



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, April 14, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:45 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

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- 1. Tualatin Youth Advisory Committee Update
- 2. Proclamation Declaring April 13 – 19, 2008 as “National Library Week” in the City of Tualatin..... 5
- 3. Proclamation Declaring April 27 – May 3, 2008 as “National Volunteer Week” in the..... 6
City of Tualatin

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 – 9)

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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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D. CONSENT AGENDA [continued from previous page]

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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

PROCLAMATION

PROCLAMATION DECLARING APRIL 13 – 19, 2008 AS "NATIONAL LIBRARY WEEK" IN THE CITY OF TUALATIN

WHEREAS our nation's libraries make a difference in the lives of millions of Americans and play a vital role in supporting the quality of life in their communities; and

WHEREAS libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS library use is up, locally and nationally, among all types of library users, continuing a decade-long trend; and

WHEREAS libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide;" and

WHEREAS librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, work, and play in the 21st century; and

WHEREAS the new Tualatin Public Library, now under construction and opening in late summer 2008, will create an inviting community center where learning, discovery, and interaction will flourish while expressing a welcoming civic identity that embraces Tualatin's values and future.

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

Section 1. The week of April 13 – 19, 2008 be "National Library Week" in the City of Tualatin and everyone is encouraged to visit the library this week to take advantage of the wonderful library resources available.

INTRODUCED AND ADOPTED this 14th day of April, 2008.

CITY OF TUALATIN, OREGON

BY  _____

Mayor

ATTEST:

BY  _____

Acting City Recorder

PROCLAMATION

PROCLAMATION DECLARING APRIL 27 – MAY 3, 2008 AS "NATIONAL VOLUNTEER WEEK" IN THE CITY OF TUALATIN

WHEREAS one of America's greatest national resources is its volunteers, and the human resources they devote toward a healthy, productive, and human society; and

WHEREAS 9,104 volunteers contributed more than 32,101 hours of their time, an equivalent of about 16 full time employees, to the betterment of our community; and

WHEREAS volunteers give freely of their time, energy, and ability, and ask only for a smile and a thank you for their countless hours of service; and

WHEREAS it has long been a tradition in our community for youth and adult volunteers to perform work of the highest quality and to brighten the lives of others; and

WHEREAS it is fitting to recognize our volunteers for their service.

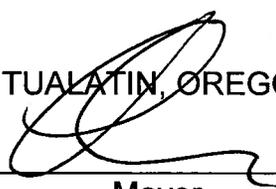
BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

Section 1. The week of April 27 – May 3, 2008 be proclaimed "National Volunteer Week" in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their dedicated, selfless, and compassionate efforts.

INTRODUCED AND ADOPTED this 14th day of April, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST:

By  _____
Acting City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager *SL*
DATE: April 14, 2008
SUBJECT: APPROVE MINUTES FOR THE MEETING OF MARCH 24, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meeting on March 24, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MARCH 24, 2008

PRESENT: Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska [arrived at 5:02 p.m.], Chris Barhyte, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Nancy McDonald, HR Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Don Hudson, Finance Director; Eric Underwood, Development Coordinator; Kaaren Hofmann, Civil Engineer; Dayna Johnson, Project Engineer; Carina Christensen, Assistant to the City Manager; Debra Senger, HR Program Coordinator; Clayton Reynolds, Maintenance Supervisor; and Maureen Smith, Recording Secretary

ABSENT: Councilor Jay Harris* [* denotes excused]

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

A. CALL TO ORDER

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

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Tomorrow Vision Implementation Committee Proposed Goals & 08/09 Budget*
City Manager Lombos introduced the discussion on the Tualatin Tomorrow Community Vision and Strategic Action Plan structure which includes a Vision Implementation Committee (VIC) and Vision Implementation Steering Committee (VISC). The VIC and VISC have developed a proposed budget and goals for FY 2008-09.

Frank Bubenik and Candice Kelly, committee co-chairs, were present and briefly reviewed the VIC goals for the coming year. A major goal for the year is to expand the reach into the community and increase reaching out to businesses in Tualatin. Also mentioned was methods to use on how to achieve those goals. Mr. Bubenik said they are also looking to hire a part-time (20 hours/week) person to manage the day-to-day program. It would be a contract position and would likely have a Request for Proposals (RFP) done. Also distributed to Council was information on the next upcoming big event.

