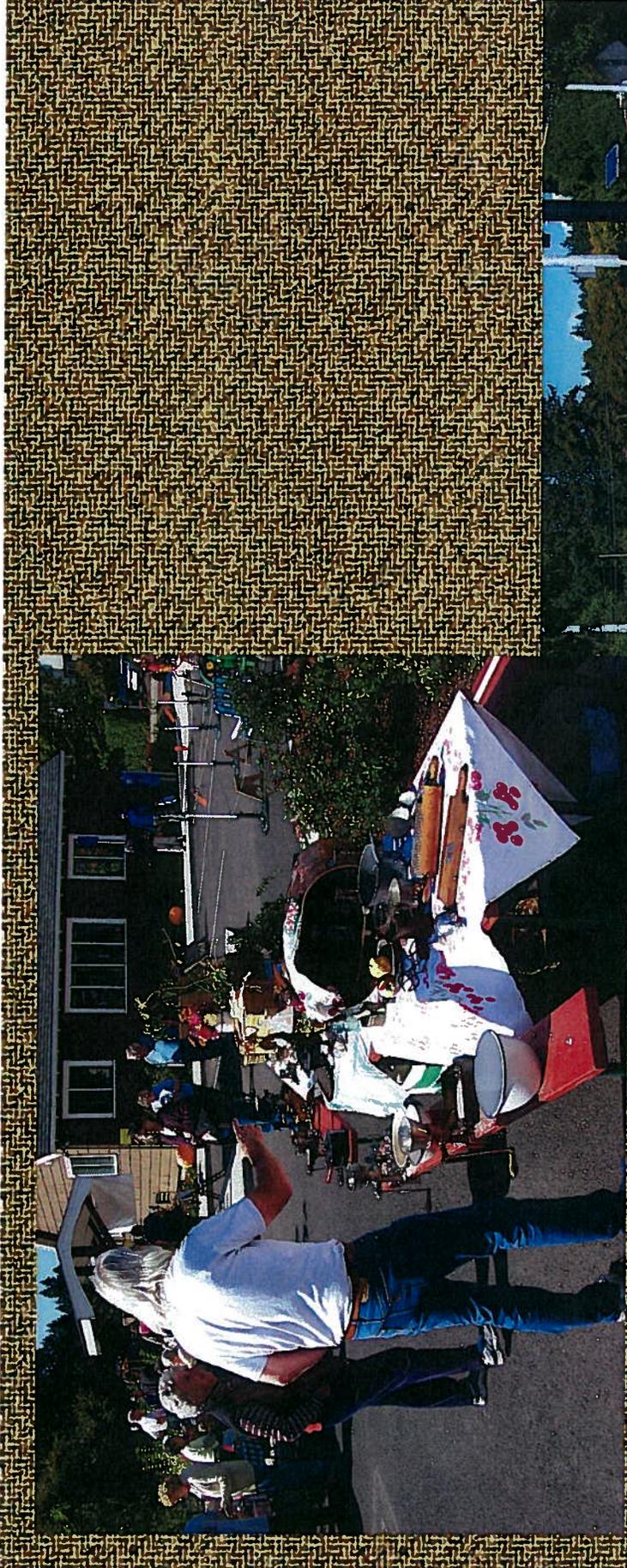


Pioneer Day

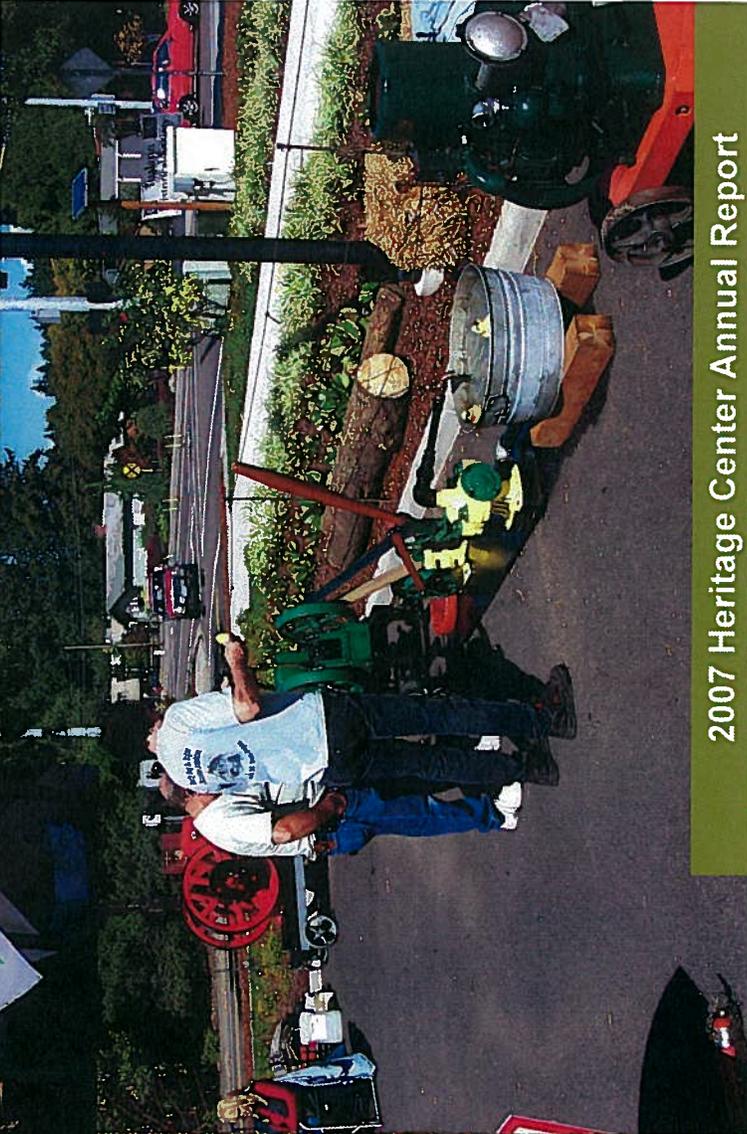


Pioneer Day

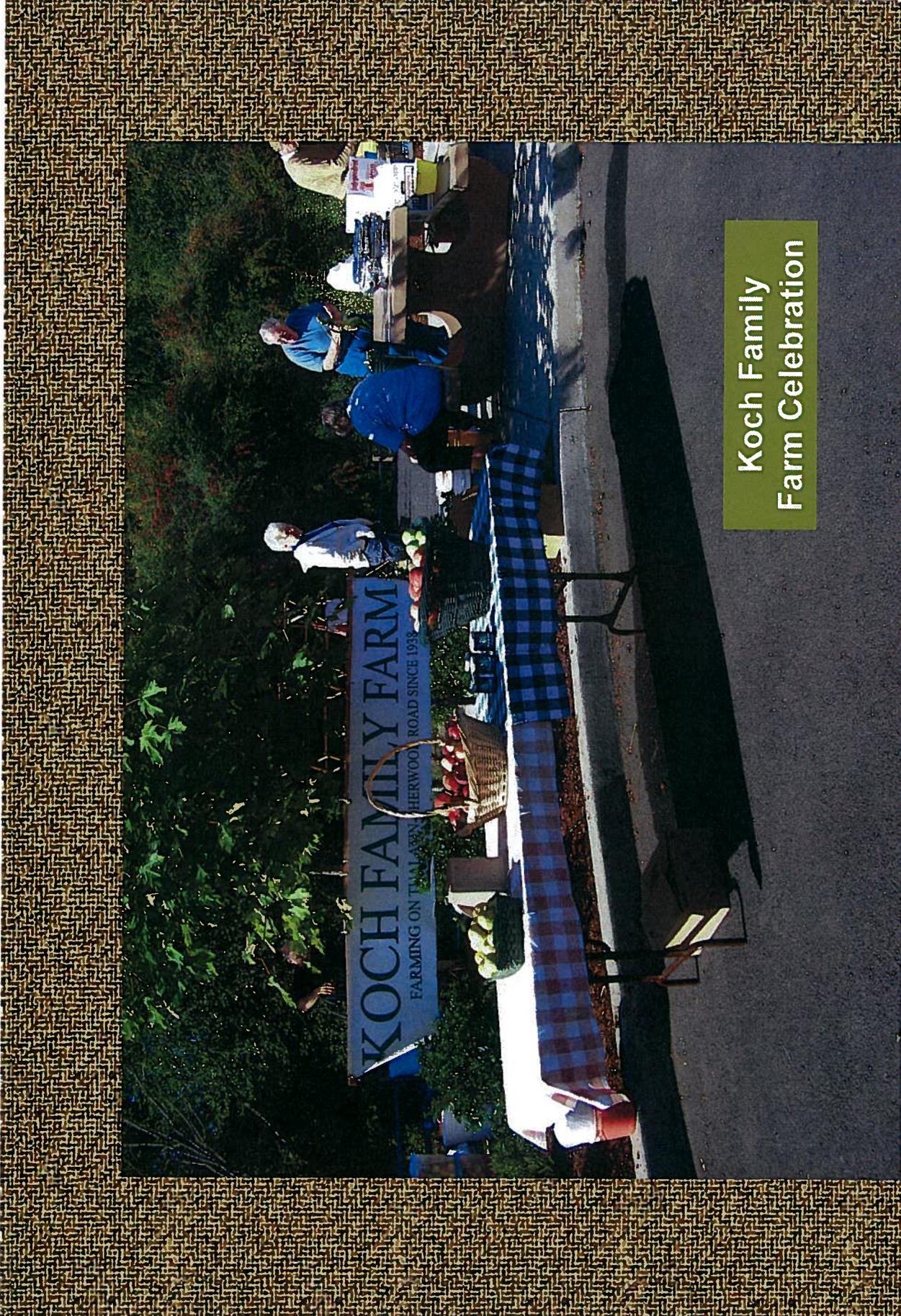




Harvest Festival



2007 Heritage Center Annual Report



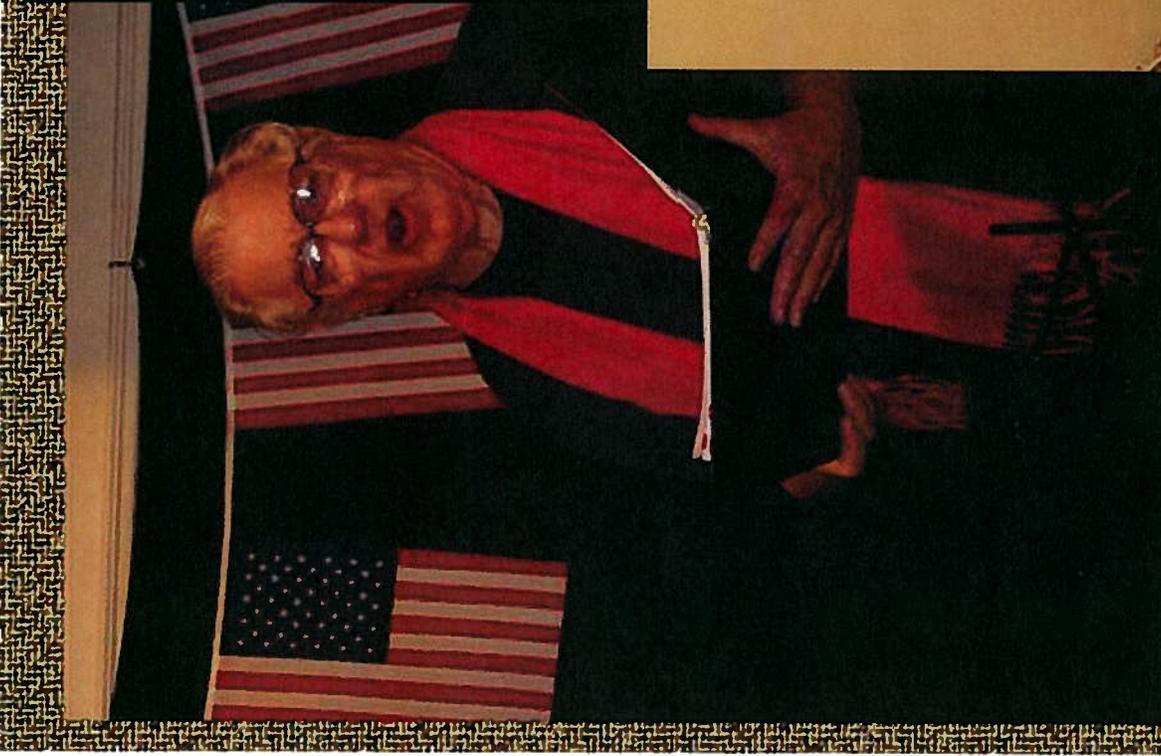
**Koch Family
Farm Celebration**

Dulcimer Jam

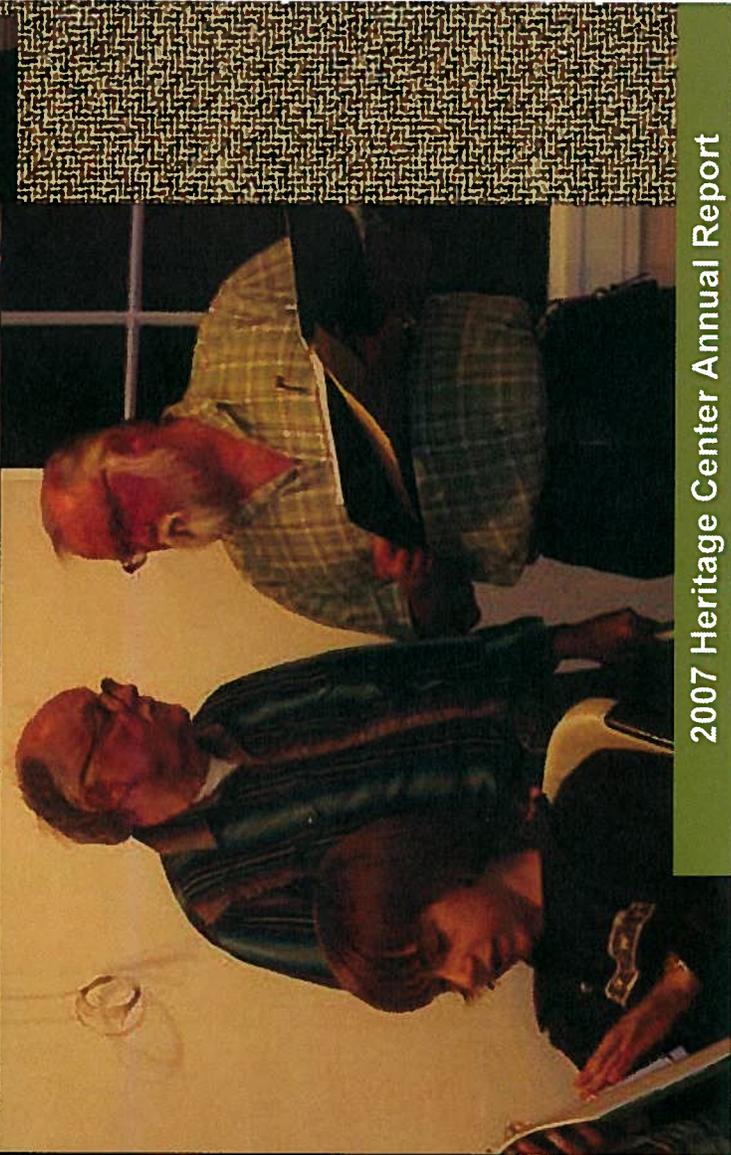
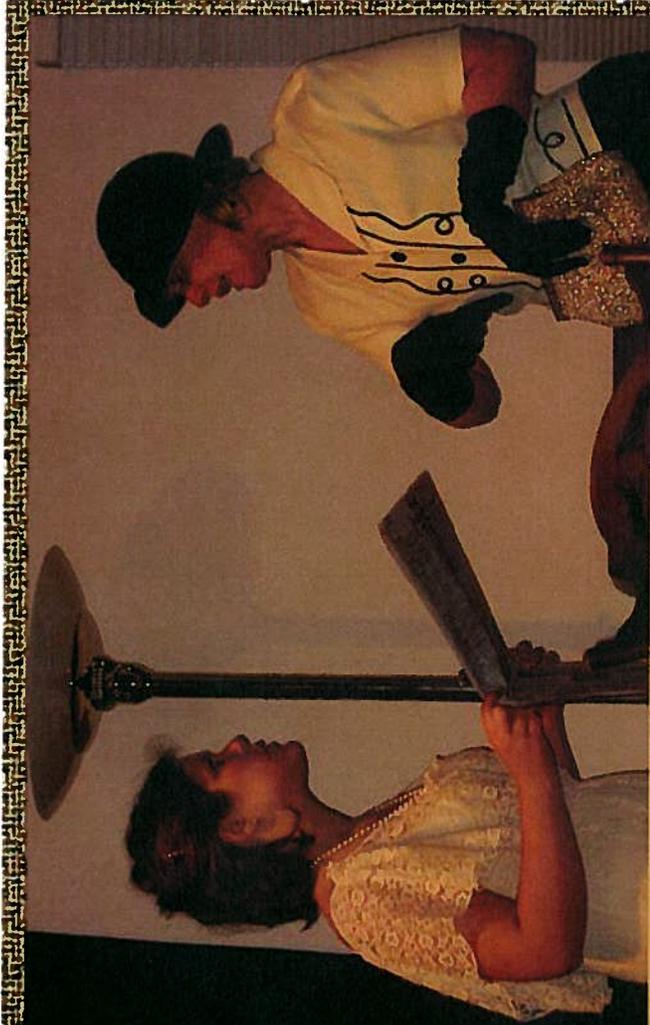




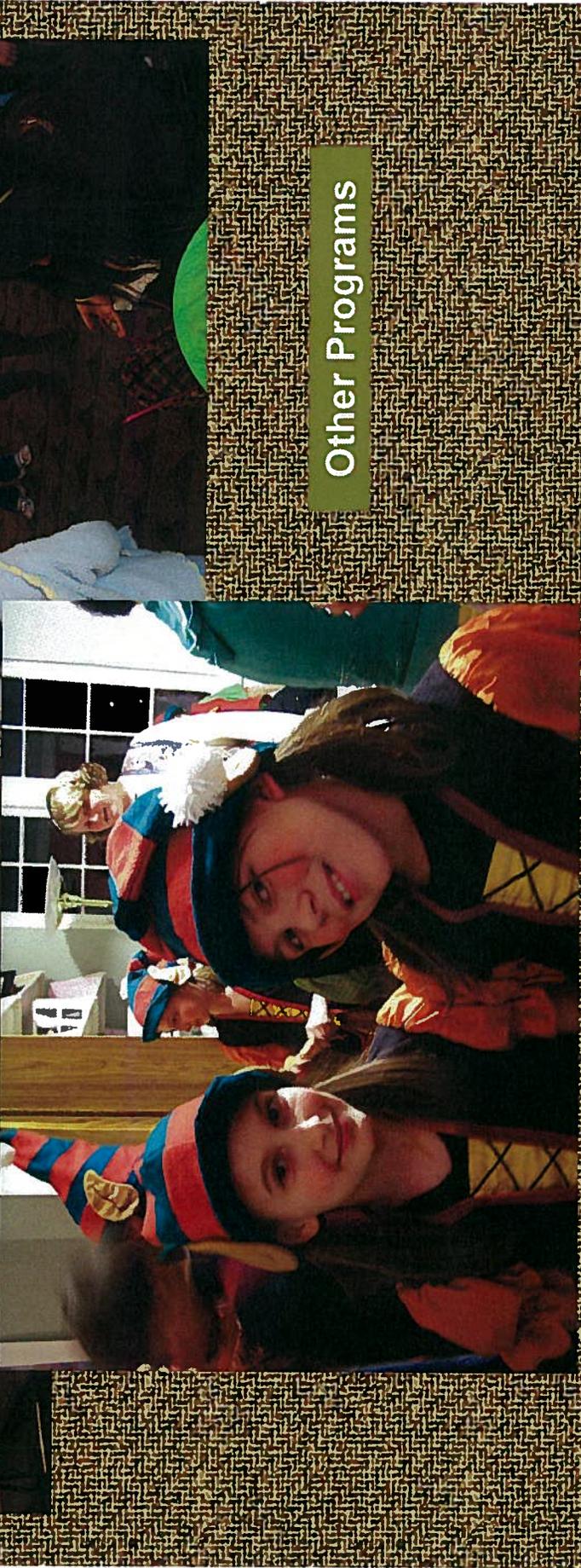
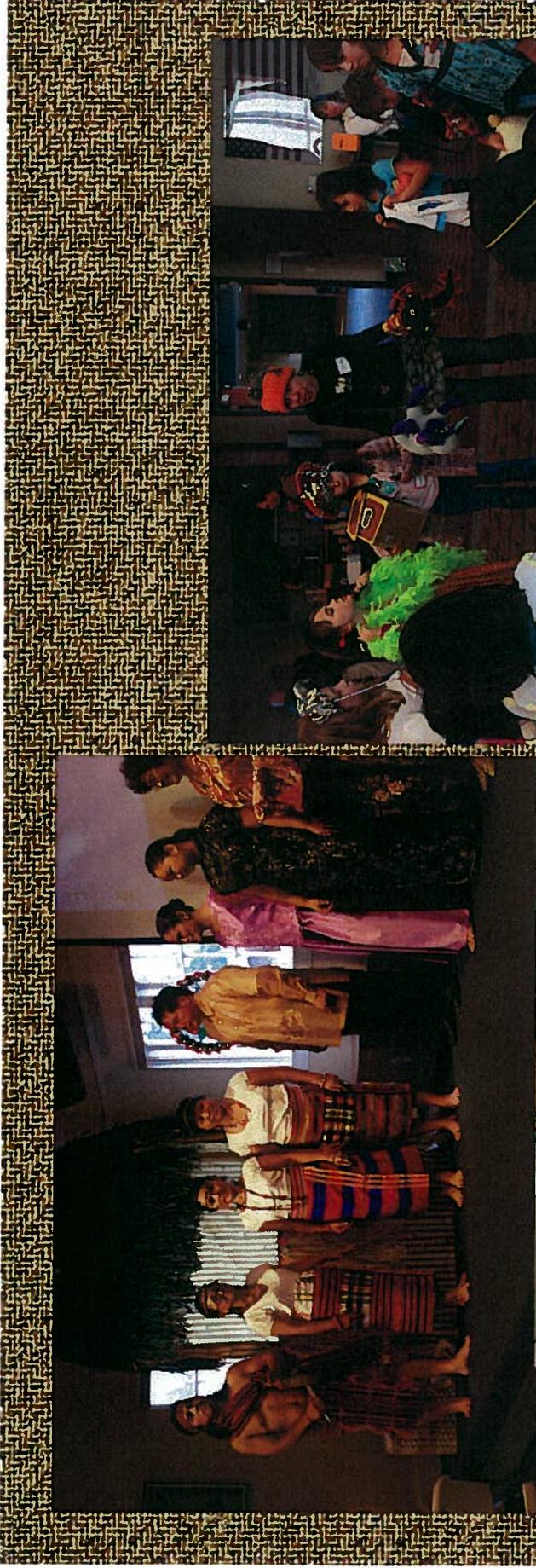
Lumiere Players