Mayor Ogden asked if it had been considered whether there are benefits to the part-time position being a city staffer and not contracted. He wanted to be certain that the City staff and the VIC have discussed the logistics of the position and what was arrived at. Ms. Kelly commented that it could work either way, but noted the position name is "Tualatin Tomorrow Champion" and that person's true focus would be on the project. It would represent the "community" more than "city", but Ms. Kelly said she believes either way would work. It was asked and answered that this proposal will be part of the coming fiscal year budget.

Councilor Truax commented that when this program started, he did not think the city involvement would be at the level it is at, and he would like to see more involvement with the "lead partners". Mr. Bubenik explained the City of Hillsboro, which has had a visioning program for a number of years, pays for the project itself but has corporate sponsors for events. They have a full-time staffer for their program. Mayor Ogden said he looking to get corporate sponsorship, and agreed with Councilor Truax that he did not fully comprehend the level of involvement and funding that was to be committed to this project, or rather that it actually ended up at the level it is now at. Councilor Truax says he wants to keep the momentum going, but to charge the group to fund this project from a community level.

Councilor Maddux asked and it was explained how the percentage of the first two Committee Goals was arrived at – "Tualatin Tomorrow" will touch (raise awareness) the community, and the outreach that is needed to reach the community to get engaged and "remember" the project, and reach businesses and organizations with outreach efforts to establish awareness and enlist their support of the plan and program.

2. *Council Retreat Follow-up on Tualatin Tomorrow Action Items*

City Manager Lombos gave a brief introduction. The Council has discussed various action items identified in the Tualatin Tomorrow Community Vision and Action Plan, associated with the City of Tualatin as a Lead Partner. Council conducted two separate meetings about categorizing the action items that the City is responsible for as lead partners. The discussions were held in small groups and facilitated by staff covering six topic areas. To assist the Council, staff conducted a preliminary evaluation listing action items in three categories: *In Progress, To Do, and Parking Lot*.

Staff compiled results of the Council discussions with details for each action items listed in the matrix. The Council's policy consideration is to reconcile where consensus was not achieved at the group sessions. Community Development Director Doug Rux said there are fourteen items to reconcile. There were six items under *Growth, Housing and Town Center*, three under *Parks, Recreation and Natural Areas*; one under *Health, Safety and Social Services*; and two under *Governance, Leadership and Community Engagement*.

Council reviewed the items with staff and there was consensus by all present on which category, *In Process, To Do, and Parking Lot*, the actions identified as conflicting should be placed

3. *Celebrate Tualatin*

City Manager Sherilyn Lombos said the upcoming "Celebrate Tualatin" event is on Thursday, April 17, 2008, sponsored by the Tualatin Chamber of Commerce, to be held at the Tualatin Country Club. Ms. Lombos said the City has sponsored 40 seats, inviting 20 nominees, along with their guest.

Council reviewed the nominations that were submitted. Mayor Ogden said in the breakdown of the nominations, if the businesses and Boy Scout nominations are set aside, it then gets to the remaining nominations of approximately 40. Mayor Ogden suggested rather than being able to only invite 20 nominees, with guest, to invite all of the 40 nominees. Discussion followed.

It was suggested to send one or two youth from the Tualatin Youth Advisory Council. It was also suggested to add "Tualatin Tomorrow" co-chair Candice Kelly to the list. Council reviewed the nominations and selection of the "volunteer of the year". After discussion, Helen Cain was nominated by Council as "Volunteer of the Year."

4. *Train Noise Update*

City Engineer Mike McKillip, and Project Engineer Dayna Johnson gave a PowerPoint update on the Commuter Rail Train Horn Noise Mitigation, and what staff has learned since the last discussion with Council in January, 2008. Staff presented a draft report, which includes what other jurisdictions are doing, and the current options at each of the City's crossings.

Based on information available at the time and the consultant Railroad Controls Ltd. (RCL) Report, it appeared quiet zones would be difficult and wayside horns the preferred route. Staff further researched and found what some other cities are doing or will be doing on establishment of "quiet zones." There may be opportunities for quiet zones that do not involve driveway closures and four quadrant gates at railroad crossings. Discussion followed. It was asked whether an analysis should be done on the crossing that doesn't meet the Quiet Zone Risk Index (QZRI). Wayside horns costs are approximately \$100,000 per crossing, actual total costs would likely be a bit more. It was asked and staff explained that the process could take eight months on up to two years. Ms. Johnson explained the detailed process that needs to be done to work towards wayside horn installation or quiet zones. Discussed was the current train horn noise that happens in Tualatin.

City Manager Lombos said staff has devoted a substantial amount of time on this issue to continue with Council direction, but hard costs will need to be determined and where the funding will come from. There are other issues that are taking a backseat. It was asked if there are any steps staff can do now, or wait for the Federal Railroad Administration's (FRA) QZRI update on the numbers, or at the very least if the application process could move forward, and whether it is practical to do so. Mr. McKillip said it is more of a notice of intent and it could be done now. Also the "draft" report is essentially the bulk of the work that would be needed for an application.