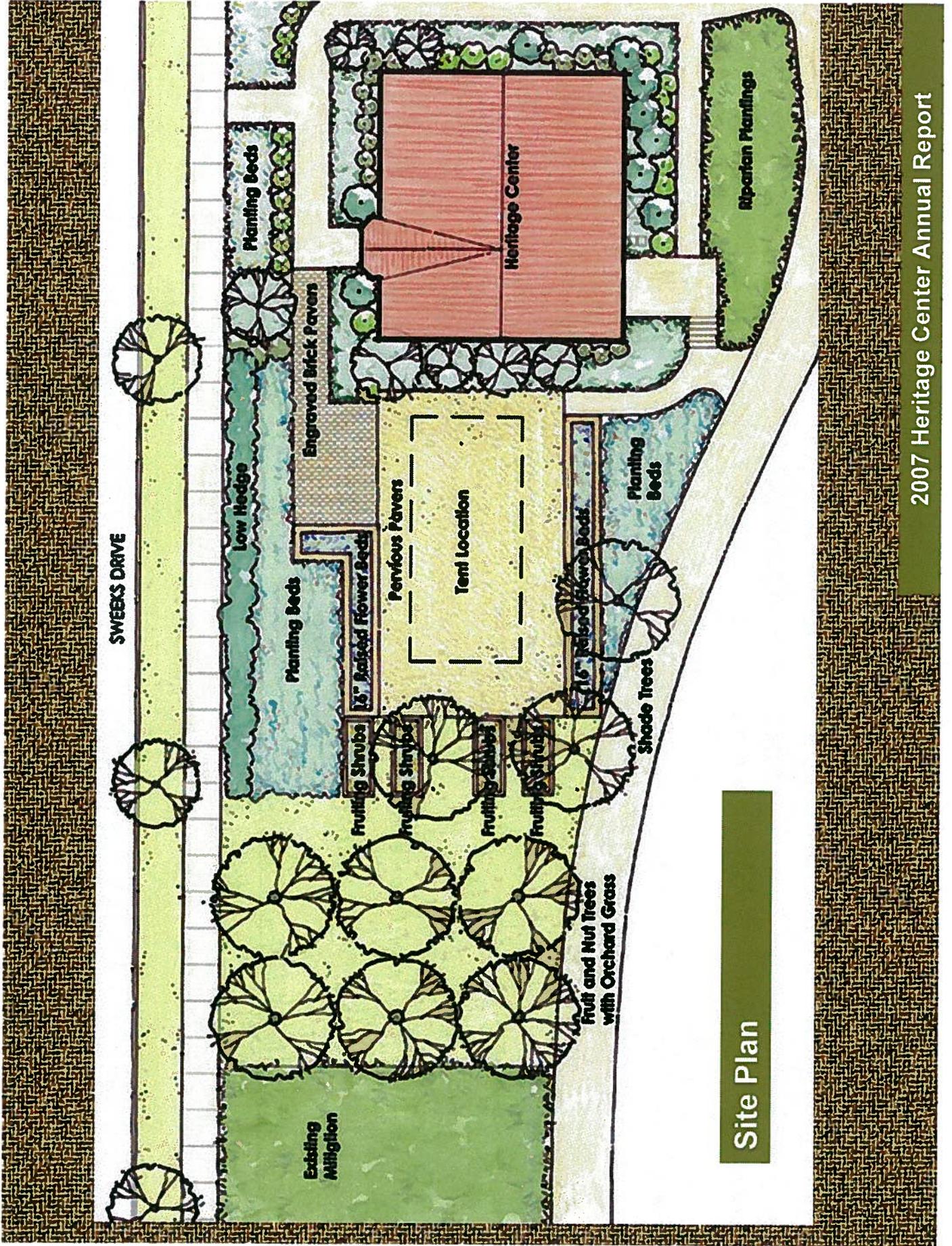
Lumiere Players

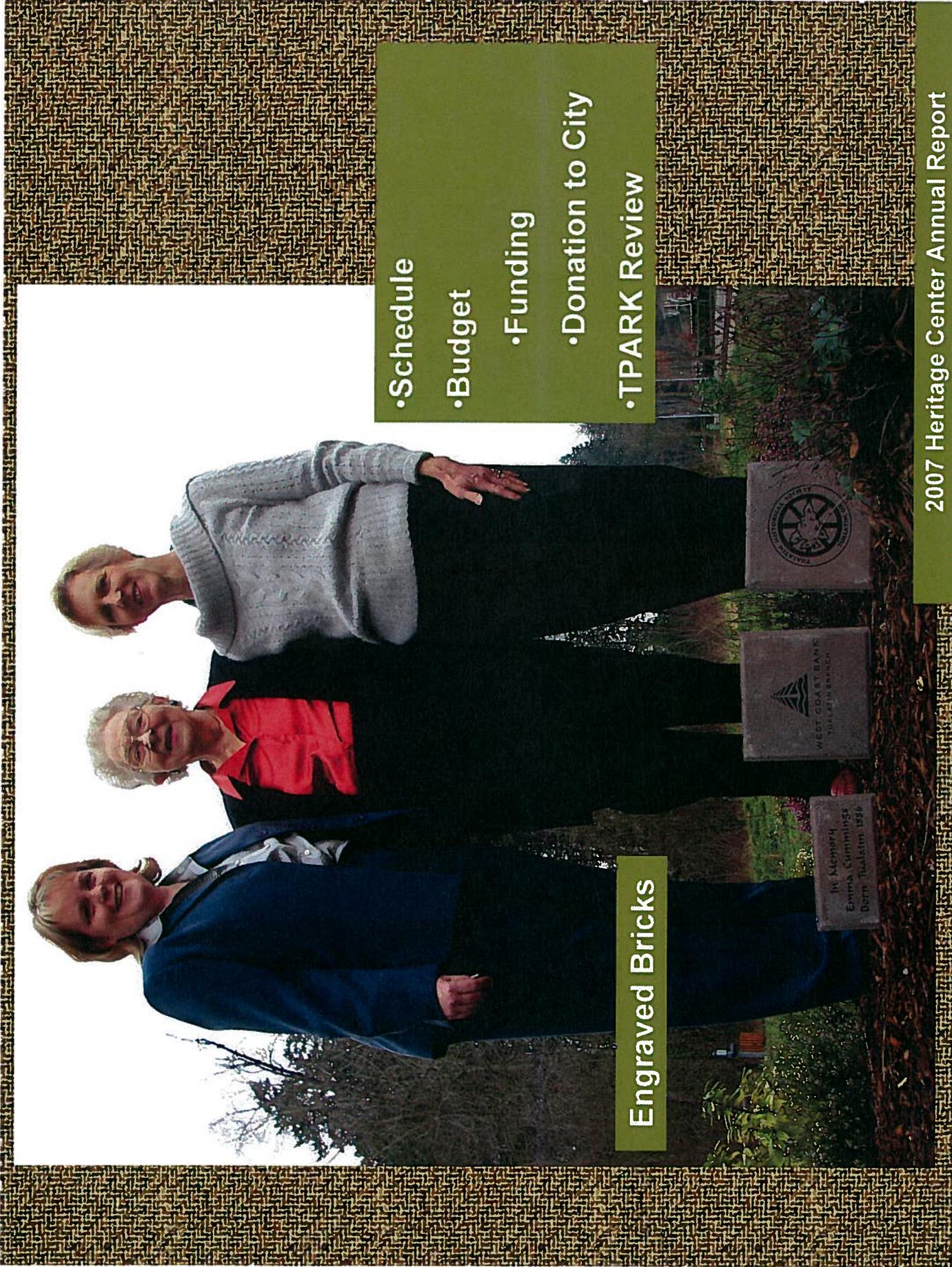


2007 Heritage Center Annual Report



Other Programs





Engraved Bricks

- Schedule
- Budget
- Funding
- Donation to City
- TPARK Review

Thank you for your support!





Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Director 
Carl Switzer, Parks and Recreation Coordinator 

DATE: February 11, 2008

SUBJECT: ESTABLISHMENT OF AN AD HOC COMMITTEE TO COORDINATE
THE 2008 ARBOR WEEK CELEBRATION

ISSUE BEFORE THE COUNCIL:

Council will consider the establishment of an Ad Hoc Committee to Coordinate the 2008 Arbor Week Celebration.

RECOMMENDATION:

The Tualatin Parks Advisory Committee (TPARK) and staff recommend the Council form an Ad Hoc Committee to coordinate the 2008 Arbor Week Celebration and appoint a councilor to participate on the Committee.

EXECUTIVE SUMMARY:

April 6 -12, 2008, marks the City of Tualatin's 21st annual Arbor Week celebration. Since 1987, Tualatin has celebrated Arbor Week with tree planting ceremonies, special activities, and events. The purpose of Arbor Week is to increase public awareness and education around the contribution that trees have in our lives.

The Arbor Week celebration entails several months of planning and preparation. A draft timeline is attached.

The Tualatin Park Advisory Committee (TPARK) has recommended that Council form an Ad Hoc Committee to Coordinate the 2008 Arbor Week Celebration with the following membership:

1. Bill Hawley, TPARK
2. D.J. DeAustria, TPARK
3. Tualatin City Council Representative
4. Julie Wickman, Library Representative
5. Chuck Van Guilder, Consulting Arborist
6. Steve Hernandez, Oregon Department of Forestry
7. Sara Fry, REI, Community Business Representative
8. Jennifer Baldwin, Whole Foods, Local Business Representative
9. Laura Houlberg, Youth Advisory Council
10. Lindsey Pozo, Youth Advisory Council

FINANCIAL IMPLICATIONS:

The celebration usually costs less than \$500 and funds have been budgeted for the 2008 Arbor Week celebration.

Attachment: A. 2008 Arbor Week Planning Timeline

c: Tualatin Park Advisory Committee (TPARK)

2008 Arbor Week Planning Timeline

January 8	TPARK recommends Council establish an ad hoc committee to coordinate Arbor Week celebration
February 11	City Council establishes ad hoc committee
February 20	Ad hoc committee meeting*
March 11	TPARK meeting - Ad hoc committee report - Review of Arbor Week proclamation
March 24	City Council presentation ceremony for Tree City USA, Heritage Trees, and reading of Arbor Week proclamation
March 26	Ad hoc committee meeting*
April 6-12	Arbor Week
May 13	TPARK meeting - Arbor Week report

*Arbor Week ad hoc Committee meetings are from 4:00 p.m. to 5:00 p.m. at the Tualatin/Durham Senior Center Multi-Purpose Room in beautiful Tualatin Community Park at 8513 SW Tualatin Road.



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Paul Hennon, Community Services Director *[Signature]*

DATE: February 11, 2008

SUBJECT: RESOLUTION APPROVING CONTRACT WITH KRUEGER
INTERNATIONAL FOR LIBRARY SHELVING AND FURNITURE

ISSUE BEFORE THE COUNCIL:

The Council will consider approval of a contract with Krueger International for steel shelving and furnishings for the new library under a cooperative purchasing process in accordance with Oregon procurement law.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution.

EXECUTIVE SUMMARY:

The new library requires the purchase of new shelving to hold books and other materials in the collection and an assortment of new tables, chairs, and other interior furnishings.

The City has the opportunity to save time and money by piggybacking the purchase of steel shelving and some of the furniture for the new library under contract number K804402C between Oregon State University (OSU) and Krueger International (KI), see Attachment A. This contract allows the City to use the pricing and other terms established by a competitive bid process conducted by the Oregon State University Office of Business Services.

**STAFF REPORT: RESOLUTION APPROVING CONTRACT WITH KRUEGER
INTERNATIONAL FOR FURNITURE AND LIBRARY SHELVING**

February 11, 2008

Page 2 of 3

Notice of intent to use a cooperative procurement process to purchase shelving and furniture for the new library has been advertised as required by ORS 279A.215. No comments were received.

The shelving that would be purchased and installed under this contract is manufactured by Spacesaver Specialist, Inc., which is a subsidiary of KI and is the supplier of the steel shelving under the OSU/KI contract. Spacesaver shelving meets all of our requirements. The order would include approximately 2,300 welded steel shelves designed for stack lighting, about 44 wood end panels, and other custom wood units.

SRG Partnership, architects for the library project, has provided interior design services for the selection of furnishings for the new library. The furniture that would be purchased under this contract is manufactured by KI and was selected for its durability, design and appropriateness for use in a public library that will receive heavy use. The furniture includes 51 lounge chairs, 5 benches, 80 nesting chairs with castors, 16 tables and 8 recycling containers.

This contract does not cover all the furniture that will be purchased for the library because some of the items selected are not available from KI. The other items will be purchased under separate orders.

OUTCOMES OF DECISION:

The furniture and shelving will be ordered if the Council approves this award.

If Council does not approve this award, staff will take the course of action Council directs for the purchase of furniture and shelving.

FINANCIAL IMPLICATIONS:

This expenditure has been anticipated and adequate funds have been budgeted in the Library Improvement Fund. The amount of the procurement is \$300,157.96.

DISCUSSION:

Under this contract, seating, tables and Spacesaver shelving is available at a 52% discount off the retail price. It is unlikely that we would be able to otherwise get such a deep discount on furniture and shelving of this quality. The KI/OSU contract also offers favorable legal protections, insurance coverage requirements and warranties that might not otherwise be available to us.

**STAFF REPORT: RESOLUTION APPROVING CONTRACT WITH KRUEGER
INTERNATIONAL FOR FURNITURE AND LIBRARY SHELVING**
February 11, 2008
Page 3 of 3

Shelving manufactures do not allow their distributors to bid against each other outside their regions so it is often not possible to get competitive quotes and we don't believe we would get a better price through competitive bid process.

Few companies offer steel library shelving that meet our criteria which includes; a proven record of durability, flexibility, a variety of shelving units, functionality, finishes and ability to meet engineering, lighting, and code requirements for resistance to collapse during an earthquake.

The Spacesaver shelving distributor, located in Tualatin, has a regional reputation for quality installations and service. They were the low-cost bidder for moving the shelving into the temporary library in 2007. Our experience with them during that project confirmed that they do quality work.

We believe this is in the best interest of the city to use this contract for procuring these items.

PUBLIC INVOLVEMENT:

The Tualatin Library Advisory Committee (TLAC) has provided comments on some of the furniture and public comment has been obtained while some of the furnishings have been tested on the floor at the temporary library location.

Attachments:

- A. Contract between Krueger International and Oregon State University
- B. Resolution with Exhibit

C: Members of the Tualatin Library Advisory Committee

REGION 1

Office of Business Services - Purchasing



Oregon State University
 644 SW 13th Street
 Corvallis, Oregon 97333-4238
 Telephone: 541-737-4261 Fax: 541-737-2170

Contract # K804402C**KI Furniture**

THIS CONTRACT is made and entered into as of the date of latest signature below, in Corvallis, Oregon, County of Benton, by the State of Oregon, acting by and through its State Board of Higher Education on behalf of Oregon State University, hereinafter called OSU, and Krueger International Inc., a Wisconsin Corporation, a manufacturer of office furniture and accessories with its principle offices at 1330 Bellevue Street, Green Bay, Wisconsin 54308, hereinafter called Contractor.

OSU and Contractor shall be bound by the terms and provisions of this Contract.

Term of Contract: The Contract period will be for one year. The effective date of the Contract will be the date of latest signature upon the Contract.

Extensions to Contract: This Contract may be extended upon the mutual consent of both parties, for additional one-year terms not to exceed a total Contract service term of 5 years or as allowed by law.

Termination: This Contract may be terminated without cause by either part upon thirty (30) days written notice. However, if OSU terminates the Contract, it shall be subject to the following provisions:

1. OSU paying for all work in process on behalf of OSU.
2. OSU paying for all finished merchandise ordered but not delivered that is on hand and in inventory on behalf of OSU at Contractor's facilities.

Referencing Contract: All purchase orders submitted must reference this Contract #K804402C.

Amendments: The terms of this Contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of OSU.

Agreement:

1. Contractor agrees to sell on a contracted dealer basis and OSU agrees to purchase from time to time certain products as listed herein under Products.
2. OSU agrees to list KI on its Purchasing website as a contracted furniture supplier.
3. OSU agrees that all products purchased from Contractor will be used by OSU and will not be used for resale.
4. Contractor agrees to provide ongoing assistance in product specification where called for by OSU at no additional charge.

Products: Products covered by this Contract includes:

1. All KI and AGI seating and table products as described in the current catalogs.
2. All products as described in subsequent catalogs as mutually agreed upon.

Pricing:

Pricing for products purchased from Contractor shall be list prices in effect on date of Purchase Order less the following discount(s):

REGION 1

<u>Catalog</u>	<u>Discount</u>
Seating	52%
Tables	52%
Fixed/Theatre Seating	Negotiated
Workzone	53%
*Genesis, Kollaboration, Computech,	53%
*Wireworks	53%
Powercomm	53%
Files and Storage	53%
Classroom Furnishings	52%
Roomscape	52%
Period	52%
Site Furnishings	52%
Spacesaver Shelving	52%

*Note: Net annual purchases above \$175,000 (January 1st to December 31st) of KI administrative office furnishings qualify for an additional 1% rebate.

GSA: The discounts in this Contract are ineffective if, as a result of those discounts, the final selling price of any product offered in this Contract would be lower than the corresponding price for that product under Contractor's multiple award schedule contracts with the United States General Services Administration ("GSA"). If the final selling price for any product in this Contract would be below Contractor's price to GSA, Contractor will offer that product to OSU at the same price that Contractor offers to GSA. No other terms or conditions of Contractor's GSA contracts would apply to such sales.

Contract Administration Fee: The Contractor shall make semi annual contract administration fee payments to OSU Purchasing equal to 1% of total sales processed under this Contract. The fee shall be based on data compiled by the Contractor and supplied to OSU at the same time the semi-annual payments are made. The payment shall be made semi annually in arrears to OSU Purchasing.

Prevailing Wages: If the total value of the products to be purchased on a single order from Contractor or its authorized dealers exceeds \$25,000.00 and Contractor or its dealers will deliver and install the products and at least one employee of the Contractor or dealer will spend at least eight (8) hours delivering and installing the products in any one week, Contractor and its dealers shall comply fully with the Provisions of ORS 279.348 through 279.365.

Installation:

1. Installation services shall be coordinated and performed by factory designated KI authorized installers.
2. KI Warehouse received, inspected, delivered, installed and de-trashed services:
 - ❖ Quoted on a per project basis up to \$30,000.00 net purchase value.
 - ❖ Above \$30,000 quotes to be capped at 10% of net product value.
3. OSU dock received, inspected, installed and de-trashed services:
 - ❖ Quoted on a per project basis up to \$15,000.00 net purchase value.
 - ❖ Above \$15,000.00 quotes to be capped at 7% of net product value
 - ❖ Available only on OSU orders of \$8,500.00 or more.
4. Tailgate Delivery - Dropship
 - ❖ No charge. OSU ordering department is responsible for unload, inspection, assembly (where necessary) and placement of furniture
 - ❖ OSU ordering department is responsible for reporting all damage within a 2 calendar-day time period to a local KI sales representative. That time shall be extended if the local KI sales representative is not accessible.

Other Agency Usage: This Contract is available for usage by OSU to its own subsidiaries, divisions and affiliates. OSU has the right to make this Contract available to other county, higher education, state or

REGION 1

municipal agencies. Other institutions except as noted above, are excluded without express prior written approval of Contractor.

Waiver: Failure of OSU to enforce any provisions of this Contract shall not constitute a waiver or relinquishment by OSU of the right to such performance in the future nor of the right to enforce any other provision of this Contract.

Access to Records: Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of the Contract. The Oregon State System of Higher Education, Oregon Secretary of State, Federal Government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Contractor which are directly pertinent to this Contract for the purpose of making audit, examination, excerpts, and transcripts. Such books and records shall be maintained by Contractor for three years from the date of Contract expiration, or such longer period as may be required by applicable law, or until the conclusion of any audit controversy or litigation arising out of such related to this Contract whichever date is later. Contractor is responsible for any audit discrepancies involving deviation from the terms of the Contract and for any commitments or expenditures in excess of amounts authorized by OSU.

Prime Contractor Responsibilities: Unless otherwise stated in this Contract, Contractor shall assume responsibility for all services contracted for, regardless of whether Contractor is the manufacturer, producer, or supplier of the services.

Quality Business Review: The Contractor and OSU Purchasing shall hold an annual Quality Business Review. The purpose of the Quality Business Review is to allow discussion between Contractor and OSU regarding Contractor's performance, and any issues of concern. As part of the Quality Business Review the Contractor shall provide OSU Purchasing with performance and usage reports, and data and charts on key performance indicators.

Contractor Contract Administrator: Contractor's Contract Administrator will be

Carl Shock at (503) 239. 3912. The Contractor's Contract Administrator is responsible for answering questions and resolving problems regarding the Contract and any related Purchase Orders, delivery, and any general customer services issues such as product quality.

Assignment/Subcontract/Successors: Contractor shall not assign, sell, transfer, or subcontract rights, or delegate responsibilities under this Contract, in whole or in part, without the prior written approval of the OSU Purchasing Department. No such written approval shall relieve Contractor of any obligations of this Contract, and any transferee or subcontractor shall be considered the agent of Contractor. Contractor shall remain liable to OSU under the Contract as if no such assignment, transfer, or subcontract had occurred. The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties to the Contract and their respective successors and assigns.

Payment of Contractor's Obligations: Contractor agrees to make payments promptly when due, to all persons supplying to such Contractor, labor or materials for the provision of the work provided in this Contract; pay all contributions or amounts due the Industrial Accident Fund from such Contractor incurred in the performance of this Contract; not permit any lien or claim to be filed or prosecuted against the state on account of any labor or material furnished; pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. If Contractor fails or refuses to make any such payments required herein, the appropriate OSU official may pay such claim for payment. Any payment of a claim in the manner authorized in this section shall not relieve the Contractor or Contractor's surety of obligations with respect to any unpaid claims.

Compliance With Applicable Law: Contractor agrees to comply with all federal, state, county, and local laws, ordinances, and regulations applicable to the work to be done under this Contract. Contractor specifically agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Contractor also shall comply with the Americans with

Disabilities Act of 1990 (Pub L NO. 101-336), ORS 659.425 and all regulations and administrative rules established pursuant to those laws. Failure or neglect on the part of Contractor to comply with any or all such laws, ordinances, rules, and regulations shall not relieve Contractor of these obligations nor of the requirements of this Contract.

Severability: If any provision of this Contract is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provision shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.

Attorney Fees: In the event a lawsuit of any kind is instituted on behalf of OSU to collect any payment due or to obtain performance of any kind under this Contract, Contractor shall pay such additional sums as the court may adjudge for reasonable attorney fees plus all costs and disbursements at trial and on any appeal.

Indemnity, Responsibility For Damages: Contractor shall be responsible for all damage to property, injury to persons, and loss, expense, inconvenience, and delay which may be caused by, or result from, the conduct of work under this Contract, or from any act, omission, or neglect of Contractor, its subcontractors, or employees. Contractor shall save, defend, indemnify, and hold harmless the State of Oregon, the State Board of Higher Education, OSU, and their officers, agents, employees, and members from all claims, suits, and actions of any nature resulting from or arising out of the activities or omissions of Contractor or its subcontractors, officers, agents, or employees acting under this Contract. Notwithstanding the foregoing, neither Contractor nor any attorney engaged by Contractor shall defend the claim in the name of the State of Oregon, or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Contractor is prohibited from defending the State of Oregon, or that Contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so.

Warranties: Unless otherwise stated, all products shall be new and current model and shall carry full manufacturer warranties. Contractor warrants all goods delivered or projects performed to be free of defects in labor, material and manufacture and to be in compliance with bid specifications. All implied or expressed warranty provisions of the Uniform Commercial Code (ORS chapter 72) are incorporated in this Contract. All warranties shall run to Oregon State University. This provision does not negate guarantees for periods longer than one year if such guarantees are required by other provisions of the Contract for specific installations, materials, processes, equipment or fixtures.

Safety Requirements: Contractor shall comply with Workers' Compensation Department requirements and all other applicable state and local code requirements. The Contractor, its subcontractors, if any, and all employers providing work, labor or materials under this Contract are subject employers under the Oregon Workers' Compensation law and shall comply with ORS 658.017, which requires them to provide Oregon Workers' Compensation coverage that satisfies Oregon law for all their subject workers, unless such employees are exempt under ORS 658.126.

Primary Insurance Coverage: Insurance carried by Contractor under this Contract shall be the primary coverage and OSU's insurance is excess and solely for damages or losses for which OSU is responsible.

General Liability Insurance: Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this Contract, General Liability Insurance. Product and completed operations liability combined single limit per occurrence shall not be less than \$1,000,000. Each annual aggregate limit shall not be less than \$1,000,000. OSU and the Oregon State System of Higher Education, their officers, employees and agents shall be included as additional insureds in said insurance policy.

Certificates of Insurance: As evidence of the insurance coverages required by the Contract, the Contractor shall furnish Certificate(s) of insurance to the OSU Purchasing Department, upon request. The Certificate(s) will specify all of the parties who are Additional Insureds (or Loss Payees). Insurance coverages required under the Contract shall be obtained from acceptable insurance companies or entities. The Contractor shall be financially responsible for all deductibles, self-insured retentions and/or self-insurance included hereunder.

REGION 1

Notice of Insurance Cancellation or Change: There shall be no cancellation, material change, potential exhaustion of aggregate limits or intent not to renew insurance coverage(s) without 30 days' written notice from the Contractor or its insurer(s) to the OSU Purchasing Department. Any failure to comply with the reporting provisions of this section, except for the potential exhaustion of aggregate limits, shall not affect the coverage(s) provided to the State of Oregon, the Oregon State System of Higher Education and their divisions, officers, and employees.

Force Majeure: Neither OSU nor Contractor shall be held responsible for delay or default caused by fire, riot, act of nature, or war where such cause was beyond, respectively, OSU's or Contractor's reasonable control. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause for delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Contract.

License/Taxes: Contractor shall, at no expense to OSU, obtain all permits and licenses necessary and required for the performance of its activities hereunder. Contractor further agrees to pay all taxes, employee taxes and contributions, fees, and levies applicable to and incurred by Contractor in the performance of its activities hereunder.

Notice: Any notice pursuant to this Contract shall be validly given if in writing and sent by registered or certified mail, postage prepaid, to the respective addressees of Contractor and OSU as listed under Contract Representatives in the Contract or Purchase Order.

Nondiscrimination: Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

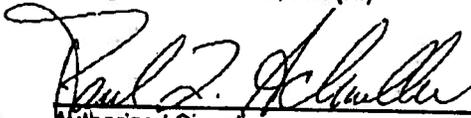
Binding Price Agreement: This Contract is intended to be a Binding Price Agreement as defined in OAR 137-045-0010(9). Only standard OUS purchase orders made be used to purchase items under this Contract. No language contained in any purchase order, work order or delivery order shall vary, amend, modify, or add terms or conditions to this Contract. The substantive provisions of any purchase order, work order or delivery order are limited to: purchase order and Contract identification numbers, identification of purchaser, designation of goods and services ordered, quantity, delivery schedule, delivery of performance location and invoicing address.

Merger: This Contract constitutes the entire agreement between the parties. There are no understandings, oral or written, not specified herein regarding this contract. No amendment, consent, or waiver of terms of this contract shall bind either party unless in writing and signed by all parties and all necessary State of Oregon approvals have been obtained. Any such amendment, consent, or waiver shall be effective only in the specific instance and for the specific purpose given. Contractor, by the signature hereto of its authorized representative, acknowledges having read and understood the contract and contractor agrees to be bound by its terms and conditions.

This Contract has been executed, in duplicate, by and on behalf of the parties hereto.

FOR THE CONTRACTOR:

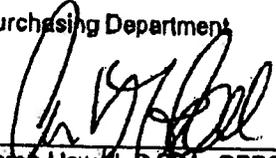
Krueger International, Inc. (KI)


Authorized Signature

Date 9/17/02

FOR OSU:

Purchasing Department


Aaron Howell, C.P.M., CPPO
Purchasing Manager/Contracts Officer

Date 9/20/02

CONTRACT AMENDMENT#1

Contract #K804402C

THIS CONTRACT AMENDMENT is made and entered into as of the date of latest signature below, in Corvallis, Oregon, County of Benton, State of Oregon, between the Oregon State University Procurement and Construction Contracting Department acting on the behalf of Oregon State University, hereinafter called OSU, and Krueger International Inc. (KI), a Wisconsin Corporation, a manufacturer of office furniture and accessories with it's principle offices at 1330 Bellevue Street, Green Bay, Wisconsin 54308, hereinafter called Contractor.

OSU and Contractor shall be bound by the terms and provisions of the Contract and Contract Amendment #1. Contract Amendment #1 is by execution of this document, made part of Contract #K804402C

The following are modifications to this Contract:

Contract Extension: The contract is extended for one (1) year from date of latest signature through August 31, 2005.

Pricing:

Pricing for products purchased from Contractor shall be list prices in effect on date of Purchase Order less the following discounts:

<u>Catalog</u>	<u>Discount</u>
Seating (includes addendum price lists)	52%
Tables (includes addendum price lists)	52%
Powered Tables	52%
Genesis Ht. Adjustable Tables	52%
Desking	53%
True	53%
In tandem	53%
All Terrain	53%
Flexible Workspace	52%
Wireworks	53%
Files & Storage	53%
Classroom Furnishings (some items freight excluded)	52%
Period (freight excluded)	53%
Roomscape	53%
Sustain (freight excluded)	53%
Site Furnishings	52%
Spacesaver Shelving	52%
AGI Products	52%
Fixed Seminar Tables, Fixed Seating, Auditorium Seating	Negotiated
KI Genius & Systemswall	Negotiated

Note:

REGION 1

Annual purchases above \$175,000 NET (January 1st to December 31st) of KI administrative office furnishings qualify for an additional 1% rebate.

Individual projects over \$200,000 NET qualify for 54% off list discounting. This includes all products with the exception of Spacesaver Shelving



Oregon State
UNIVERSITY

644 SW 13th Street

Corvallis, Oregon 97333-4238

Telephone: 541-737-4261 Fax: 541-737-2170

CONTRACT AMENDMENT #2
CONTRACT #K804402C

THIS CONTRACT AMENDMENT is made and entered into on the date of the latest signature below, in Corvallis, Oregon, County of Benton, State of Oregon, between the State of Oregon acting by and through its State Board of Higher Education on behalf of Oregon State University Procurement and Construction Contracting, hereinafter called OSU, and Krueger International, Inc. (KI), a Wisconsin Corporation, a manufacturer of office furniture and accessories with its principal offices at 1330 Bellevue Street, Green Bay, Wisconsin 54308, hereinafter called the Contractor.

OSU and Contractor shall be bound by the terms and provisions of the Contract and this Contract Amendment. ~~This Contract Amendment is by execution of this document, made part of Contract #K804402C.~~

~~The Contract is hereby amended as follows:~~

The following provision is added to the Contract:

1. Fuel Surcharge: Effective immediately for orders that would have been priced "delivered" with the full freight charges included, KI Contractor will charge a fee for processing and shipping all such "delivered" orders. A tiered schedule will apply to all orders under \$2500 and a single flat fee percentage will apply to all orders over \$2500 as set out below. This charge will be reflected as a single line item on invoices.

Orders \$1 - \$2500 - Delivered orders with net sales total of \$2500 or less will receive the following fee:

Net sales between \$1 and \$100:	\$20
Net sales between \$101 and \$250:	\$30
Net sales between \$251 and \$500:	\$40
Net sales between \$501 and \$1000:	\$60
Net sales between \$1001 and \$2500:	\$80

Orders over \$2500 - Delivered orders with net sales total over \$2500 will receive a flat surcharge of 1%. ~~This fee Contractor may vary change this fee over time due to prevailing economic conditions, and it will be tracked against the U.S. Gulf Coast fuel costs as reported by the Department of Energy. The fee amount, and will be posted to the web site <http://www.ki.com> two weeks prior to the effective month.~~

The Contract is amended as follows:

1. Contract Extension: The Contract is extended for one year from the date of latest signature through August 31, 2006.
2. The provision titled "Prevailing Wages" is amended by omitting "ORS 279.348 through 279.365" and inserting "ORS 279C.800 through 279C.870."
3. The provision titled "Attorney Fees" is omitted in its entirety.
4. The first sentence in the provision titled "Binding Price Agreement" is amended as follows (Omitted language is in brackets; added language is underlined):

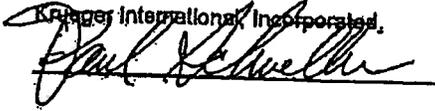
[Binding] Price Agreement: This Contract is intended to be a [Binding] Price Agreement as defined in OAR 137-045-0010(9)(21).

No other modifications to this Contract will be made at this time.

This contract amendment has been executed, in duplicate, by and on behalf of the parties hereto.

QBD

FOR THE CONTRACTOR:

Kruger International, Incorporated,


Date 8/30/05

FOR OREGON STATE UNIVERSITY:

Procurement and Construction Contracting Department
(PaCC)


Aaron D. Howell, C.P.M., CPPC
Associate Director of Business Services

Date 8/30/05



Oregon State
UNIVERSITY

644 SW 13th Street

Corvallis, Oregon 97333-4238

Telephone: 541-737-4261 Fax: 541-737-2170

CONTRACT AMENDMENT #5

CONTRACT #K804402C

THIS CONTRACT AMENDMENT is made and entered into on the date of the latest signature below, in Corvallis, Oregon, County of Benton, State of Oregon, between the State of Oregon acting by and through its State Board of Higher Education on behalf of Oregon State University Procurement and Contract Services, hereinafter called OSU, and Krueger International, Inc., a Wisconsin Corporation, a manufacturer of office furniture and accessories with its principle offices as 1330 Bellevue Street, Green Bay, Wisconsin 54308, hereinafter called the Contractor.

OSU and Contractor shall be bound by the terms and provisions of the Contract, Contract Amendments Numbers 2 to 4, and this Contract Amendment #5. This Contract Amendment is by execution of this document, made part of Contract #K804402C.

Contract Extension: The Contract is extended for one (1) year from September 1, 2007 through August 31, 2008.

Certification: The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws named in ORS 305.380(4), including without limitation the state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue, including the Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan District Self-Employment tax.

No other modifications to this Contract will be made at this time.

This contract amendment has been executed, in duplicate, by and on behalf of the parties hereto.

FOR THE CONTRACTOR:

Krueger International, Inc.


Date 8/31/07

FOR OREGON STATE UNIVERSITY:

Procurement and Contract Services
(PaCS)


Kelly Kozisek
Procurement and Contract Manager

Date 8/31/07

RESOLUTION NO. 4754-08

RESOLUTION APPROVING CONTRACT WITH KRUEGER INTERNATIONAL
FOR LIBRARY SHELVING AND FURNITURE

WHEREAS the new library requires the purchase of new shelving to hold books and other materials and an assortment of tables, chairs and other furnishings; and

WHEREAS the City has the opportunity to save time and money by piggybacking the purchase of steel shelving and some of the furniture for the new library under contract number K804402C between Oregon State University (OSU) and Krueger International (KI) using the pricing and other terms established by a competitive bid process conducted by the Oregon State University Office of Business Services; and

WHEREAS notice of intent to use a cooperative procurement process to purchase shelving and furniture for the new library has been advertised as required by ORS 279A.215 and no comments were received; and

WHEREAS adequate funds have been budgeted in the Library Improvement Fund for new shelving and furniture and the amount of the procurement is \$300,157.96.

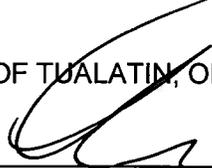
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The contract is awarded to Krueger International, Inc. of Green Bay, Wisconsin.

Section 2. The City Manager is authorized to execute a contract with Krueger International Inc., in the amount of \$300,157.96 for library shelving and furniture per the attached quotation (KI Quote No. MRG02-003022).

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

Approved as to Form:



City Attorney

Resolution No. 4754-08



WORKING
FOR
YOU

QUOTATION

Quote Filename: Gspace - MRG02-003022 - Tualatin Public Library - 2008 B.qsp

Project Name : Tualatin Public Library - 2008
Prepared By : MRG Oregon Showroom

Date Created : 01/21/08
Revision Date : 01/25/08
Expiration Date : 04/24/08
KI Quote # : MRG02-003022
Proj Tracker # :
PO # :

KI Rep Name : Carl Schock
KI Rep # : 033507

Contact Phone/Fax # : 503.239.3912 / 503.239.4187

Quote Type : Final Quotation - See Quote Comments below.

Drawing Numbers

Giza:

Systems:

Requested PSD :
Market Code : 9 = State/Local
Revision # : 1
Fixed Seating:
SystemsWall:

Sold To :

Company : City of Tualatin
Customer # :
Contact : Darrel Condra Email: dconda@ci.tualatin.or.us
Address : 8380 SW Nyberg Street
City : Tualatin
State : OR ZIP : 97062
Phone # : 503.846.9486 Fax # :

Ship To :

Company : Office Furniture Services
Contact : Chris Guy
Address : 110 SE Taylor Street
City : Portland
State : OR ZIP : 97214
Phone # : 503.236.7895 Fax # : 503.236.0645

Installation :

Company : Office Furniture Services
Vendor # :
Contact : Chris Guy
Address : 110 SE Taylor Street
City : Portland
State : OR ZIP : 97214
Phone # : 503.236.7895 Fax # : 503.236.0645

Project Totals:

Sub Total: \$293,808.96
Freight Total: \$125.00
Installation: \$6,224.00
Total: \$300,157.96

Mo. Lease Payment: NA

Lease Option: Ask about leasing options.

Order Entry Codes: AC

Quote Type Comments: See "Sales Terms and Conditions" section of this quotation for approval and acceptance. *Freight may be added on freight excluded product unless otherwise noted.*

Quote Notes: PLEASE MAKE ALL ORDERS TO KI AND REFERENCE OSU CONTRACT #K804402C ON YOUR PO. DELIVERY & INSTALLATION BASED ON BOLI WAGE RATES AND INCLUDES RECEIVE, INSPECT, DELIVER, INSTALL, DE-TRASH SERVICES. ESTIMATED LEAD-TIME AFTER RECEIPT OF FABRIC = 6 WORKING WEE



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MA*

DATE: February 11, 2008

SUBJECT: RESOLUTION AUTHORIZING AN AMENDMENT TO THE REGIONAL WATER PROVIDERS CONSORTIUM INTERGOVERNMENTAL AGREEMENT (IGA) RELATING TO DISCLOSURE OF SENSITIVE INFORMATION

ISSUE BEFORE THE COUNCIL:

Council will consider adopting an amendment to the Regional Water Providers Consortium IGA relating to confidentiality of water system information.

RECOMMENDATION:

Staff recommends the attached resolution be adopted agreeing to the amendment of the IGA relating to water system confidentiality.

EXECUTIVE SUMMARY:

Tualatin is a member along with 23 other water suppliers in the Regional Water Providers Consortium. This group meets regularly to share information and develop programs relating to water supply and use in the Portland Metropolitan Area. The most visible of these programs is the Summer Water Conservation program and the water conservation website, www.conserveh2o.org.

Another part of the Consortium's work has been the development of emergency plans for water supply. Part of this work involves sharing of information about water systems design and operating characteristics.

This information is sensitive and could be used to disrupt water system operations. The attached amendment to the IGA addresses this issue. It requires all participants to respect the confidentiality wishes of the other participants.

**STAFF REPORT: RESOLUTION AUTHORIZING AN AMENDMENT TO THE REGIONAL
WATER PROVIDERS CONSORTIUM IGA**

February 11, 2008

Page 2 of 2

OUTCOMES OF DECISION:

If the resolution is adopted, Tualatin will agree to the amendment to the IGA relating to sharing of confidential information, and if all other Consortium members do the same, it will become effective.

If the resolution is not adopted, then Tualatin will not agree to amend the IGA and the change relating to confidential information will not be approved. Implementation requires approval from all of the participating organizations.

FINANCIAL IMPLICATIONS:

None.

Attachments: A. Resolution

RESOLUTION NO. 4755-08

RESOLUTION AUTHORIZING AN AMENDMENT TO THE
REGIONAL WATER PROVIDERS CONSORTIUM
INTERGOVERNMENTAL AGREEMENT (IGA) RELATING TO
DISCLOSURE OF SENSITIVE INFORMATION

WHEREAS the Consortium is working to facilitate emergency coordination, planning, and communication among water providers as directed in the June 2004 Strategic Plan; and

WHEREAS the Consortium may develop tools to help facilitate the development of regional interconnections that may contain sensitive information about individual water systems, including locations of transmission lines and interconnections; and

WHEREAS disclosure of sensitive information would make the region's water systems vulnerable to unauthorized disruption or interference; and

WHEREAS the Oregon Public Records Law (ORS 192) recognizes the importance of protecting against the unlawful disruption to or interference with public services; and

WHEREAS the Consortium has adopted a Resolution to establish practices and protocols to aid in the prevention of the release of sensitive and protected information; and

WHEREAS an amendment to the Consortium's IGA requires the signature of all participating members of the Consortium.

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

Section 1. The IGA approved by the City Council on April 25, 2005 (Resolution No. 4356-05) forming the Regional Water Supply Consortium is hereby amended by the addition of Section 17 as follows:

Section 17. Disclosure of Sensitive Information

To achieve the work of the Consortium its members need to share specific information regarding their respective water systems including but

not limited to transmission and storage information. Some of that information is confidential because its disclosure would make the water systems vulnerable to unauthorized disruption or interference.

When sharing information, each Consortium member may identify that which it considers confidential. The Consortium, its members, and their officers, employees and agents shall protect as confidential any shared structural and operational system information identified by a member as confidential and shall not release such information unless ordered to do so by a court of law or upon written permission of the providing party.

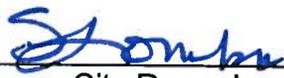
In the event that confidential information provided by one member is the subject of a Public Records Act request to the Consortium or a member, the Consortium or member holding the information, may tender to the member providing the information, the defense of any action brought to force disclosure of that information.

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST

By  _____
City Recorder

APPROVED AS TO FORM:


City Attorney



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary *[Signature]*

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager *[Signature]*
FROM: Debra Senger, Administration *[Signature]*
DATE: February 11, 2008
SUBJECT: CITIZEN INVOLVEMENT COMMITTEE APPOINTMENTS

ISSUE BEFORE THE COUNCIL:

Appointments to Citizen Involvement Committees and Boards.

RECOMMENDATION:

Approve the Citizen Involvement Committee recommendations and appoint the below listed individuals.

EXECUTIVE SUMMARY:

On February 4, 2008, the Citizen Involvement Committee met and interviewed citizens interested in participating on City Committees and Boards. The committee made the recommendation to appoint the following individuals:

Individual	Committee/Board	Term
Michael Cooper	Core Area Parking District Board	Partial term expiring 12/31/10
Wilma Stephen	Library Advisory Committee	Partial term expiring 10/31/08
Travis Dunford	Tualatin Parks Advisory Committee	Full term expiring 02/28/11
D.J. Ricardo DeAustria Jr.	Tualatin Parks Advisory Committee	Full term expiring 02/28/11

FINANCIAL IMPLICATIONS:

Not applicable.