Areas where the wayside horns would be heard through town were discussed. It was suggested that the Tualatin-Sherwood Road crossing would likely need to be a wayside horn, and the rest could be quiet zones. Also discussed was where the funding would come from. Potential funding options were briefly discussed.

Ms. Lombos said while waiting for the FRA update, staff can move forward on everything that can be done without requiring funds. A brief discussion was held with an audience member on decibel levels, etc. Also mentioned that the closest wayside horn is located in Tacoma, Washington and staff may take a field trip to check it out.

C. **CITIZEN COMMENTS**

None.

D. **CONSENT AGENDA**

The Consent Agenda was reviewed by the Council. Item D-4 was removed from the Consent Agenda and will be discussed at the meeting.

Councilor Maddux noted a correction to page 6 of the March 10, 2008 Council meeting minutes that do not reflect the MOTION to accept the staff report and recommend to OLCC to deny the liquor license of Wichita Pub was made by **Councilor Maddux**.

E. PUBLIC HEARINGS – Legislative or Other

N/A

F. PUBLIC HEARINGS – Quasi-Judicial

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

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

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 4-14-08
Recording Secretary M. Smith

TUALATIN CITY COUNCIL MINUTES OF MARCH 24, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; and Maureen Smith, Recording Secretary

ABSENT: Councilor Jay Harris* [** denotes excused*]

Mayor Ogden called the meeting to order at 7:08 p.m.

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

A. CALL TO ORDER

Tom Gilkey, Tualatin Boy Scout Troop 35, was presented and led the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Passport Photo Presentation*

City Manager Sherilyn Lombos briefly presented information on the passport photo program the City will start, beginning on April 1, 2008.

2. *Tree City USA and Growth Award Presentation*

DJ DeAustria, Tualatin Park Advisory Committee (TPARK) member, and Tualatin Parks and Recreation Manager Carl Switzer were present to review upcoming Arbor Week celebration and events. It was noted it is the first time Tualatin has entered the Arbor Day poster contest. There were many submissions, and two winners were present and given framed picture of their submittal. The first place winner will go on to the State event.

Dan Postrel, Oregon Department of Forestry, Salem, OR, was present, and noted this is the 21st year the City of Tualatin has been awarded Tree City USA status. He noted Tualatin is one of the longest designations to date. This award is important and a symbol to the City's commitment to quality of life and role of trees in the community, and acknowledging that trees make the city a better place. Mr. Postrel said on behalf of the National Arbor Day foundation, he is pleased to present the award, including Tualatin receiving a Tree City USA "Growth" award". Mr. Postrel congratulated Council on receiving the award. Mayor Ogden asked and Mr. Postrel explained what it takes to make the city to qualify to be a Tree City recipient.

Carl Switzer, Parks and Recreation Manager, said one of the reasons Tualatin received the growth award was the City's improved tree ordinance that was passed last year. Points are given by having certified arborists on staff, Tualatin also has a Heritage Tree program, and a number of other programs for the protection of trees. Mr. Postrel presented the City with a Tree City USA flag.

3. *Proclamation Declaring April 6 – 12, 2008 "Arbor Week" in the City of Tualatin*
Councilor Barhyte read the proclamation.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Item D-4 was removed from the Consent Agenda by the Council. Councilor Maddux noted page 6 of the March 10, 2008 Council meeting minutes was amended at work session. MOTION by Councilor Boryska, SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Meeting of March 10, 2008
2. 2007 Annual Report of the Tualatin Planning Advisory Committee
3. Resolution No. 4764-08 Accepting Deed of Dedication and Easements Associated with the SW Herman Road Improvement Project (Lightspeed)
5. Resolution No. 4765-08 Updating Core Area Parking District Maps in TMC Chapter 8-3 Schedule C, Time Zones; Rescinding Resolution No. 4642-07
6. Resolution No. 4766-08 Adopting the March 2008 Update to the Public Works Construction Code
7. Resolution No. 4767-08 Accepting Public Improvements for Riverhouse at Bridgeport
8. Resolution No. 4768-08 Accepting Public Improvements for Columbia Roofing Sheet Metal
9. Resolution No. 4769-08 Accepting Public Improvements for the LPKF Building
10. Resolution No. 4770-08 Awarding Direct Purchase and Commissions of Public Art for the New Library
11. Approval of 2008 Liquor License Renewals – Late Submittals

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

1. *Washington County Fairgrounds Revitalization Master Plan Presentation*
Ruthie Reinhart, CEO, Washington Fairgrounds Revitalization Task Force and Philip Bransford, Washington County Administrators Office, were present and gave a brief PowerPoint presentation on the Washington County fairgrounds revitalization task force. An overview of the task force and the various phases were reviewed by Ms. Reinhart and Mr. Bransford.