Approved By Tualatin City Council

Date 2-11-08

Recording Secretary M. Smith

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 *DR*
Cindy Hahn, Assistant Planner *CH*

DATE: February 11, 2008

SUBJECT: MEASURE 37 CLAIM, PASCUZZI, LOCATED AT
10775/10835/11045 SW TUALATIN-SHERWOOD ROAD
(M37-06-04)

ISSUE BEFORE THE CITY COUNCIL:

Whether to accept the request from the Applicant to withdraw Measure 37 claim M37-06-04. The subject properties are identified as:

- 10775 SW Tualatin-Sherwood Road
(Tax Lot 700 on Assessor's Map 2S1 22DD),
- 10835 SW Tualatin-Sherwood Road
(Tax Lot 500 on Assessor's Map 2S1 27AA), and
- 11045 SW Tualatin-Sherwood Road
(Tax Lot 600 on Assessor's Map 2S1 22DD).

RECOMMENDATION:

Staff recommends the City Council consider the Applicant's request for withdrawal, close the public hearing, and direct staff to notify the Applicant of acceptance and close the case file.

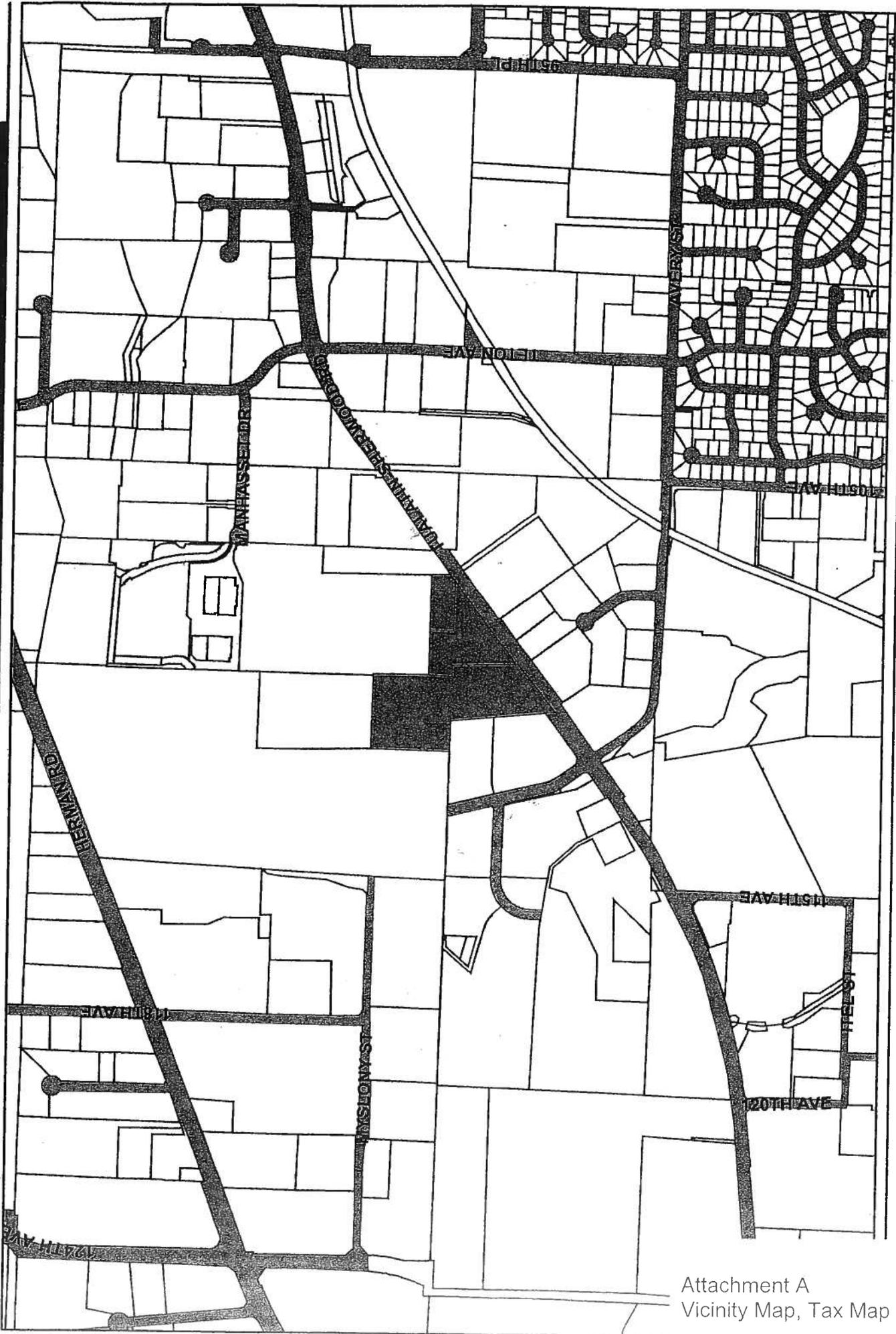
EXECUTIVE SUMMARY:

The claim is a Measure 37 property compensation claim subject to Oregon Revised Statutes (ORS) 197.352 and the City of Tualatin Measure 37 Real Property Compensation Claim provisions in Tualatin Municipal Code (TMC) Chapter 12.

On April 2, 2007, the Applicant requested a 180-day continuance of the April 9, 2007 hearing date, which Council approved, and the hearing was rescheduled to September 10, 2007. On August 13, 2007, the Applicant requested a second 180-day continuance, which Council approved, and the hearing was rescheduled to February 11, 2008. On December 5, 2007, the Applicant withdrew the Measure 37 claim.

STAFF REPORT: M37-06-04—10775/10835/11045 SW TUALATIN-SHERWOOD RD
February 11, 2008
Page 2 of 2

Attachments: A. Vicinity Map, Tax Map
B. Applicant's Request for Withdrawal



 Pascuzzi Property
 Taxlots



RF 1:9,600

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 3/28/2007

Attachment A
Vicinity Map, Tax Map

• PASCUZZI INVESTMENT LLC
10250 SW NORTH DAKOTA ST.
TIGARD, OREGON 97223

DECEMBER 5, 2007

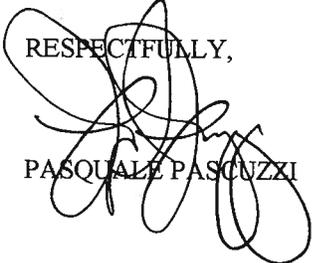
CINDY L. HAHN
CITY OF TUALATIN
18880 SW MARTINAZZI AVENUE
TUALATIN, OREGON 97062-7092

RE: STATUS OF M37-06-04 – PASCUZZI INVESTMENT LLC
10775, 10835 & 11045 SW TUALATIN-SHERWOOD ROAD

DEAR MS. HAHN;

PLEASE ACCEPT THIS LETTER AS THE REQUIRED NOTICE WITHDRAWING THE ABOVE
REFERENCED MEASURE 37 CLAIM.

RESPECTFULLY,


PASQUALE PASCUZZI

CITY OF TUALATIN
RECEIVED

DEC 07 2007

COMMUNITY DEVELOPMENT
ECONOMIC DEV DIVISION



Approved By Tualatin City Council
Date 2-11-08
Recording Secretary M. Ogden

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: February 11, 2008

SUBJECT: AN ORDINANCE RELATED TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD); AMENDING TDC 73.130 AND 73.190 (PTA-07-06).

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would amend the Multi-family Design Standards for lands within the Mixed Use Commercial Overlay District (MUCOD) to allow a more urban style multi-family development in those areas.

RECOMMENDATION: Staff recommends that the City Council approve the ordinance granting PTA-07-06.

EXECUTIVE SUMMARY:

On January 28, 2008, the City Council held a legislative hearing (PTA-07-06) to decide whether to amend the Multi-family Design Standards and allow those standards to apply in the Mixed Use Commercial Overlay District (MUCOD). At the close of the public hearing, Council approved the Staff Report by a vote of 5-0 with Mayor Ogden and Councilor Maddux absent, and directed Staff to bring back an ordinance adopting PTA-07-06 with amendments directed by Council.

FINANCIAL IMPLICATIONS:

Approving or denying the proposed amendment will not result in financial outlays by the City of Tualatin. The applicant has paid the required application fee.

STAFF REPORT: PTA-07-06

February 11, 2008

Page 2 of 2

Attachments:

A. Ordinance

B. Exhibit A – Affidavit of Publication

C. Exhibit B – Affidavit of Posting

D. Exhibit C – Staff Report dated January 28, 2008

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.

ORDINANCE NUMBER 1252-08

AN ORDINANCE RELATED TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD); AMENDING TDC 73.130 AND 73.190 (PTA-07-06).

WHEREAS upon the application of Trammel Crow Residential (TCR) Pacific NW Acquisitions LP, a public hearing was held before the City Council of the City of Tualatin on January 28, 2008, related to amending the multi-family design standards for lands within the Mixed Use Commercial Overlay District (MUCOD); amending TDC Chapter 73 – Community Design Standards Sections 73.130 and 73.190 (PTA-07-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on January 10, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on January 28, 2008, 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 5-0 with Mayor Ogden and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, 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 ORDAINS AS FOLLOWS:

Section 1. TDC 73.130 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District, **or within the Mixed Use Commercial Overlay District in which case the Architectural Review process shall determine the appropriate outdoor area**, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District **or the Mixed Use Commercial Overlay District** such outdoor areas may be less than 48 square feet.

(2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.

(b) Within the Central Design District, **or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process**, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

(3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and designed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the

kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and

(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

(c) These standards shall not apply to townhouses or within the Central Design District **or within the Mixed Use Commercial Overlay District. Within the Mixed Use Commercial Overlay District the amount of shared outdoor areas and children's play areas shall be consistent with the intent of the Mixed Use Commercial Overlay District and shall be appropriate for the design and scale of residential use proposed as determined through the Architectural Review process.**

(4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas.

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

(5) Service, Delivery and Screening

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(6) Accessways

(a) Accessways shall be constructed, owned and maintained by the property owner.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

- (i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
 - (ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;
 - (iii) adjoining undeveloped residential or commercial property; and
 - (iv) adjoining developed sites where an accessway is planned or provided.
- (c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.
- (d) Accessways for multi-family development shall:
- (i) be a minimum of 8 feet in width;
 - (ii) be constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;
 - (iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and
 - (iv) have curb ramps wherever the accessway crosses a curb.
- (e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.
- (7) Walkways
- (a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.
 - (b) Curb ramps shall be provided wherever a walkway crosses a curb.
- (8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

Section 2. TDC 73.190 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.190 Standards.

The following standards are minimum requirements for multi-family and townhouse development.

(1) Storage

(a) Except as provided in Subsection (1)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

- (i) 24 square feet for studio and one bedroom units;
- (ii) 36 square feet for two bedroom units; and
- (iii) 48 square feet for greater than two bedroom units.

(b) For townhouses and residential and mixed use residential developments in the Central Design District, **or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process**, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

(2) Carports and Garages

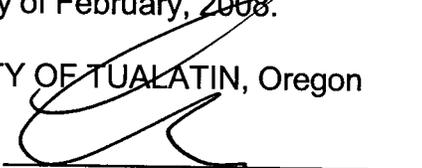
(a) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(b) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this 11th day of February, 2008.

CITY OF TUALATIN, Oregon

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO
 Box 22109 • Portland, OR 97269
 Phone: 503-684-0360 Fax: 503-620-3433
 Email: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
 PTA-07-06
 TT11071

a copy of which is hereto attached, was published in the entire issue of said newspaper for

1 weeks in the following issues
 January 10, 2008

Charlotte Allsop

Charlotte Allsop (Accounting Manager)
 January 10, 2008

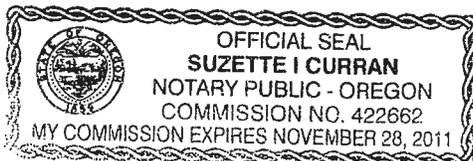
Suzette I. Curran

NOTARY PUBLIC FOR OREGON

My commission expires *Nov. 28, 2011*

Acct #108462
 Stacy Fonseca
 City of Tualatin
 18880 SW Martinazzi Avenue
 Tualatin, OR 97062

Size: 2 x 8.75
 Amount Due \$158.37
 *Remit to address above



**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

City Council at 7:00 p.m., Monday, January 28, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 07-06—AN ORDINANCE RELATING TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS IN JDC 73.130 AND 73.190 FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD)

BEFORE GRANTING THE PROPOSED AMENDMENTS, THE CITY COUNCIL MUST FIND THAT: (1) GRANTING THE AMENDMENTS IS IN THE PUBLIC INTEREST; (2) THE PUBLIC INTEREST IS BEST PROTECTED BY NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF TUALATIN GRANTING THE AMENDMENTS AT THIS TIME; (3) THE PROPOSED AMENDMENTS ARE IN CONFORMITY WITH THE APPLICABLE OBJECTIVES OF THE TUALATIN COMMUNITY PLAN; (4) THE FACTORS LISTED IN SECTION 1.032(4) WERE CONSCIOUSLY CONSIDERED; (5) THE TIGARD TUALATIN SCHOOL DISTRICT FACILITY PLAN WAS CONSIDERED; (6) THE AMENDMENTS ARE CONSISTENT WITH THE STATEWIDE PLANNING GOALS; (7) THE AMENDMENTS ARE CONSISTENT WITH THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN; AND (8) THE AMENDMENTS ARE CONSISTENT WITH LEVEL OF SERVICE F FOR THE PM PEAK HOUR AND E FOR THE ONE-HALF HOUR BEFORE AND AFTER THE PM PEAK HOUR FOR THE TOWN CENTER 2040 DESIGN TYPE AND E/E FOR THE REST OF THE 2040 DESIGN TYPES IN THE CITY'S PLANNING AREA.

INDIVIDUALS WISHING TO COMMENT MAY DO SO IN WRITING TO THE PLANNING DIVISION PRIOR TO THE HEARING AND/OR PRESENT WRITTEN AND/OR VERBAL TESTIMONY TO THE CITY COUNCIL AT THE HEARING. HEARINGS ARE COMMENCED WITH A STAFF PRESENTATION, FOLLOWED BY TESTIMONY BY PROPONENTS, TESTIMONY BY OPPONENTS, AND REBUTTAL. THE TIME OF INDIVIDUAL TESTIMONY MAY BE LIMITED. IF A PARTICIPANT REQUESTS, BEFORE THE HEARING IS CLOSED, THE RECORD SHALL REMAIN OPEN FOR AT LEAST 7 DAYS AFTER THE HEARING. THE FAILURE OF THE APPLICANT TO RAISE CONSTITUTIONAL OR OTHER ISSUES RELATING TO PROPOSED CONDITIONS OF APPROVAL WITH SUFFICIENT SPECIFICITY TO THE DECISION MAKER TO RESPOND TO THE ISSUE PRECLUDES AN ACTION FOR DAMAGES IN CIRCUIT COURT.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Cindy Hahn at (503) 691-3029. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON
 By: Sherilyn Lombos, City Recorder
 Publish 1/10/2008 TT11071

Item not received
 Acct. number 001-1060-511.52-12
 POB
 \$158.37
 1/15/08

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Fonseca, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 2nd day of January, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

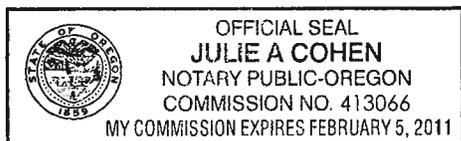
1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 2nd day of January, 2008.



Stacy Fonseca

Subscribed and sworn to before me this 15th day of January, 2008.





Notary Public for Oregon
My Commission expires: 2-5-11

RE: PLAN TEXT AMENDMENT (PTA) 07-06—AN ORDINANCE RELATING TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS IN TDC 73.130 AND 73.190 FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD)

EXHIBIT B



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, January 28, 2008, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 07-06—AN ORDINANCE RELATING TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS IN TDC 73.130 AND 73.190 FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Cindy Hahn at (503) 691-3029. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on (January 10, 2008).



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: January 28, 2008

SUBJECT: PTA-07-06—AMENDING THE MULTI-FAMILY DESIGN STANDARDS IN TDC 73.130 AND 73.190 FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD)

ISSUE BEFORE THE CITY COUNCIL:

A request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) Chapter 73-Community Design Standards, Sections 73.130 Site Planning-Multi-family Uses and 73.190 Structure Design-Multi-family Uses, which will correct an existing code conflict by including lands within the Mixed Use Commercial Overlay District (MUCOD) in exceptions to minimum standards for providing private outdoor areas, storage areas, shared outdoor areas and children's play areas, and entry areas similar to those provided for in the Central Design District.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 4-0 with one abstention on January 10, 2008, recommending that the City Council approve PTA-07-06.

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-07-06 based on the draft ordinance in Attachment E.

BACKGROUND:

The purpose of the Mixed Use Commercial Overlay District (MUCOD) is "to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area ... A second purpose is to recognize that when developed under certain regulations commercial and residential uses may be compatible in the General Commercial District." [TDC 57.010]

EXHIBIT C

In establishing the MUCOD the City recognized that there might be conflicts with the existing design standards in Chapter 73 and included the following language in Section 57.200(2)-Design Standards, Conflicting Standards to address these potential conflicts: "In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are: (a) deference should be given to using the TDC Chapter 57 requirement, and (b) use the standard that will yield the highest quality development."

In cases where there is a direct conflict between the standards in Chapter 57 and those in Chapter 73, the language in 57.200 provides clear guidance on how to resolve those conflicts. However, there are also instances where the standards are not directly in conflict, but rather at cross-purposes. In other words, the type of urban development expected in the MUCOD cannot be achieved using the standards in Chapter 73.

A similar conflict arose when the City adopted the Central Design District Design Guidelines, which apply to the Tualatin Commons area (bounded by SW Martinazzi Avenue, SW Tualatin-Sherwood Road, SW Tualatin Road/SW Boones Ferry Road, and Hedges Creek) and high-density residential developments such as the Villas I-III and the Mews I and II. At that time conforming amendments were made to the multi-family standards in Chapter 73 in recognition of the Central Design District's intended higher residential densities. A similar step should have been taken when the MUCOD was originally adopted in 2000. However, because the focus at that time was on future commercial and office development at Bridgeport Village, necessary conforming amendments for multi-family development were not made during the adoption process. The amendments proposed in PTA-07-06 rectify that oversight and propose to resolve the cross-purposes or conflicts in a manner similar to that provided for the Central Design District.

EXECUTIVE SUMMARY:

- This matter is a legislative action. TPAC has reviewed the proposal and made a recommendation to the City Council. The City Council will consider the matter in a legislative public hearing.
- This matter is a Plan Text Amendment to the Tualatin Development Code.
- Although this PTA was initiated by Trammel Crow Residential (TCR) Pacific NW Acquisitions LP (the Applicant), which proposes to develop a mixed-use project on the former Schneider Trucking and Lane International facility sites on the north side of SW Lower Boones Ferry Road, this PTA applies to all lands within the MUCOD, as well as those in the Durham Quarry Area that may be added to the MUCOD in the future. A Vicinity Map, Tax Maps, and Site Maps are included as Attachments A, B, and C, respectively. The Applicant's materials are included as Attachment D.
- Similar to the Central Design District guidelines that apply to a specific, geographically defined area of Tualatin, the MUCOD only applies to certain parcels in the Durham Quarry and "Bridgeport area" of Tualatin. If the decision

were made to apply the MUCOD elsewhere in the City, a Plan Text Amendment, with a public hearing before the City Council, would be required. PTA-07-06 does not affect the geographic area to which the MUCOD currently applies or may be applied in the future.

- The standards in TDC Chapter 73 are designed for garden-style multi-family apartments, not the higher-density, urban-style projects now developed in the Central Design District and envisioned for the MUCOD. As discussed above, conforming amendments were made to Chapter 73 in recognition of the Central Design District's intended higher residential densities, and similar conforming amendments should now be made in recognition of development intended for the MUCOD.
- For illustrative purposes, the following table estimates the amount of private outdoor areas, entrance areas, shared outdoor areas and children's play areas, and storage areas that would be required under existing standards contained in Chapters 57 and 73 using, as an example, the 4.35-acre portion of the TCR site located in Tualatin. It is estimated that 275 multi-family residential units would be constructed on this portion of the site:

Standard	Chapter 73	Chapter 57
73.130 (1)(a) Private Outdoor Areas – Ground Level Units <i>Estimate 275 units total, 92 ground level</i>	Separate outdoor area at least 80 sq.ft. in area attached to each ground level dwelling <i>92 units x 80 s.f. = 7,360 s.f.</i>	Porch at least 48 sq.ft. in area with no dimension less than 6 ft. <i>92 units x 48 s.f. = 4,416 s.f.</i>
73.130(1)(b) Private Outdoor Area – Non-Ground Level Units <i>Estimate 275 units total, 183 non-ground level</i>	At least 48 sq.ft. in balconies, terraces, or loggias <i>183 units x 48 s.f. = 8,784 s.f.</i>	No minimum area required – porches and balconies encouraged <i>No minimum = 0 s.f.</i>
73.130(2) Entrance Area <i>Estimate 275 units total</i>	At least 24 sq.ft. per dwelling unit and may be combined to serve more than a single unit <i>275 units x 24 s.f. = 6,600 s.f.</i>	No minimum area required <i>No minimum = 0 s.f.</i>
73.130(3) Shared Outdoor Areas and Children's Play Areas <i>Estimate 275 units total</i>	At least 450 sq.ft. per dwelling unit in year round shared outdoor areas for both active and passive recreation <i>275 units x 450 s.f. = 123,750 s.f.</i>	No minimum area specified <i>No minimum = 0 s.f.</i>
73.190(1) Storage <i>Estimate 275 units total, 70 studio/1bdrm, 136 2 bdrm, 69 3+ bdrm</i>	Each storage area shall be a minimum of 6 ft. in height and have a minimum floor area of: 24 sq.ft. for studio and one bedroom units; 36 sq.ft. for two bedroom units; and 48 sq.ft. for greater than two bedroom units. <i>70 units x 24 s.f. = 1,680 s.f.</i> <i>136 units x 36 s.f. = 4,896 s.f.</i> <i>69 units x 48 s.f. = 3,312 s.f.</i>	No minimum area specified <i>No minimum = 0 s.f.</i>
TOTAL: <i>Outdoor or ground level</i>	<i>7,360 s.f. + 123,750 s.f.</i> <i>= 131,110 s.f. = 3.01 acres</i>	<i>4,416 s.f. = 0.10 acre</i>
<i>Enclosed or above ground level</i>	<i>8,784 s.f. + 6,600 s.f. + 9,888 s.f.</i> <i>= 25,272 s.f. = 0.58 acres</i>	<i>No minimum = 0 s.f.</i>

It is not possible to provide approximately 3.01 acres of outdoor area that would be required under existing Chapter 73 standards for multi-family development on a 4.35-acre site while achieving the type of higher density, urban development envisioned for the MUCOD without either reducing the proposed number of units or exceeding the height limit of 50 feet to provide more stories and, therefore, more units in the residential buildings. Therefore, conforming amendments to the multi-family standards similar to those made in recognition of the Central Design District's intended higher residential densities are being proposed for the MUCOD with this PTA.

- The Applicant did not submit a traffic analysis for this PTA; however, an analysis was prepared for the previous PTAs and PMA for TCR's site (for reference, a copy of the Supplemental Materials for PMA-07-01 and PTA-07-04 related to transportation is attached as Attachment I). The City of Tualatin Engineering Division has prepared a memorandum responding to the current application (Attachment H). The memorandum notes that development of the TCR site as proposed (multi-family with a retail component) creates less trips than the "reasonable worst-case scenario" (all retail development). The memorandum further notes that other parcels that currently have the MUCOD overlay have already been developed, the trips associated with those developments will not be impacted by the amendment, and the impacts from other parcels that could implement the MUCOD overlay are unknown at this time. The memorandum also responds to a comment letter received from the Oregon Department of Land Conservation and Development (Attachment J) regarding the need for street and pedestrian connections in the area.
- To the extent that PTA-07-06 affects the number of multi-family residential units that could be constructed within mixed-use development in the MUCOD, it also affects the number of auto trips that potentially would be generated by that development. For example, if it is not possible to construct the estimated 275 units proposed on the 4.35-acre portion of the TCR site that is located in Tualatin, it follows that fewer units would be built and, therefore, fewer trips would be generated.
- The proposed staff version of the PTA code amendment language is provided in Attachment E. The Applicant has prepared a narrative that addresses the PTA approval criteria (Attachment D) and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment G).
- The policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 6.040-Commercial Planning District Objectives; TDC Chapter 54-General Commercial Planning District; TDC Chapter 57-Mixed use Commercial Overlay District; TDC Chapter 73-Community Design Standards. The Analysis and Findings section of this report (Attachment G) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment G) examines the application with respect to the criteria for a Plan Amendment.

ALTERNATIVES TO AND OUTCOMES OF DECISION:

Approval of the PTA request will result in the following:

1. Amends and clarifies the standards in TDC Sections 73.130 Site Planning-Multi-family Uses and 73.190 Structure Design-Multi-family Uses for lands within the MUCOD.
2. Corrects an existing code conflict in TDC Chapter 73.
3. Enables the type of mixed-use multi-family development envisioned in the MUCOD.
4. Allows the Applicant to develop the property in the CG Planning District within the MUCOD with the Applicant's desired urban density of residential multi-family units.
5. This action will not reduce the function, capacity or safety of SW Lower Boones Ferry Road or other transportation facilities in the vicinity.

Denial of the PTA request will result in the following:

1. The existing code conflict in TDC Chapter 73 will remain uncorrected.
2. The type of mixed-use multi-family development envisioned in the MUCOD will not be possible.
3. The Applicant must develop their site consistent with the current site planning and structure design standards contained in TDC Chapter 73, which will not achieve the Applicant's desired urban density for the proposed multi-family units.

Continuing discussion of the PTA request and returning to the matter at a later date will result in the following:

1. The existing code conflict in TDC Chapter 73 will remain uncorrected for an indefinite period of time.
2. The Applicant's desired review and construction schedule will be delayed for an indefinite period of time.

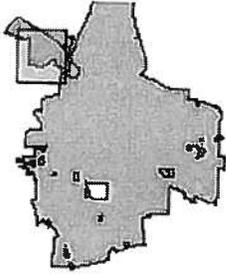
FINANCIAL IMPLICATIONS:

The Applicant paid the required application fee, which is contained in the FY 07/08 budget for revenue.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting on December 20, 2007, at 5:30 p.m. at the Tualatin/Durham Senior Center, to explain their development and PTA proposals to neighboring property owners and to receive comments. This meeting was attended by eight (8) members of the public (nearby property owners/developers).

- Attachments:**
- A. Vicinity Map
 - B. Tax Map
 - C. Site Map
 - D. Applicant's Materials and Supporting Information
 - E. Staff version of proposed Text Amendment Language-TDC 73.130 and 73.190
 - F. Background Information
 - G. Analysis and Findings
 - H. Engineering Division Memorandum
 - I. Supplemental Materials for PMA-07-01 and PTA-07-04 related to transportation
 - J. Comment letter received from the Oregon Department of Land Conservation and Development, dated January 9, 2008.



Legend

**Scale 1:7,082
1 in = 590 ft**



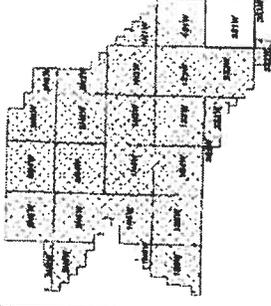
Attachment A
Vicinity Map

2S 1 13DC

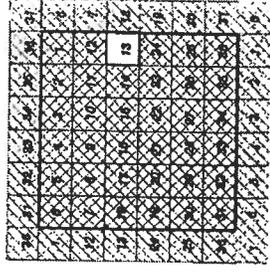
2S 1 13DC

2S 1 13DC

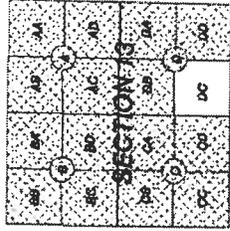
05/20/12



WASHINGTON COUNTY OREGON
SW1/4 SE1/4 SECTION 13 T2S R1W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



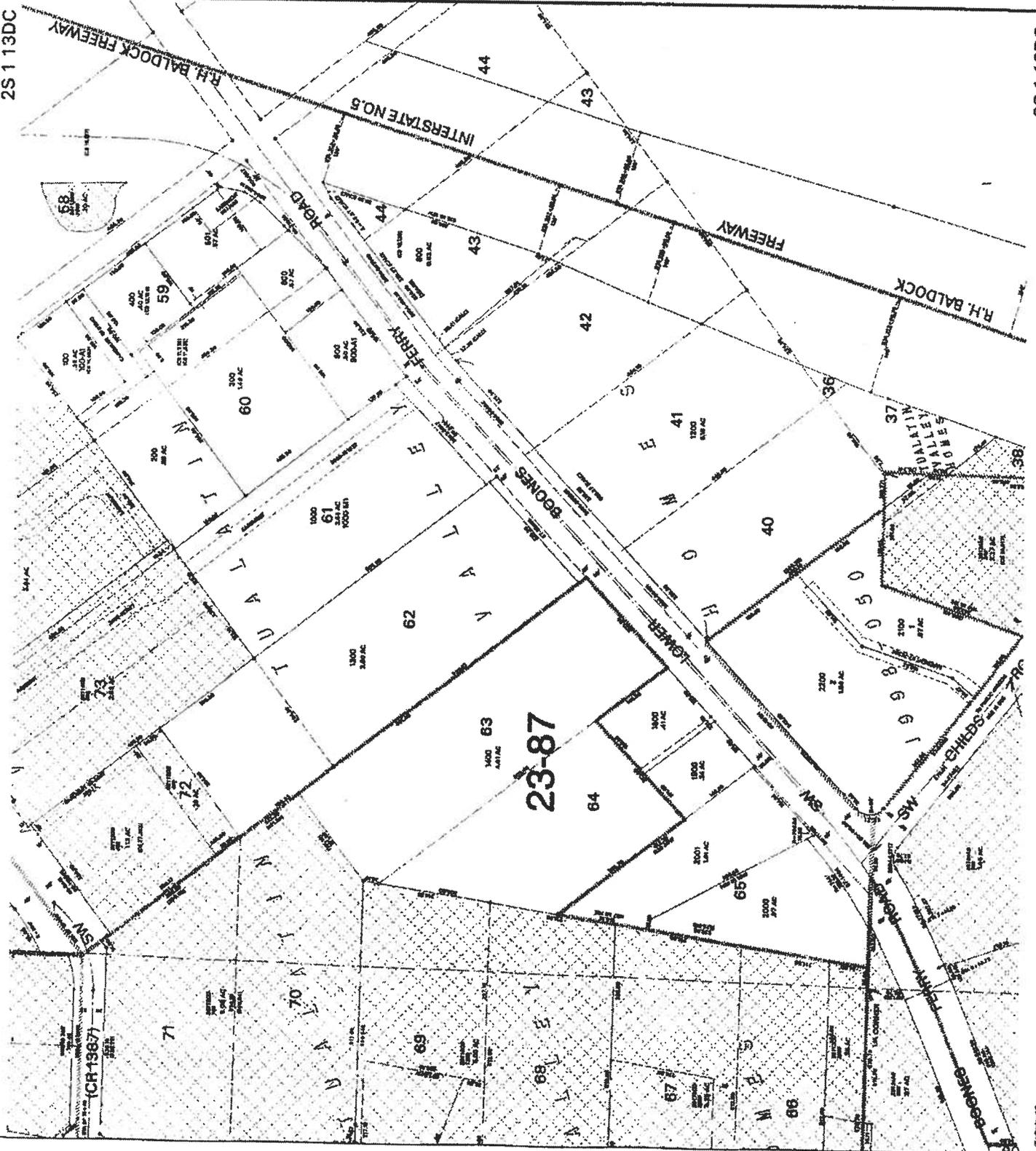
Cancelled Thesis For 2S113DC
001, 100, 1001, 1100, 1100, 1100



PLOT DATE: JULY 13, 2007
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
THIS MAP FOR OTHER USE

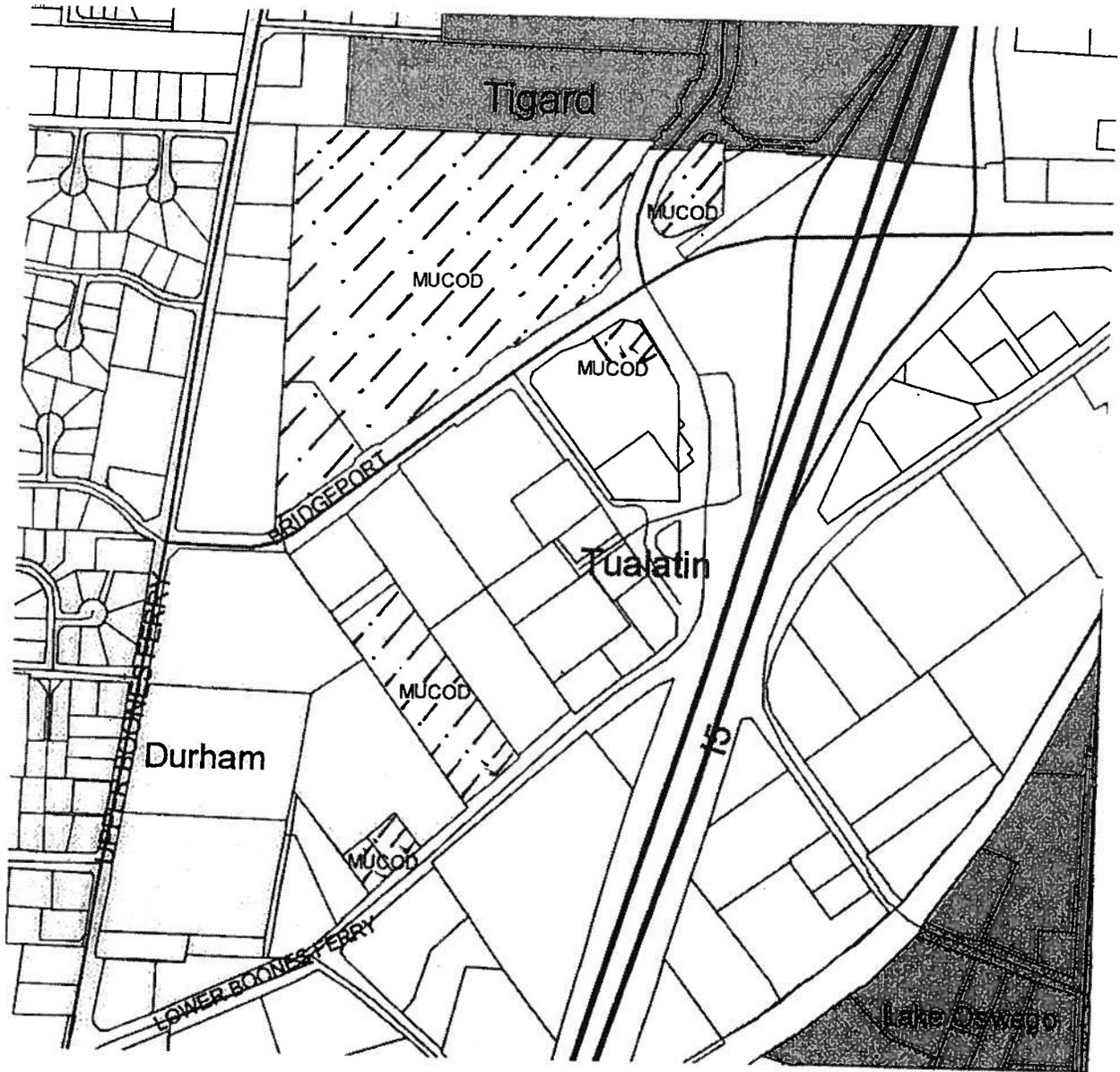
This document is the property of Assessment Cartography Oregon. It is to be used only for the purposes stated. No other use is permitted without the express written consent of Assessment Cartography Oregon.

TUALATIN
DURHAM
2S 1 13DC



LOCATION MAP

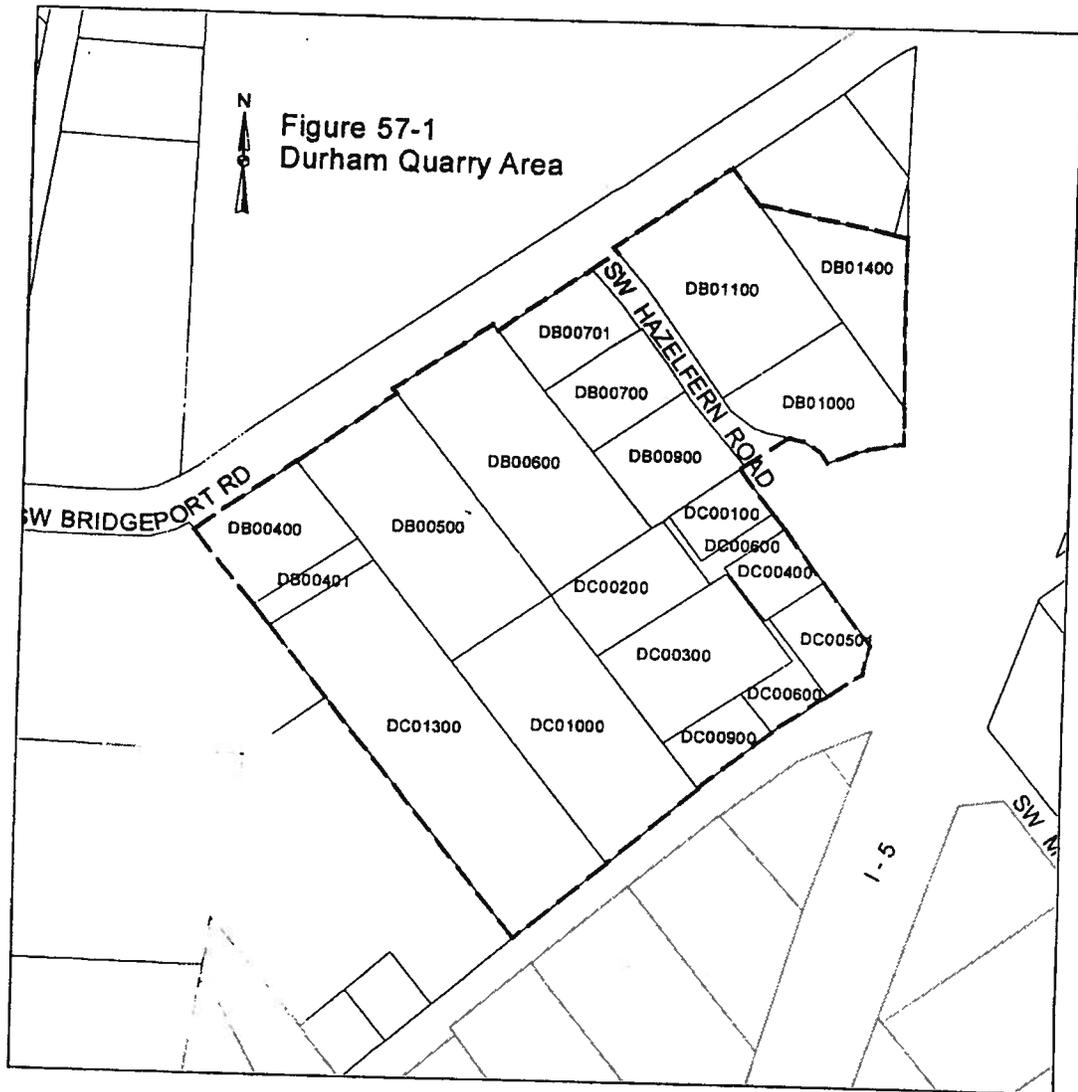
MUCOD Parcels affected by the proposed Plan Text and Map Amendments



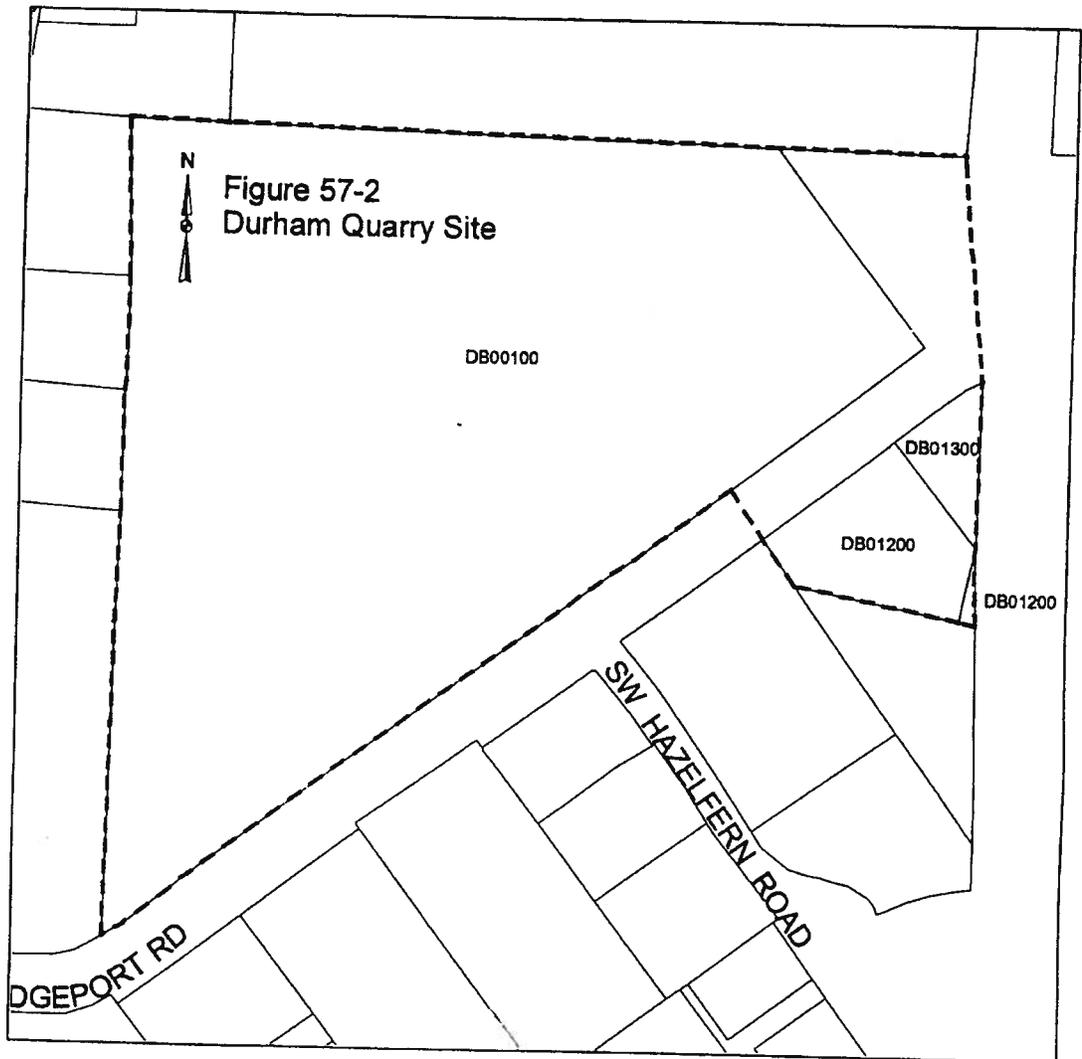
Tualatin Development Code

57.900

- [1] Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in TDC 57.400(2)(a)(ii). [Ord 1062 00, passed December 11, 2000.](Ord. 1062-00, Add, 01/03/2001)



Tualatin Development Code



APPLICATION FOR PLAN **TEXT** AMENDMENT

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

Case No. _____
Fee Rec'd. _____
Receipt No. _____
Date Rec'd. _____
By _____

.....
PLEASE PRINT IN BLACK INK OR TYPE

Nature of amendment requested Plan Text Amendment to the Multi-family Design Standards in Section 73.130 and 73.190 for Lands within the Mixed Use Commercial Overlay District

State the specific section number(s) of the Code to be amended _____

Section 73.130 Standards

Section 73.190 Standards.