Phase I would be a \$55 million proposal, with a general obligation bond to the voters, with some contribution from the City of Hillsboro. Phase I would cost \$0.6 per \$1000 assessed value, decreasing each year. Their goal is to present as much information as possible to the various communities in the county. For more information, their website is www.FairgroundsRevitalization.com. The first phase may possibly be on the ballot for November 2008. There are a few steps that would need to be done before doing so. It was asked and answered that there is someone on the task force from this part of Washington County.

Ms. Reinhart expressed what they have heard of the need for meeting space in the county. Mayor Ogden said it would be difficult for this side of the county to make use of the fairgrounds, and said he was curious to see what the economic impact would be to this part of the county. Also asked was whether the Chambers of Commerce are involved in this, as it is the first that the Tualatin Chamber has heard of this. Mr. Bransford noted they will be scheduling a presentation with the Tualatin Chamber. Mayor Ogden also asked, since the County owns the land, what actually might be the best use of the present site. Ms. Reinhart said she has heard some of those same arguments.

Council thanked Ms. Reinhart and Mr. Bransford for their presentation, and said they appreciated the outreach about this issue to this side of Washington County.

2. Ordinance No. 1254-08 Adopting the 2008 Editions of the Oregon Residential Specialty Code and the 2008 Oregon Plumbing Code

MOTION by Councilor Truax, SECONDED by Councilor Boryska for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Boryska for second reading by title only. The poll was unanimous. MOTION CARRIED. MOTION by Councilor Truax, SECONDED Councilor Boryska to adopt the ordinance. MOTION CARRIED.

A scrivener's error was noted in Section 7 of the Ordinance. It should read "2002 edition....", not 2202.

3. Ordinance No. 1255-08 Relating to Parking; Regulating Parking at City Center, Library, and Council Building; and Amending TMC 8-1-240 and 8-3 Schedule C

MOTION by Councilor Truax, SECONDED by Councilor Boryska for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Boryska for second reading by title only. The poll was unanimous. MOTION CARRIED. MOTION by Councilor Truax, SECONDED Councilor Boryska to adopt the ordinance. MOTION CARRIED.

4. Ordinance No. 1256-08 Adopting Core Area Parking District Tax Rate and Credit – Fiscal Year 2008/09

MOTION by Councilor Truax, SECONDED by Councilor Boryska for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Boryska for second reading by title only. The poll was unanimous. MOTION CARRIED. MOTION by Councilor Truax, SECONDED Councilor Boryska to adopt the ordinance. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

Item D-4 was removed from the Consent Agenda by the City Council for discussion.

4. Resolution No. _____ Approving the Core Area Parking District Policies Adding a New Policy #15 and Rescinding Resolution No. 4641-07

Community Development Director Doug Rux gave a brief report on the increased use of the Core Area Parking District (CAPD) public lots and whether the Council should adopt a resolution adding a new Policy #15 to have a temporary parking provision to utilize core area parking spaces within the District during new building construction. The idea would be to have a developer, and in turn the construction companies pay their share of the use of the downtown parking lots.

The existing core area parking methodology model was taken to the Core Area Parking District (CAPD) Board. An alternative was also presented using a "flat fee" methodology. The Board concluded the current methodology would be better than the "per stall" charge. The City experienced a similar issue with the temporary Library relocation. In March 2007, the CAPD policies developed in 2003, were modified to add Policy #14 pertaining to the Tualatin Public Library parking in the CAPD, and calculated the cost at the current methodology.

With the area within the CAPD increasingly being developed, available land to park construction workers is difficult to locate, along with parking patrons of the various downtown core businesses. An issue has arisen with the redevelopment of the former Robinson Store and associated "Mashita Restaurant" building. There will likely also be a similar issue between the Green and Blue lots with development happening in the future. Staff developed a program that would allow use of the lots with issuance of a Revocable Permit, and payment of compensation for use of the lots. A project would have to receive Architectural Review approval and building permit issuance to be eligible for temporary use of the lots.

It was noted a letter was received this afternoon from the Robison Store property owner regarding his dismay over the proposed fees a developer/project would have to pay to utilize the lots. Staff noted discussions had been held with the property owner to arrive at a mutually satisfactory solution.

Councilor Truax asked and Mr. Rux explained how the rates are calculated dependant on the usage of the business. The question is how close is it to the ultimate usage versus "construction" usage. It was also explained how the policy is used in the downtown core area. Mr. Rux said it boils down to construction workers are utilizing the lots for various projects and are not required to pay for use of the public lots. Council asked if tenant improvements (TI) could be included in addition to new construction. Also mentioned is whether it would be reasonable to consider a "construction use" for the core area, such as one rate, but different uses that are calculated. Mr. Rux said that could be done, staff time would be involved to figure out methodology however.

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to table the issue.
MOTION CARRIED.

[Vote: 5-1-1; Yes – Ogden, Barhyte, Boryska, Maddux, Truax; No – Beikman; Harris absent]

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to bring the issue back from the table. MOTION CARRIED.

Council continued with discussion on this issue. Mayor Ogden suggested considering looking at a fourth use on how to handle construction and use of the lots. Councilor Barhyte commented that with what the City is trying to accomplish in the downtown district, this would be taking money from a project that would add value to the district. He said a possible solution is to divert construction traffic to the lesser used parking lots. Mr. Rux said there is some capacity in other lots now, but that will change as usage has increased, and with City employees being parked in core area lots in the next few months.

Councilor Beikman said as Council liaison on the CAPD Board, she believes there will be ongoing problems with parking and agreed with the recommendation by the CAPD Board on this issue. Councilor Maddux recommended sending this issue back to staff for further review and bring back to Council at a future work session. Councilor Boryska said while realizing parking is running out, he did not want to have people penalized for use of the parking lots to have development take place in the downtown core area. Discussion followed.

City Manager Lombos summarized that Council direction is to look at the methodology of construction parking in public lots, bring the issue back to the CAPD Board, and then bring back to Council at a work session.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

The meeting adjourned at 8:36 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 4-14-08
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: April 14, 2008

SUBJECT: APPROVE A NEW LIQUOR LICENSE APPLICATION FOR FIORANO RESTAURANT

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Fiorano Restaurant.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Fiorano Restaurant.

EXECUTIVE SUMMARY:

Fiorano Restaurant has submitted a new liquor license application. The liquor license is for Full On-Premises Sales, Commercial Establishment and Limited On-Premises Sales. The business is located at 18674 SW Boones Ferry 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.

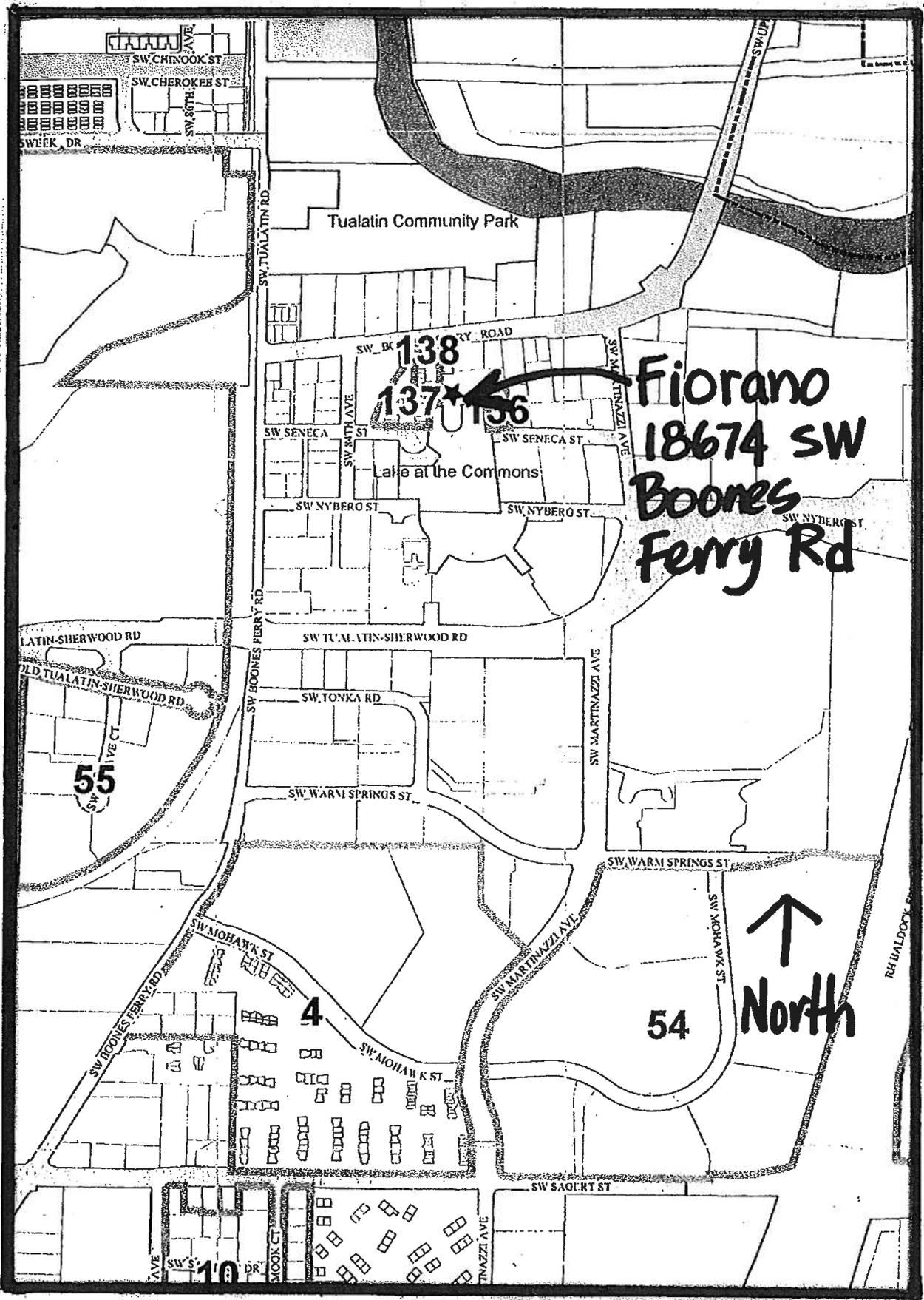
Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed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