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

Applicant's Signature See attached signature page

Applicant's Name TCR Pacific NW Acquisitions LP Phone 503-241-2989

Applicant's address 630 NW 10th Avenue, Portland, Oregon 97209
(street) (city) (state) (zip)

Applicant is: Owner _____ Contract Purchaser X Developer X Agent _____

Other _____

If the request is for a specific property:

County N/A Map # N/A Tax Lot #(s) N/A

Owner's Name _____

Owner's Address _____
(street) (city) (state) (zip)

Owner recognition of application: N/A

(signature of owner(s))

12/12/03

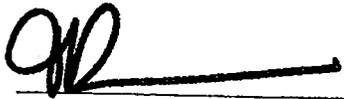
Tualatin PTA Application to modify chapter 73 – December, 2007

TCR Pacific Northwest Acquisitions Limited Partnership,
a Texas limited partnership

By: TCR Pacific Northwest Acquisitions 2005, Inc.,
a Texas corporation

Its: General Partner

By:

A handwritten signature in black ink, appearing to be 'JLD', written over a horizontal line.

Its:

VICE PRESIDENT

II. REQUESTED AMENDMENTS

BACKGROUND:

The purpose of Mixed Use Commercial Overlay District (MUCOD) is to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area. Retail, office, business services and personal services are emphasized, but residential uses are also allowed in the MUCOD District. A second purpose of the District is to recognize that when developed under certain regulations, commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area.

The standards of the MUCOD are intended to create a much more urban and pedestrian-oriented environment:

- ◆ Minimum setbacks are reduced to zero,
- ◆ Buildings are required to be oriented to the street,
- ◆ Floor area ratios over 0.5 are required,
- ◆ Structure can be 50 to 70 feet in height, and
- ◆ Residential densities are expected to range from 25 to 50 dwelling units an acre (or greater within a mixed use development).

The residential densities are the highest in the City and exceed those within the Central Design District. Within the MUCOD, residential-only and mixed-use buildings where at least 50.1% of the gross floor area of the building is residential are also subject to the Design Compatibility Standards in Section 57.300. These standards address the design of front facades, main entrance, unit definition, roof lines, trim detail, mechanical equipment, parking, and pedestrian circulation.

In establishing the MUCOD the City recognized that there might be conflicts with the existing design standards in Chapter 73 and included the following language to address these potential conflicts:

Section 57.200 Design Standards (2) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are:

- (a) deference should be given to using the TDC Chapter 57 requirement, and*
- (b) use the standard that will yield the highest quality development.*

In cases where there is a direct conflict between the standards in Chapter 57 and those in Chapter 73, the language in 57.200 provides clear guidance on how to resolve those conflicts. However, as shown in the table on the following page, there are also instances where the standards are not directly in conflict, but rather at cross-purposes. In other words, the type of urban development expected in the MUCOD cannot be achieved using the standards in Chapter 73. It is these standards that this application seeks to amend and clarify.

The Central Design District provides a good model for the amendments. When the City adopted the Central Design District, conforming amendments were made to the multi-family standards Chapter 73 in recognition of the Central Design District's intended higher residential densities. A similar step should have been taken when the MUCOD was originally adopted. However, because the focus was on future the future commercial and office development at Bridgeport Village, necessary conforming amendments for multi-family were not made during the adoption process. These proposed amendments rectify that oversight and propose to resolve the conflicts in a manner similar to that provided for the Central Design District.

Comparison of Selected Design Standards from Chapters 57 and 73		
STANDARD	CHAPTER 57	CHAPTER 73
Private Outdoor Area – Ground Level Units	48 square feet in area with no dimension less than six feet	Except within the Central Design District, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit
Private Outdoor Area – Non-Ground Floor Units	No minimum area required - Projecting features such as porches and balconies are encouraged	48 square feet, except within the Central Design District such outdoor areas may be less than 48 square feet
Entrance Area	No minimum area required - Primary structures are required to be oriented with their main entrance facing the street upon which the project fronts.	24 square feet for each dwelling unit and may be combined to serve more than a single unit, except in the Central Design District
Shared Outdoor Areas and Children's Play Areas	No minimum area specified	450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area, except in Central Design District or for very small projects and townhouses
Storage	No minimum area specified	Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of: (i) 24 square feet for studio and one bedroom units; (ii) 36 square feet for two bed-room units; and (iii) 48 square feet for greater than two bedroom units. (b) For townhouses and residential and mixed use residential developments in the Central Design District, some provision shall be made for outdoor storage adjacent to private outdoor areas.

REQUEST:

This Plan Text Amendment (PTA) is an application by TCR Pacific Northwest Acquisitions LP to amend the Multi-family Design Standards within Tualatin Development Code Sections 73.130 and 73.190 in terms of how they apply to lands within the MUCOD.

.Amendment to Tualatin Development Code

The requested amendments to Sections 73.130 and 73.190 are shown below. New proposed language is ***bold italics*** and existing language proposed to be deleted is shown with ~~strikethrough~~

DESIGN STANDARDS
Site Planning - Multi-family Uses.

Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District ***or the Mixed Use Commercial Overlay District***, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District ***or the Mixed Use Commercial Overlay District*** such outdoor areas may be less than 48 square feet.

(2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit en-tries from interior corridors.

(b) Within the Central Design District ***or the Mixed Use Commercial Overlay District***, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

(3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and de-signed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the kitchen, living room, dining room or other activity room (bedrooms or bath-rooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared out-door areas from off-site as well as from on-site parking

and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and
(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

(c) These standards shall not apply to townhouses or within the Central Design District *or the Mixed Use Commercial Overlay District*.

(4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive (i.e., shining into residential units).

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

(5) Service, Delivery and Screening

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(6) Accessways

(a) Accessways shall be constructed, owned and maintained by the property owner.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

(i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wet-land to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

(ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;

(iii) adjoining undeveloped residential or commercial property; and

(iv) adjoining developed sites where an accessway is planned or provided.

(c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(d) Accessways for multi-family development shall:

(i) be a paved surface that is a minimum of 8 feet in width;

(ii) be constructed of Portland Cement Concrete;

(iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and

(iv) have curb ramps wherever the accessway crosses a curb.

(e) Outdoor Recreation Access Routes shall be provided between the development's

walkway and bikeway circulation system and parks, bike-ways and greenways where a bike or pedestrian path is designated.

(7) Walkways

(a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and paved with asphalt, concrete or a suitable all-weather surface material.

(b) Curb ramps shall be provided wherever a walkway crosses a curb.

(8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

(b) For townhouses and residential and mixed use residential developments in the Central Design District or the Mixed Use Commercial Overlay District, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be de-signed to accommodate barbecues or other small deck equipment.

(2) Carports and Garages(a) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(b) At least one garage space shall be provided for townhouses.

Structure Design - Multi-family Uses.

Section 73.190 Standards.

The following standards are minimum requirements for multi-family and townhouse development.

(1) Storage

(a) Except as provided in Subsection (1)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

(i) 24 square feet for studio and one bedroom units;

(ii) 36 square feet for two bed-room units; and

(iii) 48 square feet for greater than two bedroom units.

III.

ANALYSIS OF CONFORMANCE WITH APPLICABLE CODE REQUIREMENTS

- (1) *Granting the amendment is in the public interest (Subsection 1.032.1).*

Response: In its original adoption of the Mixed Use Commercial Overlay District, the City intended to create a much more urban and pedestrian-oriented environment. The residential densities are the highest in the City and exceed those within the Central Design District. In order to fully implement the intent of the MUCOD, there are necessary conforming amendments to the multi-family standards in Chapter 73 that should have been made at the time of adoption. These proposed amendments to Chapter 73 will enable the type of mixed-use multi-family development which was envisioned within the MUCOD.

Granting the amendments is in the public interest. Criterion 1 is met.

- (2) *The public interest is best protected by granting the amendment at this time. (Subsection 1.032.2)*

Response: Development and redevelopment is continuing in the Durham Quarry Area. As this occurs, the City is provided with new opportunities to implement its policy objectives within the MUCOD. Delaying adoption of these amendments would result in missed opportunities to encourage the type of mixed-use multi-family development which was envisioned within the MUCOD.

The public interest will be best protected by granting the amendments at this time. Criterion 2 is met.

- (3) *The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan. (Subsection 1.032.3)*

Section 73.120 Objectives. [Site Planning - Multi-family Uses]

All multi-family projects, including town-houses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. Site elements shall be placed and designed, to the maximum extent practicable, to:

- (1) Retain and incorporate existing trees and other significant natural features such as drainage-ways and wetlands.*
- (2) Minimize soil removal from the site and grade changes.*
- (3) Minimize the effects of noise and dust pollution on areas surrounding and within the site.*
- (4) Create areas for recreation which are suit-able for passive and active uses.*
- (5) Provide the opportunity for residents to watch over shared outdoor areas, entry areas and vehicular parking areas through placement and orientation of kitchen or living room windows, or both.*
- (6) Provide protection from adverse climate conditions such as summer overheating and winter storms. Architectural and landscape elements such as porches, trellises, awnings, trees and shrubs are examples of items which may mitigate these impacts.*

- (7) *Parking lot location and design should minimize distances between resident vehicular parking and entry areas while providing a suitable transition in materials and scale between vehicular areas and living areas.*
- (8) *Protect parked vehicles from moving vehicles.*
- (9) *Select and locate plant materials to appropriately articulate space, frame views and vistas, provide seasonal variety, create usable ground surfaces, discourage intrusion into private outdoor areas, and curtail erosion.*
- (10) *Provide shade and break up the appearance of large expanses of paved areas.*
- (11) *Screen vehicular headlights from shining into residential units.*
- (12) *Screen elements such as mechanical and electrical facilities from view.*
- (13) *Avoid barriers to disabled individuals.*
- (14) *Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.*
- (15) *Provide, protect and maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.*
- (16) *Provide safe and convenient walkways for pedestrians to move from parking areas to building entrances.*
- (17) *Provide and maintain a circulation system of safe and convenient walkways and bikeways that link buildings on the site with adjacent public streets and accessways.*
- (18) *Provide direct and convenient accessways between the development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and a bike lane is provided or designated; and abutting residential, commercial and semi-public property. Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway and which provides continuity from property to property for pedestrians and bicyclists to use the accessway.*

Section 73.180 Objectives. [Structure Design - Multi-family Uses]

All multi-family projects, including town-houses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

- (1) *Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.*
- (2) *Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.*
- (3) *Create subclusters and stagger unit alignments.*
- (4) *Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.*
- (5) *Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.*
- (6) *Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.*
- (7) *Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role*

(whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).

(8) Minimize disruption of natural site features such as topography, trees and water features.

Response: The objectives above help guide multi-family development within the City of Tualatin and help ensure that new multi-family development occurs in a way that contributes to the livability of Tualatin. These objectives are implemented in part by the multi-family standards in 73.130 and 73.190. Within the MUCOD, multi-family development and mixed use multi-family developments are also subject to the design standards in Section 57.300. The proposed amendments will enable the type of mixed use multi-family development envisioned in the MUCOD in a manner that is consistent with the applicable objectives noted above.

The proposed amendments are in conformity with applicable objectives. Criterion 3 is met.

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

(a) The various characteristics of areas in the City.

Response: The amendments will only affect lands designated as MUCOD. Significant redevelopment has occurred in and around the areas designated MUCOD in recent years. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed use multi-family development envisioned in the MUCOD. This type of development is consistent with the characteristics of the MUCOD and appropriate for the vicinity.

(b) The suitability of the area for particular land uses and improvements.

Response: The amendments will only affect lands designated as MUCOD. These lands have already been identified by the City as suitable for the types of uses that will be enabled by the proposed amendments.

(c) Trends in land improvement and development.

Response: This request reflects a growing interest in Tualatin as a center for high quality mixed use development. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed use multi-family development envisioned in the MUCOD.

(d) Property values.

Response: By encouraging high-quality mixed use development, the City of Tualatin will stay competitive with other areas in the metro region, thus helping to protect property values.

(e) The needs of economic enterprises and the future development of the area.

Response: By providing for flexibility and high quality development through the MUCOD, the City of Tualatin will help meet the needs of future development in the area.

(f) Needed right-of-way and access for and to particular sites in the area.

Response: Not applicable. Right-of-way and access will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes.

(g) Natural resources of the City and the protection and conservation of said resources.

Response: Not applicable. Natural resources will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes.

(h) Prospective requirements for the development of natural resources in the City.

Response: Not applicable. Natural resources will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes.

(i) The public need for healthful, safe, aesthetic surroundings and conditions.

Response: The public need is addressed in Criterion A, above.

(j) Proof of a change in a neighborhood or area.

Response: Significant redevelopment has occurred in and around the areas designated MUCOD in recent years. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed use multi-family development envisioned in the MUCOD.

(k) A mistake in the plan map or text.

Response: The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed use multi-family development envisioned in the MUCOD.

Response: 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 when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment. (Subsection 1.032.5)

Response: The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type and density of mixed use multi-family development envisioned in the MUCOD.

(6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules (OARs). (Subsection 1.032.6)

Response: Statewide Planning Goal 1 addresses citizen participation in the land use process, and Goal 2 addresses the process for land use planning, requiring coordination between cities and other governments and government agencies. The proposed amendment has been reviewed through the post acknowledgement plan amendment process and the City of Tualatin process, which ensure coordination and citizen involvement. The amendments are consistent with Statewide Planning Goals 1 and 2.

Statewide Planning Goal 10 addresses the housing needs of the community. The MUCOD allows housing as a use, so there is an opportunity for the site to contribute to the buildable land supply for housing. However, due to conflicting language in Chapter 73, the residential densities proscribed in the MUCOD cannot be achieved. The proposed amendments will correct these conflicts and will enable the type of mixed use multi-family development envisioned in the MUCOD. Therefore, the City's ability to provide an adequate housing supply is enhanced by the proposed amendment.

Statewide Planning Goal 12 encourages jurisdictions to provide a safe, convenient, and economic transportation system. Goal 12 is implemented through the transportation element of the City's Comprehensive Plan and through the Transportation Planning Rule ("TPR"), OAR 660-012-0060. The TPR requires an applicant for a text amendment to demonstrate that the proposed change will not significantly affect a transportation facility. If the change does significantly affect a facility, mitigation measures must be employed to address the anticipated impacts on the facility. The proposed amendment will not significantly affect a transportation facility because a reasonable worst-case development scenario under the MUCOD is based on zone being utilized for commercial development rather than residential development. The type and density of residential development allowed under the MUCOD would have a lower trip generating potential than the allowed commercial activities.

Criterion 6 is met.

(7) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan. (Subsection 1.032.7)

The Functional Plan is supportive of mixed use and higher residential densities within the Urban Growth Boundary. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type and density of mixed use multi-family development envisioned in the MUCOD. The amendment does not affect the amount of land included within the MUCOD nor does it reduce the potential employment capacity of lands designated as MUCOD. Therefore, it is consistent with Metro's 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. (Subsection 1.032.8)

As noted previously, the proposed amendment is not expected to alter the potential "worst case" scenario in terms of trip generation. Criterion 8 is met.

ORDINANCE NUMBER _____

AN ORDINANCE RELATED TO AMENDING THE MULTI-FAMILY DESIGN STANDARDS FOR LANDS WITHIN THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD); AMENDING TDC 73.130 AND 73.190 (PTA-07-06).

WHEREAS upon the application of Trammel Crow Residential (TCR) Pacific NW Acquisitions LP, a public hearing was held before the City Council of the City of Tualatin on January 28, 2008, related to amending the multi-family design standards for lands within the Mixed Use Commercial Overlay District (MUCOD); amending TDC Chapter 73 – Community Design Standards Sections 73.130 and 73.190 (PTA-07-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on January 10, 2008, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on January 28, 2008, 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 ____ - ____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, 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 ORDAINS AS FOLLOWS:

Section 1. TDC 73.130 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District **or the Mixed Use Commercial Overlay District**, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District **or the Mixed Use Commercial Overlay District**, such outdoor areas may be less than 48 square feet.

(2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.

(b) Within the Central Design District **or the Mixed Use Commercial Overlay District**, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

(3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and designed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

- (iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
 - (v) Provides both sunny and shady spots; and
 - (vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).
- (c) These standards shall not apply to townhouses or within the Central Design District **or the Mixed Use Commercial Overlay District.**
- (4) Safety and Security.
- (a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.
 - (b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.
 - (c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas.
 - (d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.
- (5) Service, Delivery and Screening
- (a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.
 - (b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.
 - (c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.
- (6) Accessways
- (a) Accessways shall be constructed, owned and maintained by the property owner.
 - (b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:
 - (i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
 - (ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;
 - (iii) adjoining undeveloped residential or commercial property; and
 - (iv) adjoining developed sites where an accessway is planned or provided.

(c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(d) Accessways for multi-family development shall:

(i) be a minimum of 8 feet in width;

(ii) be constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;

(iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and

(iv) have curb ramps wherever the accessway crosses a curb.

(e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(7) Walkways

(a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.

(b) Curb ramps shall be provided wherever a walkway crosses a curb.

(8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

Section 2. TDC 73.190 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.190 Standards.

The following standards are minimum requirements for multi-family and townhouse development.

(1) Storage

(a) Except as provided in Subsection (1)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

(i) 24 square feet for studio and one bedroom units;

(ii) 36 square feet for two bedroom units; and

- (iii) 48 square feet for greater than two bedroom units.
 - (b) For townhouses and residential and mixed use residential developments in the Central Design District **or the Mixed Use Commercial Overlay District**, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.
- (2) Carports and Garages
- (a) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.
 - (b) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this 28th day of January, 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

ATTACHMENT F

PTA-07-06: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for PTA-07-06 and other supporting documents is summarized in this section.

The purpose of the Mixed Use Commercial Overlay District (MUCOD) is "to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area ... Retail, office, business services and personal services are emphasized, but residential uses are also allowed. A second purpose is to recognize that when developed under certain regulations commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area." [TDC 57.010]

The standards of the MUCOD are intended to create a much more urban and pedestrian-oriented environment:

- Minimum setbacks are reduced to zero,
- Buildings are required to be oriented to the street,
- Floor area ratios over 0.5 are required,
- Structures can be 50 to 70 feet in height, and
- Residential densities are expected to range from 25 to 50 dwelling units per net acre in residential-only projects (or greater within a mixed-use development).

Residential densities allowed in the MUCOD among the highest in the City, exceeded only by those within the Central Design District.

Within the MUCOD, residential-only and mixed-use buildings with at least 50.1% of the gross floor area in residential use also are subject to the Design Compatibility Standards in Section 57.300. These standards address the design of front facades, main entrance, unit definition, roof lines, trim detail, mechanical equipment, parking, and pedestrian circulation.

In establishing the MUCOD the City recognized that there might be conflicts with the existing design standards in Chapter 73 and included the following language in Section 57.200(2)-Design Standards, Conflicting Standards to address these potential conflicts: "In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are: (a) deference should be given to using the TDC Chapter 57 requirement, and (b) use the standard that will yield the highest quality development."

In cases where there is a direct conflict between the standards in Chapter 57 and those in Chapter 73, the language in 57.200 provides clear guidance on how to resolve those conflicts. However, there are also instances where the standards are not directly in conflict, but rather at cross-purposes. In other words, the type of urban development expected in

the MUCOD cannot be achieved using the standards in Chapter 73. It is these standards that this Plan Text Amendment (PTA)-07-06 seeks to amend and clarify.

The Central Design District provides a good model for the amendments. When the City adopted the Central Design District, conforming amendments were made to the multi-family standards in Chapter 73 in recognition of the Central Design District's intended higher residential densities. A similar step should have been taken when the MUCOD was originally adopted. However, because the focus was on future commercial and office development at Bridgeport Village, necessary conforming amendments for multi-family were not made during the adoption process. The amendments proposed in PTA-07-06 rectify that oversight and propose to resolve the conflicts in a manner similar to that provided for the Central Design District.

ATTACHMENT G

PTA-07-06: ANALYSIS AND FINDINGS

This PTA was initiated by Trammel Crow Residential (TCR) Pacific NW Acquisitions LP (the Applicant), which proposes to redevelop the former Schneider Trucking and Lane International facility sites, on the north side of SW Lower Boones Ferry Road and within the CG Planning District with the MUCOD, in mixed-use development. However, this PTA is for all lands currently within the MUCOD (the Durham Quarry Site as shown on Figure 57-2 and Tax Lots 1300, 1800 and 1900 on Assessors Map 2S1 13DC), as well as those in the Durham Quarry Area (as shown on Figure 57-1) that may be added to the MUCOD in the future. A Vicinity Map, Tax Maps, and Site Maps are included as Attachments A, B, and C, respectively. The Applicant's materials are included as Attachment D.

The purpose of the Mixed Use Commercial Overlay District (MUCOD) is "to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area ... Retail, office, business services and personal services are emphasized, but residential uses are also allowed. A second purpose is to recognize that when developed under certain regulations commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area." [TDC 57.010]

In establishing the MUCOD the City recognized that there might be conflicts with the existing design standards in Chapter 73 and included the following language in Section 57.200(2)-Design Standards, Conflicting Standards to address these potential conflicts: "In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are: (a) deference should be given to using the TDC Chapter 57 requirement, and (b) use the standard that will yield the highest quality development."

In cases where there is a direct conflict between the standards in Chapter 57 and those in Chapter 73, the language in 57.200 provides clear guidance on how to resolve those conflicts. However, as shown in the following table, there are also instances where the standards are not directly in conflict, but rather at cross-purposes. In other words, the type of urban development expected in the MUCOD cannot be achieved using the standards in Chapter 73. It is these standards that this Plan Text Amendment (PTA)-07-06 seeks to amend and clarify.

Comparison of Selected Design Standards from Chapters 57 and 73		
Standard	Chapter 57	Chapter 73
Landscape Coverage	Minimum 10%	Minimum 15% in CG. Minimum specified for Central Design District (10%).
Private Outdoor Area – Ground Level Units	Porch at least 48 sq.ft. in area with no dimension less than 6 ft.	Except within the Central Design District, a separate outdoor area of not less than 80 sq.ft. shall be attached to each ground level dwelling.
Private Outdoor Area – Non-Ground Level Units	No minimum area required – Projecting features such as porches and balconies are encouraged	Not less than 48 sq.ft. in the form of balconies, terraces, or loggias, except within the Central Design District such outdoor areas may be less than 48 sq.ft.
Entrance Area	No minimum area required – Primary structures are required to be oriented with their main entrance facing the street upon which the project fronts	Minimum of 24 sq.ft. for each dwelling unit and may be combined to serve more than a single unit, except in the Central Design District.
Shared Outdoor Areas and Children's Play Areas	No minimum area specified	Not less than 450 sq.ft. per dwelling unit in year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of requirement). Except adult only projects, a minimum of 150 sq.ft. of the 450 sq.ft. shall be provided as a children's play area. Standards shall not apply in Central Design District, projects with fewer than 12 dwelling units, and townhouses.
Storage	No minimum area specified	Each storage area shall be a minimum of 6 ft. in height and have a minimum floor area of: (i) 24 sq.ft. for studio and one bedroom units; (ii) 36 sq.ft. for two bedroom units; and (iii) 48 sq.ft. for greater than two bedroom units. (b) For Townhouses and residential and mixed use residential developments in the Central Design District, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

Similar to the Central Design District guidelines that apply to a specific, geographically defined area of Tualatin, the MUCOD only applies to certain parcels in the Durham Quarry and "Bridgeport area" of Tualatin. If the decision were made to apply the MUCOD elsewhere in the City, a Plan Text Amendment, with a public hearing before the City Council, would be required. PTA-07-06 does not affect the geographic area to which the MUCOD currently applies or may be applied in the future.

For illustrative purposes, the following table estimates the amount of private outdoor areas, entrance areas, shared outdoor areas and children's play areas, and storage areas that would be required under existing standards contained in Chapters 57 and 73 using, as an example, the 4.35-acre portion of the TCR site located in Tualatin. It is

estimated that 275 multi-family residential units would be constructed on this portion of the site:

Standard	Chapter 73	Chapter 57
73.130 (1)(a) Private Outdoor Areas – Ground Level Units <i>Estimate 275 units total, 92 ground level</i>	Separate outdoor area at least 80 sq.ft. in area attached to each ground level dwelling <i>92 units x 80 s.f. = 7,360 s.f.</i>	Porch at least 48 sq.ft. in area with no dimension less than 6 ft. <i>92 units x 48 s.f. = 4,416 s.f.</i>
73.130(1)(b) Private Outdoor Area – Non-Ground Level Units <i>Estimate 275 units total, 183 non-ground level</i>	At least 48 sq.ft. in balconies, terraces, or loggias <i>183 units x 48 s.f. = 8,784 s.f.</i>	No minimum area required – porches and balconies encouraged <i>No minimum = 0 s.f.</i>
73.130(2) Entrance Area <i>Estimate 275 units total</i>	At least 24 sq.ft. per dwelling unit and may be combined to serve more than a single unit <i>275 units x 24 s.f. = 6,600 s.f.</i>	No minimum area required <i>No minimum = 0 s.f.</i>
73.130(3) Shared Outdoor Areas and Children's Play Areas <i>Estimate 275 units total</i>	At least 450 sq.ft. per dwelling unit in year round shared outdoor areas for both active and passive recreation <i>275 units x 450 s.f. = 123,750 s.f.</i>	No minimum area specified <i>No minimum = 0 s.f.</i>
73.190(1) Storage <i>Estimate 275 units total, 70 studio/1bdrm, 136 2 bdrm, 69 3+ bdrm</i>	Each storage area shall be a minimum of 6 ft. in height and have a minimum floor area of: 24 sq.ft. for studio and one bedroom units; 36 sq.ft. for two bedroom units; and 48 sq.ft. for greater than two bedroom units. <i>70 units x 24 s.f. = 1,680 s.f.</i> <i>136 units x 36 s.f. = 4,896 s.f.</i> <i>69 units x 48 s.f. = 3,312 s.f.</i>	No minimum area specified <i>No minimum = 0 s.f.</i>
TOTAL: Outdoor or ground level	<i>7,360 s.f. + 123,750 s.f.</i> <i>= 131,110 s.f. = 3.01 acres</i>	<i>4,416 s.f. = 0.10 acre</i>
Enclosed or above ground level	<i>8,784 s.f. + 6,600 s.f. + 9,888 s.f.</i> <i>= 25,272 s.f. = 0.58 acres</i>	<i>No minimum = 0 s.f.</i>

It is not possible to provide approximately 3.01 acres of outdoor area that would be required under existing Chapter 73 standards for multi-family development on a 4.35-acre site while achieving the type of higher density, urban development envisioned for the MUCOD without either reducing the proposed number of units or exceeding the height limit of 50 feet to provide more stories and, therefore, more units in the residential buildings. Therefore, conforming amendments to the multi-family standards similar to those made in recognition of the Central Design District's intended higher residential densities are being proposed for the MUCOD with this PTA.

The applicable policies and regulations include: TDC 1.032-Amendments; TDC 6.040-Commercial Planning District Objectives; TDC Chapter 54-General Commercial Planning District; TDC Chapter 57-Mixed use Commercial Overlay District; TDC Chapter 73-Community Design Standards.

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

1. Granting the amendment is in the public interest.

The Applicant states: "In its original adoption of the Mixed Use Commercial Overlay District [MUCOD], the City intended to create a much more urban and pedestrian-oriented environment. The residential densities [in the MUCOD] are the highest in the City and exceed those within the Central Design District. In order to fully implement the intent of the MUCOD, there are necessary conforming amendments to the multi-family standards in Chapter 73 that should have been made at the time of adoption. These proposed amendments to Chapter 73 will enable the type of mixed-use multi-family development which was envisioned within the MUCOD."

It is in the public interest to provide standards for development in the CG Planning District and the MUCOD that are appropriate for current standards of commercial development and that meet community objectives for high-quality site planning and a more urban, pedestrian-oriented environment intended for the MUCOD. However, the type of urban development expected in the MUCOD cannot be achieved using the standards in Chapter 73 that are tailored towards a suburban, garden apartment style development. It is these standards that this Plan Text Amendment (PTA)-07-06 seeks to amend and clarify.

Staff agrees with the Applicant that granting the amendment is in the public interest.

Criterion 1 is met.

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

The Applicant states: "Development and redevelopment is continuing in the Durham Quarry Area. As this occurs, the City is provided with new opportunities to implement its policy objectives within the MUCOD. Delaying adoption of these amendments would result in missed opportunities to encourage the type of mixed-use multi-family development which was envisioned within the MUCOD."

High-quality development and redevelopment is occurring in the Durham Quarry Area of Tualatin, which includes the Bridgeport Village lifestyle center, The Pointe at Bridgeport retail development, Whole Foods marketplace, REI, Claim Jumper restaurant, Providence Bridgeport Health Center (under construction), and the proposed Shoppes at Bridgeport hotel/retail development. In addition, Trammel Crow Residential (TCR) Pacific NW Acquisitions LP proposes to redevelop the former Schneider Trucking and Lane International facility sites, located in the CG Planning District with the MUCOD on the north side of SW Lower Boones Ferry Road, as a mixed-use commercial

development with approximately 500 multi-family apartments and 20,000 square feet (sq.ft.) of retail.

If adopted at this time, the proposed PTA-07-06 would take advantage of development opportunities occurring in the area and allow TCR to develop mixed-use multi-family housing of the type and at the density expected in the MUCOD to support the commercial uses available given the current economic and development conditions. The PTA would allow development of lands within the MUCOD that is appropriate for current standards of commercial development and that meets community objectives for high-quality site planning and a more urban, pedestrian-oriented environment intended for the MUCOD.

Staff agrees with the Applicant that the public interest is best protected by granting the amendment at this time.

Criterion 2 is met.

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

The Applicant states: "The objectives below help guide multi-family development within the City of Tualatin and help ensure that new multi-family development occurs in a way that contributes to the livability of Tualatin. These objectives are implemented in part by the multi-family standards in [TDC] 73.130 and 73.190. Within the MUCOD, multi-family development and mixed-use multi-family developments are also subject to the design standards in [TDC] Section 57.300. The proposed amendments will enable the type of mixed-use multi-family development envisioned in the MUCOD in a manner that is consistent with the applicable objectives noted below."

Section 73.120 Objectives. [Site Planning – Multi-family Uses]

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. Site elements shall be placed and designed, to the maximum extent practicable, to:

- (1) Retain and incorporate existing trees and other significant natural features such as drainage-ways and wetlands.**
- (2) Minimize soil removal from the site and grade changes.**
- (3) Minimize the effects of noise and dust pollution on areas surrounding and within the site.**
- (4) Create areas for recreation which are suitable for passive and active uses.**

- (5) Provide the opportunity for residents to watch over shared outdoor areas, entry areas and vehicular parking areas through placement and orientation of kitchen or living room windows, or both.
- (6) Provide protection from adverse climate conditions such as summer overheating and winter storms. Architectural and landscape elements such as porches, trellises, awnings, trees and shrubs are examples of items which may mitigate these impacts.
- (7) Parking lot location and design should minimize distances between resident vehicular parking and entry areas while providing a suitable transition in materials and scale between vehicular areas and living areas.
- (8) Protect parked vehicles from moving vehicles.
- (9) Select and locate plant materials to appropriately articulate space, frame views and vistas, provide seasonal variety, create usable ground surfaces, discourage intrusion into private outdoor areas, and curtail erosion.
- (10) Provide shade and break up the appearance of large expanses of paved areas.
- (11) Screen vehicular headlights from shining into residential units.
- (12) Screen elements such as mechanical and electrical facilities from view.
- (13) Avoid barriers to disabled individuals.
- (14) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.
- (15) Provide, protect and maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.
- (16) Provide safe and convenient walkways for pedestrians to move from parking areas to building entrances.
- (17) Provide and maintain a circulation system of safe and convenient walkways and bikeways that link buildings on the site with adjacent public streets and accessways.
- (18) Provide direct and convenient accessways between the development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and a bike lane is provided or designated; and abutting residential, commercial and semi-public property. Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway and which provides continuity from property to property for pedestrians and bicyclists to use the accessway.

Section 73.180 Objectives. [Structure Design – Multi-family Uses]

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

- (1) **Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.**
- (2) **Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof over-hangs and window orientation.**
- (3) **Create subclusters and stagger unit alignments.**
- (4) **Utilize functional building elements such as carports and garages, balconies, entry areas and sunscreens where possible to accomplish unit identity, pride of place and visual diversity.**
- (5) **Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.**
- (6) **Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.**
- (7) **Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).**
- (8) **Minimize disruption of natural site features such as topography, trees and water features.**

As discussed under Criterion 2, the proposed PTA would allow development of lands within the MUCOD that is appropriate for current standards of mixed-use development and that meets community objectives for high-quality site planning and a more urban, pedestrian-oriented environment intended for the MUCOD. Such development would be consistent with the objectives of TDC 73.120 and 73.180 as identified above.

Staff agrees with the Applicant that the proposed amendment conforms to the applicable objectives of the Tualatin Community Plan.

Criterion 3 is met.

4. The following factors were consciously considered:

The various characteristics of areas in the City.

The Applicant states: "The amendments will only affect lands designated as MUCOD. Significant redevelopment has occurred in and around the areas designated MUCOD in recent years. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed-use multi-family development envisioned in the MUCOD. This type of development is consistent with the characteristics of the MUCOD and appropriate for the vicinity."

The area of the City affected by this amendment includes the Bridgeport Village lifestyle center, The Pointe at Bridgeport retail development, Whole Foods marketplace, REI, Claim Jumper restaurant, Providence Bridgeport Health Center (under construction), the proposed Shoppes at Bridgeport hotel/retail development, and TCR's proposed mixed-use development on the former Schneider Trucking and Lane International facility site. This area in north Tualatin, west of Interstate-5 (I-5), is undergoing a transformation as a high-quality retail and commercial area as redevelopment occurs. The proposed PTA will enable the type of mixed-use multi-family development envisioned in the MUCOD.

Staff agrees with the Applicant that the proposed amendments are appropriate to the characteristics of the area.

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

The Applicant states: "The amendments will only affect lands designated as MUCOD. These lands have already been identified by the City as suitable for the types of uses that will be enabled by the proposed amendments."

Staff agrees with the Applicant that lands within the MUCOD have been identified by the City as suitable for the types of uses that will be enabled by the proposed amendments. Specifically, development utilizing high-quality site planning and with a more urban, pedestrian-oriented environment intended for the MUCOD and suitable for the area.

Trends in land improvement and development.

The Applicant states: "This request reflects a growing interest in Tualatin as a center for high-quality mixed-use development. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed-use multi-family development envisioned in the MUCOD."

Staff agrees with the Applicant that the proposed amendment is consistent with trends in land improvement and development in north Tualatin and lands within the MUCOD.

Property values.

The Applicant states: "By encouraging high-quality mixed-use development, the City of Tualatin will stay competitive with other areas in the metro region, thus helping to protect property values."

Staff agrees with the Applicant that the proposed amendment, by encouraging high-quality mixed-use development of lands in the MUCOD, will enable the City to stay competitive with other areas in the metro region, thus helping to protect property values.

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

The Applicant states: "By providing for flexibility and high-quality development through the MUCOD, the City of Tualatin will help meet the needs of future development in the area."

Staff agrees with the Applicant that the proposed amendment, by providing flexibility and high-quality development, will help the City meet the needs of future development of lands in the MUCOD.

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

This criterion is not applicable. As the Applicant notes: "Right-of-way and access will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes."

Staff agrees with the Applicant that this criterion is not applicable to the current application.

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

This criterion is not applicable. As the Applicant notes: "Natural resources will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes."

Staff agrees with the Applicant that this criterion is not applicable to the current application.

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

This criterion is not applicable. As the Applicant notes: "Natural resources will be addressed during site design and considered through the Architectural Review and Public Facilities Review processes."

Staff agrees with the Applicant that this criterion is not applicable to the current application.

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

The Applicant states: "Public need is addressed in Criterion 1, above."

Staff agrees with the Applicant that public need is addressed under Criterion 1, where the finding is that granting the amendment is in the public interest.

Proof of a change in a neighborhood or area.

The Applicant states: "Significant redevelopment has occurred in and around the areas designated MUCOD in recent years. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed-use multi-family development envisioned in the MUCOD."

As stated earlier in this Section, the area of the City affected by this amendment includes the Bridgeport Village lifestyle center, The Pointe at Bridgeport retail

development, Whole Foods marketplace, REI, Claim Jumper restaurant, Providence Bridgeport Health Center (under construction), the proposed Shoppes at Bridgeport hotel/retail development, and TCR's proposed mixed-use development on the former Schneider Trucking and Lane International facility site. This area in north Tualatin, west of Interstate-5 (I-5), is undergoing a transformation as a high-quality retail and commercial area as redevelopment occurs.

Staff agrees with the Applicant that there is proof of change in north Tualatin and on lands within the MUCOD.

A mistake in the plan map or text.

The Applicant states: "The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed-use multi-family development envisioned in the MUCOD."

Staff agrees with the Applicant that the proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type of mixed-use multi-family development envisioned in the MUCOD.

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 when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

The Applicant states: "The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type and density of mixed-use multi-family development envisioned in the MUCOD."

Staff agrees with the Applicant that the proposed PTA will correct an existing code conflict in Chapter 73, thus enabling the type and density of development envisioned in the MUCOD. The proposed amendment to Chapter 73 for lands within the MUCOD would not result in higher density residential development occurring within the MUCOD than that already envisioned for TCR's proposed site – 508 market rate multi-family units (275 in Tualatin and 233 in Durham), which the Tigard-Tualatin School District estimates would generate 54 students. Projected enrollment for the District for the 2007-2012 school years, not including the 54 potential students that may be generated from development of multi-family residential units on TCR's site, generally shows that there will be available capacity at the elementary and high school levels in Tualatin, but no available capacity at the middle school level. Hazelbrook Middle School is projected to be slightly over capacity (from 2-25 students) for the 2007-2012 school years. In addition, although no residential development currently exists on other lands within the MUCOD, it is possible that these other properties could be redeveloped in the future with multi-family uses, however, the proposed PTA is not expected to affect the number or density of units that could be constructed on those properties.

The criteria in the TTSD Facility Plan for school facility capacity have been considered.

Criterion 5 is met.

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

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

The Applicant addresses these Goals as follows:

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

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

The Applicant states: "Statewide Planning Goal 1 addresses citizen participation in the land use process, and Goal 2 addresses the process for land use planning, requiring coordination between cities and other governments and government agencies. The proposed amendment has been reviewed through the post acknowledgement plan amendment process and the City of Tualatin process, which ensure coordination and citizen involvement. The amendment is consistent with Statewide Planning Goals 1 and 2."

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

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

The Applicant states: "Statewide Planning Goal 10 addresses the housing needs of the community. The MUCOD allows housing as a use, so there is an opportunity for the site to contribute to the buildable land supply for housing. However, due to conflicting language in Chapter 73, the residential densities proscribed in the MUCOD cannot be achieved. The proposed amendments will correct these conflicts and will enable the type of mixed-use multi-family development envisioned in the MUCOD. Therefore, the City's ability to provide an adequate housing supply is enhanced by the proposed amendment."

Staff agrees with the Applicant that the proposed amendment is consistent with Statewide Planning Goal 10.

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

The Applicant states: "Statewide Planning Goal 12 encourages jurisdictions to provide a safe, convenient, and economic transportation system. Goal 12 is implemented through the transportation element of the City's Comprehensive Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a text amendment to demonstrate that the proposed change will not significantly affect a transportation facility. If the change does significantly affect a facility, mitigation measures must be employed to address the anticipated impacts on the facility. The proposed amendment will not significantly affect a transportation facility because a reasonable worst-case development scenario under the MUCOD is based on [the] zone being utilized for commercial development rather than residential development. The type and density of residential development allowed under the MUCOD would have a lower trip generating potential than the allowed commercial activities."

The Applicant did not submit a traffic analysis for this PTA; however, an analysis was prepared for the previous PTAs and PMA for TCR's site (for reference, a copy of the Supplemental Materials for PMA-07-01 and PTA-07-04 related to transportation is attached as Attachment I). The City of Tualatin Engineering Division has prepared a memorandum responding to the current application (Attachment H). The memorandum notes that development of the TCR site as proposed (multi-family with a retail component) creates less trips than the "reasonable worst-case scenario" (all retail development). The memorandum further notes that other parcels that currently have the MUCOD overlay have already been developed, the trips associated with those developments will not be impacted by the amendment, and the impacts from other parcels that could implement the MUCOD overlay are unknown at this time. The memorandum also responds to a comment letter received from the Oregon Department of Land Conservation and Development (Attachment J) regarding the need for street and pedestrian connections in the area.

Staff agrees with the Applicant that the proposed amendment is consistent with Statewide Planning Goal 12.

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 (Metro's) Urban Growth Management Functional Plan (UGMFP).

The Applicant states: "The Functional Plan is supportive of mixed-use and higher residential densities within the Urban Growth Boundary. The proposed amendments will correct an existing code conflict in Chapter 73 and will enable the type and density of mixed-use multi-family development envisioned in the MUCOD. The amendment does not affect the amount of land included within the MUCOD nor does it reduce the potential employment capacity of lands designated as MUCOD. Therefore, it is consistent with Metro's Functional Plan."

The Metro UGMFP identifies the Bridgeport area of north Tualatin as a Title 4 Employment Area. Staff agrees with the Applicant that the proposed PTA would correct an existing code conflict in Chapter 73 and does not reduce the potential employment capacity of lands within the MUCOD, consistent with Metro's Functional Plan.

The proposed PTA has been reviewed for consistency with Metro's UGMFP.

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 Applicant states: "As noted previously, the proposed amendment is not expected to alter the potential "worst case" scenario in terms of trip generation."

As noted under the Goal 12 discussion, above, the Applicant did not submit a traffic analysis for this PTA. The City of Tualatin Engineering Division has prepared a memorandum responding to the application (Attachment H). The memorandum notes that development of the TCR site as proposed (multi-family with a retail component) creates less trips than the "reasonable worst-case scenario" (all retail development) analyzed by the Applicant for PMA-07-01, which changed the Planning District designation of two parcels of TCR's site from Light Manufacturing (ML) to General Commercial (CG), and PTA-07-03 and PTA-07-04, which applied the MUCOD to three parcels of TCR's site. The memorandum further notes that other parcels that currently have the MUCOD overlay have been developed and the trips associated with those developments will not be impacted by the amendment, and the impacts from parcels that could implement the MUCOD overlay are unknown at this time.

No comments were received from the Oregon Department of Transportation or Washington County regarding the proposed PTA, however, a comment letter was received from the Oregon Department of Land Conservation and Development. The City of Tualatin Engineering Division memorandum (Attachment H) responds to this letter as follows: "Currently the City's Transportation Plan does not show any new streets within the area. Additionally the Schneider site is one of the last underdeveloped properties in the area."

MEMORANDUM

DATE: January 16, 2008

TO: Cindy Hahn
Associate Planner

FROM: Dayna Johnson, PE
Project Engineer

SUBJECT: **PTA-07-06, Amend Multi-Family design standards in
TDC Chapter 73 within the MUCOD**

On December 12, 2007 the Engineering Division received Plan Text Amendment Application Notice PTA 07-06 to amend Multi-Family design standards in TDC Chapter 73 for land within the MUCOD.

No additional traffic information was presented with the Plan Text Amendment Application. For the Schneider Trucking Site, the 'reasonable worst-case scenario' was an all retail development. Development of the site as proposed (multi-family with a retail component) creates less trips the 'reasonable worst-case scenario'. Other parcels that currently have the MUCOD overlay have been developed and the trips associated with those developments will not be impacted by the amendment. The impacts from parcels that could implement the MUCOD overlay are unknown at this time.

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

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

The applicant has stated, "The proposed amendment will not significantly affect a transportation facility because a reasonable worst-case development scenario under the MUCOD based is based on zone being utilized for commercial development rather than residential development. The type and density of residential development allowed

under the MUCOD would have a lower trip generating potential than the allowed commercial activities.”

TDC Section 1.032 Burden of Proof: (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area. The applicant has stated, “As noted previously, the proposed amendment is not expected to alter the potential “worst case” scenario in terms of trip generation. Criterion 8 is met.”

Agency Comments

At this time, no comments have been received from Oregon Department of Transportation or Washington County regarding the proposed Plan Text Amendment.