SW CHINOOK ST
SW CHEROKEE ST
SW 80TH DR

Tualatin Community Park

138
137*
136

Fiorano
18674 SW
Boones
Ferry Rd

Lake at the Commons

55

4

54

↑
North

10



Approved By Tualatin City Council
Date 4-14-08
Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Michael McKillip, Engineering & Building *MMK*
Kaaren Hofmann, Civil Engineer *[Signature]*

DATE: April 14, 2008

SUBJECT: USE OF REMAINING FUNDS FROM THE A2 RESERVOIR BOND SALE REVENUES

ISSUE BEFORE THE COUNCIL:

Should the City Council approve the use of the remaining funds from the A2 Reservoir Bond Sale on the C2 Reservoir project?

RECOMMENDATION:

Staff recommends that the City Council allow the remaining funds to be used to move the C2 Reservoir project forward more quickly.

EXECUTIVE SUMMARY:

In December 2005, the City sold bonds to construct the A2 Reservoir and install Seismic and Water Quality Retrofits of the three other existing reservoirs. The bond proceeds equaled \$7,212,639. The final project cost was \$6,788,333. There is \$830,447 leftover that can be used by other water improvements within the City. These funds are budgeted in this fiscal year as a 'Future Water Project' in the Water Reservoir Fund.

The original bond sale was for reservoir capacity (A2 reservoir), water quality and seismic upgrades. The bond covenants allow these funds to be used on other water system and water quality improvements. After reviewing several possible projects, Staff would recommend that this money be used for the C2 Reservoir and C1 Water Quality upgrades project. The C1, Frobese, Reservoir could not have the water quality improvements made during the original project because it is the only C level reservoir and it could not be taken off line for construction work. The C2 Reservoir project is currently planned to be designed and constructed over the next three years. Using the funds on the C2 reservoir and water quality upgrades for the C1 reservoir furthers the goals and purpose of the 2005 Bond Sale.

STAFF REPORT: A2 Bond Sale Revenues

April 14, 2008

Page 1 of 2

OUTCOMES OF DECISION:

If the City Council approves the use of these funds for this project, it will move forward more quickly and there will be additional funds available for other water projects in the future.

If the City Council does not approve this project, the funds will be used to pay the debt service payments.

NEXT STEPS:

If the City Council approved the use of these funds for this project, Staff will prepare a Request for Proposals to hire a consultant to start the design work.

FINANCIAL IMPLICATIONS:

The estimated cost of the C2 Reservoir is \$1,200,000. This project is currently planned in FY08/09, FY09/10 & FY10/11 in the Water Development Fund. The \$830,447 from the Water Reservoir Fund will offset these costs and allow the project to start sooner.



Approved By Tualatin City Council

Date 4-14-08

Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Michael A McKillip, City Engineer *[Signature]*
Kaaren Hofmann, Civil Engineer *[Signature]*

DATE: April 14, 2008

SUBJECT: RESOLUTION AUTHORIZING DEED OF DEDICATION AND PUBLIC UTILITY EASEMENT ASSOCIATED WITH THE AQUIFER STORAGE AND RECOVERY PUMP HOUSE PROJECT (TAX MAP 2S1 34AD, TAX LOTS 5400 & 5500)

ISSUE BEFORE THE COUNCIL:

Consideration of whether the Council should adopt a resolution authorizing the Deed of Dedication and Public Utility Easement associated with the Aquifer Storage and Recovery Pump House project.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing the Deed of Dedication and Public Utility Easement associated with the Aquifer Storage and Recovery Pump House project.

EXECUTIVE SUMMARY:

The City of Tualatin approved with conditions the Aquifer Storage and Recovery Pump House project through the Architectural Review process (City File AR 07-20). Within the Public Facilities Findings and Recommended Decision, the applicant is required to dedicate the necessary right-of-way along SW 108th Avenue. If the Mayor is authorized to sign the Deed of Dedication and Public Utility and Access Easement, they will be processed as normal development requirements for dedications. The street improvements including sidewalk and street trees were completed last year.

OUTCOMES OF DECISION:

Authorizing the Deed of Dedication and Public Utility Easement associated with the Aquifer Storage and Recovery Pump House project will result in the following:

- Ability to complete the requirements of the Architectural Review to obtain the Certificate of Occupancy.

Not authorizing the Deed of Dedication and Public Utility Easement associated with the Aquifer Storage and Recovery Pump House project will result in the following:

- Inability to complete the requirements of the Architectural Review to obtain the Certificate of Occupancy.

FINANCIAL IMPLICATIONS:

The City will incur the recording costs associated with the recording of the Deed of Dedication and Public Utility Easement. Typically the City incurs the costs for recording documents in which it benefits.

Attachments: A. Resolution with attachments

RESOLUTION NO. 4771-08

RESOLUTION AUTHORIZING DEED OF DEDICATION AND
PUBLIC UTILITY EASEMENT ASSOCIATED WITH THE
AQUIFER STORAGE AND RECOVERY PUMP HOUSE
PROJECT (TAX MAP 2S1 34AD, TAX LOTS 5400 & 5500)

WHEREAS the City of Tualatin is constructing a pump house for the Aquifer Storage and Recovery Well, and

WHEREAS the City of Tualatin approved with conditions the Aquifer Storage and Recovery Pump House Project through the Architectural Review process (City File AR 07-20). Within the Public Facilities Findings and Recommended Decision, the applicant is required to dedicate the necessary right-of-way along SW 108th Avenue, and

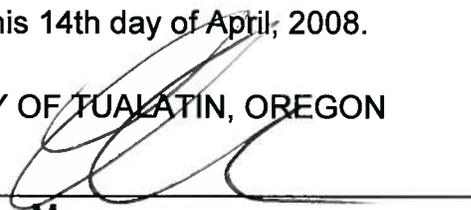
WHEREAS the City of Tualatin desires to comply with the conditions of the Architectural Review Decision.

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

Section 1. The City of Tualatin hereby authorizes the attached Deed of Dedication (Attachment 1) for the purpose of dedicating right-of-way to the public and Public Utility Easement (Attachment 2) for the purpose of granting an easement to the public and the Mayor is authorized to sign said documents.

ADOPTED AND APPROVED this 14th day of April, 2008.

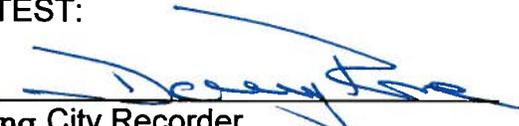
CITY OF TUALATIN, OREGON

By 
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By 
Acting City Recorder



CITY OF TUALATIN, OREGON

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that City of Tualatin
(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
Public Utility Lines on the following described land:

*See attached legal description
and attached map of description*

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

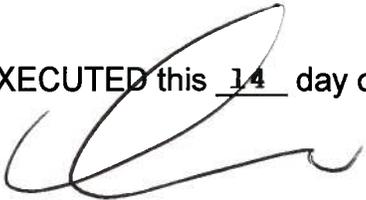
GRANTOR reserves the right to use the surface of the land for walkways, plantings,
parking, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere
with the use of the easement area by the CITY. No building or utility shall be placed upon,
under, or within the property subject to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

Upon completion of the construction, the CITY shall restore the surface of the
property to its original condition and shall indemnify and hold the GRANTOR harmless all
loss, costs, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ 0 and other good and
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 _____ and that GRANTOR, the 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 14 day of April, 2008.