On January 9, 2008 a letter was received from Oregon Department of Land Conservation and Development. The letter states, “The city should take steps to assure that needed street connections will be made”. Currently the City's Transportation Plan does not show any new streets within the area. Additionally, the Schneider site is one of the last underdeveloped properties in the area.

Please let me know if you have questions, ext 3036.

Supplemental Materials for:

- **Quasi-Judicial Plan Map Application (PMA-07-01)**
- **Plan Text Amendment Application (PTA-07-04)**

Submitted to:

City of Tualatin

Submitted by:

TCR Pacific Northwest Acquisitions LP

ATTACHMENTS:

- E-MAIL CORRESPONDENCE AND ATTACHMENTS BETWEEN CITY OF TIGARD AND KITTELSON & ASSOCIATES REGARDING TRANSPORTATION
- CITY OF DURHAM ENGINEER FOLLOW UP LETTER DATED 10/3/07 CONCURRING WITH APPLICANTS FINDINGS
- E-MAIL CORRESPONDENCE BETWEEN ODOT AND THE CITY OF DURHAM PLANNER DATED 10/1/07 FINDING THAT THE PROPOSED ZONE CHANGE WILL NOT HAVE A SIGNIFICANT AFFECT ON STATE TRANSPORTATION FACILITIES
- ESTIMATE OF AM PEAK HOUR TRIPS PREPARED BY KITTELSON & ASSOCIATES

-----Original Message-----

From: Ron Bunch [mailto:ron@tigard-or.gov]

Sent: Friday, October 05, 2007 1:59 PM

To: Judith Gray

Cc: Markus Mead

Subject: Re: FW: Durham / Tualatin Housing and Retail / commercialproject

Hello Judith:

Thank you for informative message. I talked to Mike McKillip this morning and Kaaren at Tualatin. I expressed that Tigard's staff is not opposed to the Plan amendment/zone change for the Schneider property to allow attached housing and some commercial land uses. The plan amendment would allow the property to develop in a way that supports the region's need for mixed use development and higher density housing within a "town center" type of environment.

Tigard would like to be noticed at the time of actual development application to evaluate potential traffic impacts on its street system.

We plan to request this from both Durham and Tualatin.

We appreciate your time and efforts to keep us informed.

Best wishes

Ron Bunch
Assistant Community
Development Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
503-718-2427
ron@tigard-or.gov

>>> "Judith Gray" <JGRAY@kittelso.com> 10/05 1:30 PM >>>

Hi Ron, Marah, and Markus,

I'm hoping to clarify some of the items that Ron pointed out below.

The

email was sent on 9/28. Markus Meade and I were in the middle of some email and phone correspondence at that time, so perhaps some of these concerns have already been resolved. These issues can get confusing given the multiple parcels and jurisdictions. Nevertheless, I'll try to address some of the key points...

1) Incremental Traffic Analysis

Most of the traffic increase that Ron mentions below will occur regardless of the proposed zone changes for Tualatin and Durham. As currently zoned, the potential traffic is estimated at approximately

435

trips (weekday p.m. peak hour). The underlying assumptions in the County and City travel demand models reflect this type of development and associated traffic.

Under TPR, the traffic analysis is supposed to study the INCREMENTAL trips between the existing industrial zone and the proposed residential zone. The study includes the following scenarios:

- 2007 Existing conditions: this reflects traffic counts conducted in June 2007.
- 2022 Background conditions: this assumes build out under Existing Zoning.
- 2022 Total conditions: this reflects build out under Proposed Zoning.

Current zoning: 435 trips

Maximum under proposed zoning: 720 trips

2) Impacts on Tigard Roadways

Regarding the impacts to Tigard intersections, we estimate that the proposed zone change would increase traffic on 72nd by approximately 1% and approximately 2% on Boones Ferry (under the maximum development scenario). That's why we didn't study any intersections north of Bridgeport.

3) Impact analysis of actual planned development It is worth noting that the actual development scenario that TCR hopes to achieve would have considerably lower traffic than the maximum potential. The trip generation estimate for the anticipated development is 490 trips. This is irrelevant to the TPR analysis. When it is time to submit a development application, we will look at this traffic level.

We

will include the following scenarios:

- Existing Conditions: June 2007 counts
- 2009 Background Traffic: June 2007 counts + planned developments and general growth
- 2009 Total Traffic: 2009 Background Traffic + ALL estimated Site Trips

But this stage only happens after the zone change applications are resolved.

Two attachments may be useful: One shows the estimated increase in traffic at key roadway locations; the second is a summary of trip generation estimates for each parcel under multiple analysis scenarios.

Please feel free to call me if you have any questions.

Thanks.

Judith Gray
Senior Transportation Planner

Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205
www.kittelson.com
503.228.5230
503.273.8169 (fax)
Transportation Engineering / Planning
Baltimore | Boise | Fort Lauderdale | Orlando | Phoenix | Portland | Tucson

-----Original Message-----

From: Ron Bunch [mailto:ron@tigard-or.gov]
Sent: Friday, September 28, 2007 4:10 PM
To: Marah.B.DANIELSON@odot.state.or.us
Cc: Bill.Holmstrom@state.or.us; Darren Wyss; Dick Bewersdorff; Kim Mcmillan;
Markus Mead; Tom Coffee
Subject: Durham / Tualatin Housing and Retail / commercial project

Hello Marah:

Thanks for checking back with us on the Schneider Trucking Zoning Map change. Our staff have discovered that at build out, the whole project will consist of 627 attached units and 22,500 sq. ft. of commercial / retail. Our concerns are with impacts on Tigard's street system. The consultant's report has assumed minimal impacts * between 490 and 610 new net trips depending on actual build-out. The applicant's Traffic Impact Analysis (TIA) states that 20% of the total trips would travel north toward Tigard by SW Upper Boones Ferry Road and SW 72nd Avenue. This yields a range of 98 to 122 trips toward the City of Tigard. At this time we think the impacts could be more substantial. Here are the reasons.

The consultants are using the term "new net trips". I believe they are subtracting the trips that would be generated by the existing Industrial Park land Use from the trips generated by the proposed multifamily residential and retail uses and then applying a pm peak factor. By going through a rough trip analysis of the project at buildout, the gross traffic

impact on Tigard's system could be 376 new pm peak residential trips (+) 88 new pm peak commercial trips for a total of 464 new trips at build out - four times the number that the consultant reports. This might pose a capacity and level of service problem for Tigard.

This might raise a Transportation Planning Rule issue , regardless of what is developed on the property, Industrial Park or Residential/Commercial. If the local street systems, Tigard's, Durham's and Tualatin's can't manage it then we need to work together and develop solutions. Perhaps a trip cap as proposed by DLCD may be necessary, or the developer can improve the local street system to mitigate the project's impacts. Other solutions may be necessary such as a Transportation Improvement District

We would like to know ODOT's perspective on this matter. We will likely comment next week to both Durham and Tualatin, after touching base with others in the organization.

We hope to hear from you.

Ron

Thank you

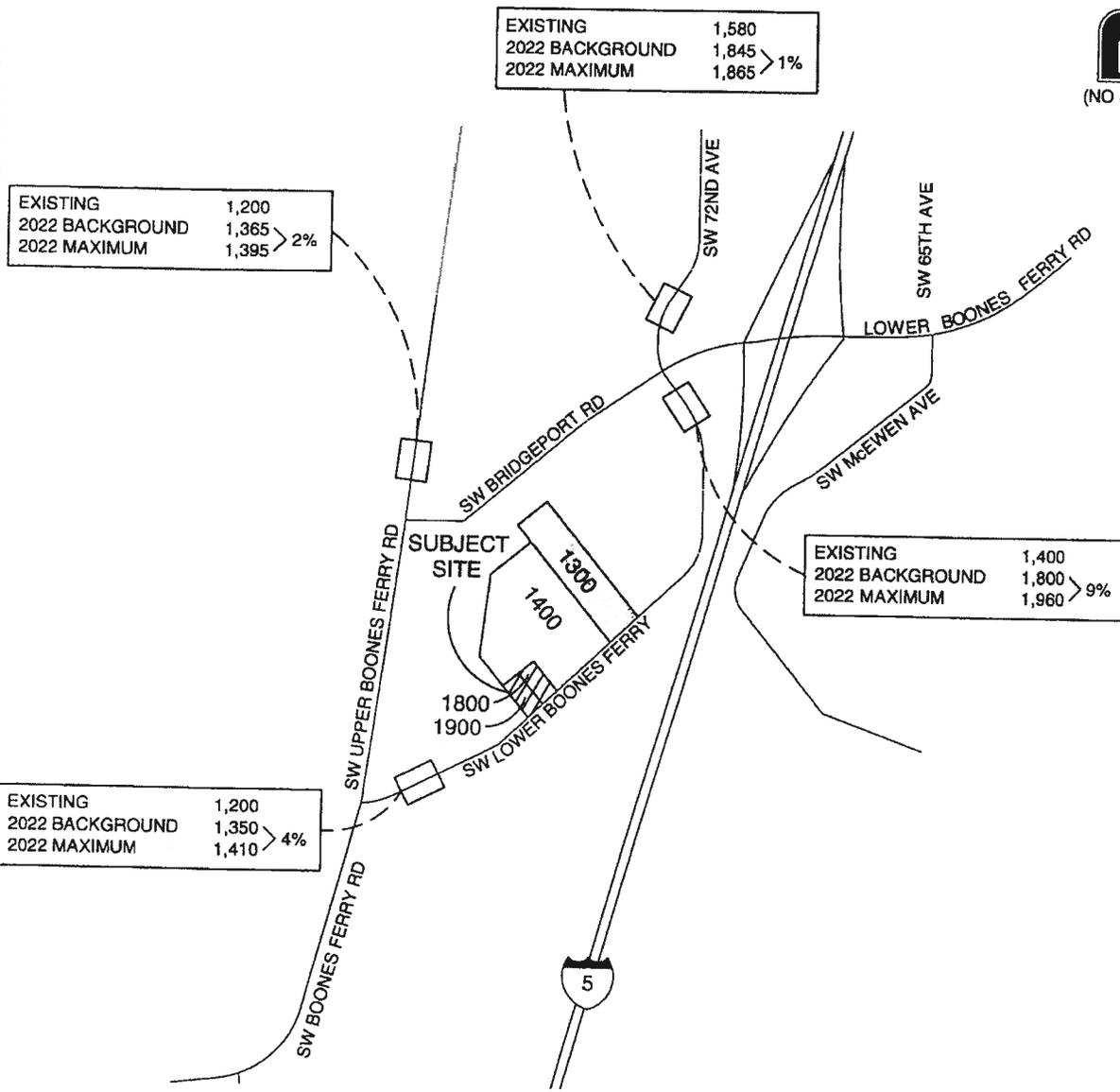
Ron Bunch
Assistant Community
Development Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
503-718-2427
ron@tigard-or.gov

>>> Markus Mead 09/26 2:27 PM >>>

At full build-out, the zone change would permit approximately 627 multi-family residential units and 22,000 square feet (s.f.) of retail/commercial development generating between 490 and 610 new net trips depending on actual build-out. The applicant's Traffic Impact Analysis (TIA) states that 20% of the total trips would travel north toward Tigard by SW Upper Boones Ferry Road and SW 72nd Avenue. This yields a range of 98 to 122 trips toward the City of Tigard.

This is included in the updated memorandum.

	Existing Zoning	Proposed Zoning Original TIA	Maximum Analyzed Supplemental Analysis	Anticipated Development
Tualatin 1300	General Commercial	CG/MUCOD		
	78.4 KSF Retail	78.4 KSF Retail	78.4 KSF Retail	78.4 KSF Retail
Durham 1400	Industrial Park	MF/MD		
	70 KSF Industrial Park	70 trips	70 trips	70 trips
Tualatin 1800/1900	Light Manufacturing	CG/MUCOD		
	13 KSF Light Industrial	13 trips	13 trips	13 trips
Total	435 trips	435 trips	435 trips	435 trips
		655 trips	720 Trips	490 trips



H:\profile\18578 - Bridgeport Village Residential\dwg\figs\Tualatin_1800_1900\1800_1900.dwg Oct 05, 2007 - 10:44am - mbell Layout Tab: H-1

LEGEND

- 1300 - CITY OF TUALATIN
- 1400 - CITY OF DURHAM
- 1800 & 1900 - CITY OF TUALATIN

EXISTING & FORCAST TRAFFIC VOLUMES TUALATIN, OR

FIGURE H-1

October 3, 2007

Mr. Roland Signet
City of Durham
17160 SW Upper Boones Ferry Rd
Durham, OR 97224-7004

**SUBJECT: REVIEW OF SUPPLEMENTAL MATERIALS –
 DURHAM TAX LOT 1400 ZONE CHANGE**

Dear Mr. Signet:

In response to your request, I have reviewed supplemental materials pertaining to the proposed zone change for Durham tax lot 1400. Included in these materials are a letter from William Holmstrom of the Oregon TGM program, dated September 17, 2007; a memorandum from Cathy Corliss of Angelo Planning Group, dated September 24, 2007; and a memorandum from Judith Gray of Kittelson and Associates, dated September 20, 2007. The key points from a traffic analysis perspective are addressed below.

1. Full Accounting of All Site Trips

In my previous comments, dated September 17, 2007, I largely concurred with the original traffic analysis provided by Kittelson and dated July 20, 2007. However, I noted that the analysis of tax lot 1400 was part of a larger zone change application in which some of the parcels were inside the city of Tualatin. I noted that the applicant's analysis should have accounted for all the parcels for which a zone change is proposed to allow for an accurate assessment of the impacts to the study area intersections.

The supplemental materials provided by the applicant include a traffic impact analysis memorandum prepared by Kittelson and Associates and dated July 20, 2007. This analysis was performed in support of the proposed zone change of the Tualatin parcels from Light Manufacturing to General Commercial with a MUCOD overlay. In response to my comments the applicant stated that the July 20 traffic analysis assumed that the Tualatin development would occur after the Durham development. Therefore, the Durham site generated trips were included in the background volumes. My review of the memorandum confirms this claim. The applicant has demonstrated to my satisfaction that the two study area intersections inside Durham are expected to operate adequately under full site buildout conditions.

2. Trip Cap

Mr. Holmstrom notes an inconsistency in the TIA about the extent of development allowed under the proposed zoning. The TIA states that the proposed zoning would allow 205 residential units, but the Public Facilities Analysis states that the zoning would allow up to 276 units. Mr. Holmstrom recommends implementation of a trip cap that limits the number of PM peak hour trips to that which would be generated by 205 residential units.

Mr. Roland Signet
October 3, 2007
Page 2

The applicant explained the reason for this inconsistency as follows: "The 205-unit scenario was based on a preliminary site plan for the combined 8.95-acre project site; the 276 –unit scenario reflects a maximum potential buildout of 60 dwelling units per acre on the Durham parcel." The applicant has also provided revised traffic analysis that accounts for the more intensive development and corresponding higher trip generation. The applicant's revised analysis shows that the transportation system is adequate to accommodate the projected site traffic resulting from the proposed zone change. In light of the applicant's explanation and updated analysis, I do not believe a trip cap is appropriate in this case.

3. Street Connectivity

Mr. Holstrom states that a key missing ingredient in the Bridgeport Village area is a well-connected local street system that provides convenient local access and circulation. He recommends a number of potential north-south and east-west connections that would traverse the subject parcels. I agree that a robust local street network could provide significant benefits. However, the subject Durham parcels are largely surrounded by developed land under the jurisdiction of Tualatin and therefore outside of the applicant's control. I concur with the applicant's statement that it is important for the cities of Durham and Tualatin to continue working together on this long-range planning issue.

If you have any questions or need any further information concerning this review, please call me at 503-223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Christian Snuffin, PE
Transportation Engineer



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1

123 NW Flanders St

Portland, OR 97209 - 4037

Telephone (503) 731-8200

FAX (503) 731-8259

File code: PLA9-2A -
ODOT Case No: 2855

October 1, 2007

City of Durham
Planning Department
PO Box 23483
Durham, OR 97281-3483

Attn: KJ Won, Planner

Subject: 579-07: Schneider Trucking Site ZC
I-5/Bridgeport Rd Interchange

Dear KJ,

ODOT staff has reviewed the proposed zone change from Industrial Park to Multi Family Overlay District. The subject site is adjacent to Lower Boones Ferry Rd and in the vicinity of the I-5/Bridgeport Rd interchange. The following intersections have ODOT facilities: SW 72nd Ave/SW Bridgeport Rd, SW Bridgeport Rd/ SW Upper Boones Ferry Rd, and SW Lower Boones Ferry Rd/SW Upper Boones Ferry Rd intersections. Kate Freitag PE, ODOT Traffic Analyst has review the traffic impact study submitted with the land use application. Ms Freitag has determined that ODOT performance measures for the planning horizon are met. All ODOT intersections are operating below the mobility standards. Therefore, ODOT has concluded that the proposed zone change will not have a significant affect of State transportation facilities.

Due to the success of the Bridgeport Village development, the surrounding area of Tigard, Tualatin and Durham are seeing incremental land use changes. These land use changes to a mix of uses have similar characteristics to the town center Metro designations. ODOT would support a planning effort that would provide the three cities and the State an opportunity to participate in a land use and transportation plan for this area.

Thank you for coordinating with the Oregon Department of Transportation. If you have any questions regarding this case, I can be reached at (503) 731-8258.

Sincerely,

Marah Danielson
Development Review Planner

C: Lainie Smith, Kathleen Freitag, ODOT Region 1
Bill Holmstrom, DLCD
Dayna Johnson, City of Tualatin
Ron Bunch, City of Tigard

ODOT Log No: 2855

Table 1 Estimated Weekday PM (AM) Peak Hour Trips

Parcel	Existing Zoning	Proposed Zoning Original TIA	Maximum Analyzed Supplemental Analysis	Anticipated Development
Tualatin 1300	General Commercial	CG/MUCOD		
	78.4 KSF Retail	78.4 KSF Retail	78.4 KSF Retail	276 apartments
Durham 1400	355 (50) trips	355 (50) trips	355 (50) trips	170 (140) trips
	70 KSF Industrial Park	276 apartments	276 apartments	205 apartments
Tualatin 1800/1900	Light Manufacturing	CG/MUCOD		
	13 KSF Light Industrial	16.3 KSF Retail	16.3 KSF Retail	75 apartments
Total	70 (65) trips	170 (140) trips	170 (140) trips	125 (105) trips
	10 (<5) trips	130 (5) trips	195 (55) trips	195 (55) trips
	435 (125) trips	655 (195) trips	720 (245) Trips	490 (300) trips



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>



January 9, 2008

Cindy L. Hahn, AICP
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97224

Via FAX: 503-692-3512

Re: Proposed Code Amendments to Tualatin MUCOD
Tualatin File PTA 07-06
DLCD File 007-07

Dear Ms. Hahn,

We recently received notice of proposed amendments to the Tualatin Development Code (TDC) for the Mixed Use Commercial Overlay District (MUCOD). These amendments would make some minor modifications to the MUCOD in regards to design standards for multi-family residential buildings. These changes mainly are proposed in order to improve compatibility with various chapters of the TDC, particularly the Central Design District. The department agrees the proposed changes accomplish this goal, as far as they go.

However, we do have concerns regarding the additional site design and connectivity standards of the MUCOD as compared to the Central Design District. As the applicants note¹, the MUCOD allows the densest levels of residential development in the city. The recent change to extend this zone to properties in the Bridgeport Village area raises questions about the appropriate level of street and pedestrian connectivity for this evolving mixed use area.

Since the uses and densities are so similar, the proposal establishes identical architectural design standards for the MUCOD as in the Central Design District. It would make sense to adopt similar standards for local street and walkway connections, as the transportation system should match the increase in density. This includes adding language including the MUCOD in TDC sections 73.110, 73.120, 73.600 and 73.610, similar to the proposal to include the MUCOD in TDC section 73.130.

¹ "The residential densities are highest in the City and exceed those within the Central Design District." Applicants' Submittal, page II-1.

Attachment J
Comment letter received from the
Oregon Department of Land
Conservation and Development,
dated January 9, 2008

Moving forward, the City should work closely with the City of Durham on the review of the proposed development on the Schneider Trucking site. A key missing ingredient in the vicinity is a well-connected network of local streets to provide for convenient local access and circulation. This is quite clear for the Schneider Trucking site, which at approximately 9 total acres is the largest underdeveloped property in the area. It is centrally located, but is bordered only by Lower Boones Ferry Road, which is a high traffic street. Additional planning for local streets is critical to assure that the resulting development is part of a coherent functional network of streets.

The city should take steps to assure that needed street connections will be made. Conditions of approval should require street connections be provided as part of the site review. Since many of the surrounding properties are already developed, it may not be possible to develop street connections immediately. In those situations the city should consider requiring a walkway connection or preserving an easement or right of way so that a street connection can be established if and when these properties are redeveloped in the future. It is appropriate to plan for these connections now while the city is evaluating the rezoning and relation of this property to the surrounding neighborhood to provide clear guidance for subsequent reviews. Future development proposals for the property are likely to be made incrementally, where the city is not able to consider the entire site and connections to surrounding areas.

We request that this letter be entered into the record of the proceedings. When additional information such as staff reports or revised drafts becomes available, we would appreciate receiving a copy. If there are significant changes to the proposal or significant new evidence, we would request that the record be held open at least seven days (but preferably fifteen days) pursuant to Oregon Revised Statutes (ORS) 197.763(4)(b), to allow us time to review and respond. Submitting files via email can speed our review. We also request a copy of the final decision, within five working days as required by ORS 197.610.

If you have any questions, please do not hesitate to contact me at (503)373-0050 extension 265, or bill.holmstrom@state.or.us.

Sincerely,



William A. Holmstrom
Transportation Planner

- Cc: Roland Signett, City of Durham (via e-mail)
- Sheri Oeser, Metro (via e-mail)
- Marah Danielson, ODOT Region 1 (via e-mail)
- Darren Nichols, DLCD Community Services Division Manager (via e-mail)
- Marguerite Nabeta, DLCD Regional Representative (via e-mail)
- Gloria Gardiner, DLCD Urban Planning Specialist (via e-mail)
- Bob Cortright, DLCD Transportation & Growth Management Coordinator (via e-mail)