Signature

Signature

Lou Ogden

Name (print or type)

Name (print or type)

Mayor

Title

Title

STATE OF OREGON)
) ss
County of Washington)

On this 14th day of April, 2008, before me, the undersigned, a Notary Public, personally appeared Lou Ogden, Mayor, City of Tualatin and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Maureen A. Smith
Notary Public for Oregon

My commission expires: July 4, 2009



CITY OF TUALATIN, OREGON

By [Signature]
Mayor

ATTEST:

By [Signature]
Acting City Recorder

The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Ordinance No. 787-89, does hereby approved and accept the foregoing Public Utility Easement on behalf of the City of Tualatin.

gk/EAS/COT Pub Util Ease

Dated this 14th day of April, 2008.

[Signature]
Acting City Manager

**DESCRIPTION OF
PERMANENT PUBLIC UTILITY EASEMENT**

March 19, 2008

The following description provides for a Permanent Public Utility Easement to be granted to the City of Tualatin, an Oregon Municipal Corporation, said dedication being over, upon and across a tract of land situated in the Northeast Quarter of Section 34, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, said tract of land having been conveyed to the City of Tualatin on September 20, 1991 and recorded as Deed No 91052029, Washington County Deed Records, Washington County, Oregon. The Permanent Public Utility Easement is described as follows:

Permanent Public Utility Easement

A strip of land 9.00 feet wide, lying within the boundary of the following described Permanent Public Utility Easement: Commencing at the Initial Point, said Initial Point being the Southeast Corner of the Northeast Quarter of Section 34, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence South 89° 47' 34" West along a line a distance of 663.79 feet; thence North 00° 02' 34" East along a line a distance of 15.00 feet; thence South 89° 47' 34" West along a line a distance of 19.93 feet; thence North 00° 12' 26" West along a line a distance of 15.00 feet to a point; thence North 00° 02' 34" East along a line a distance of 300.60 feet to a point; thence North 00° 03' 23" East along a line a distance of 328.07 feet; thence South 89° 50' 32" West along a line a distance of 13.00 feet to a point, said point being the Northeast corner of Lot 140 Lake Forest No. 3, as recorded as document No. 2004144204, Washington County Deed Records, Washington County Oregon, said point being the TRUE POINT OF BEGINNING for said Permanent Public Utility Easement; thence South 89° 50' 32" West along a line a distance of 9.00 feet to a point, said point lying on the North line of said Lot 140; thence North 00° 03' 23" East along a line a distance of 328.65 feet to a point, said point lying on the South line of Lot 5, Lake Forest, as recorded as document No. 2001046892, Washington County Deed Records, Washington County, Oregon; thence North 89° 50' 02" East along a line a distance of 9.00 feet to a point, said point being the Southeast corner of said Lot 5; thence South 00° 03' 23" West along a line a distance of 328.65 to a point, said point being the TRUE POINT OF BEGINNING to close the boundary of the described Permanent Public Utility Easement.

Reference Documents Attached:

1. Figure 1 – City of Tualatin ASR Well House
9 Foot Public Utility Easement



EXPIRES: 6/30/08



CITY OF TUALATIN, OREGON
DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that _____ City of Tualatin _____ (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 \$ 0 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 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 14 day of April, 2008.

Lou Ogden, Mayor
Name (print or type)

[Signature]
Signature

April 14, 2008
Date

Name (print or type)

Signature

Date

STATE OF OREGON)
County of Washington) ss)

On this 14th day of April, 2008, before me, the undersigned, a Notary Public, personally appeared Lou Ogden, Mayor, City of Tualatin

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Maureen A Smith
Notary Public for Oregon

My commission expires: July 4, 2009



CITY OF TUALATIN, OREGON

By [Signature]
Acting City Manager

The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Ordinance No. 787-89, does hereby approved and accept the foregoing Deed of Dedication on behalf of the City of Tualatin.

gk/DED/COT Deed Dedic

Dated this 14th day of April, 2008.
[Signature]
Acting City Manager

**DESCRIPTION OF
PERMANENT RIGHT-OF-WAY DEDICATION**

March 19, 2008

The following description provides for a Permanent Right-of-Way Dedication to be granted to the City of Tualatin, an Oregon Municipal Corporation, said dedication being over, upon and across a tract of land situated in the Northeast Quarter of Section 34, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, said tract of land having been conveyed to the City of Tualatin on September 20, 1991 and recorded as Deed No 91052029, Washington County Deed Records, Washington County, Oregon. The Right-of-Way Dedication is described as follows:

Permanent Right-of-Way Dedication

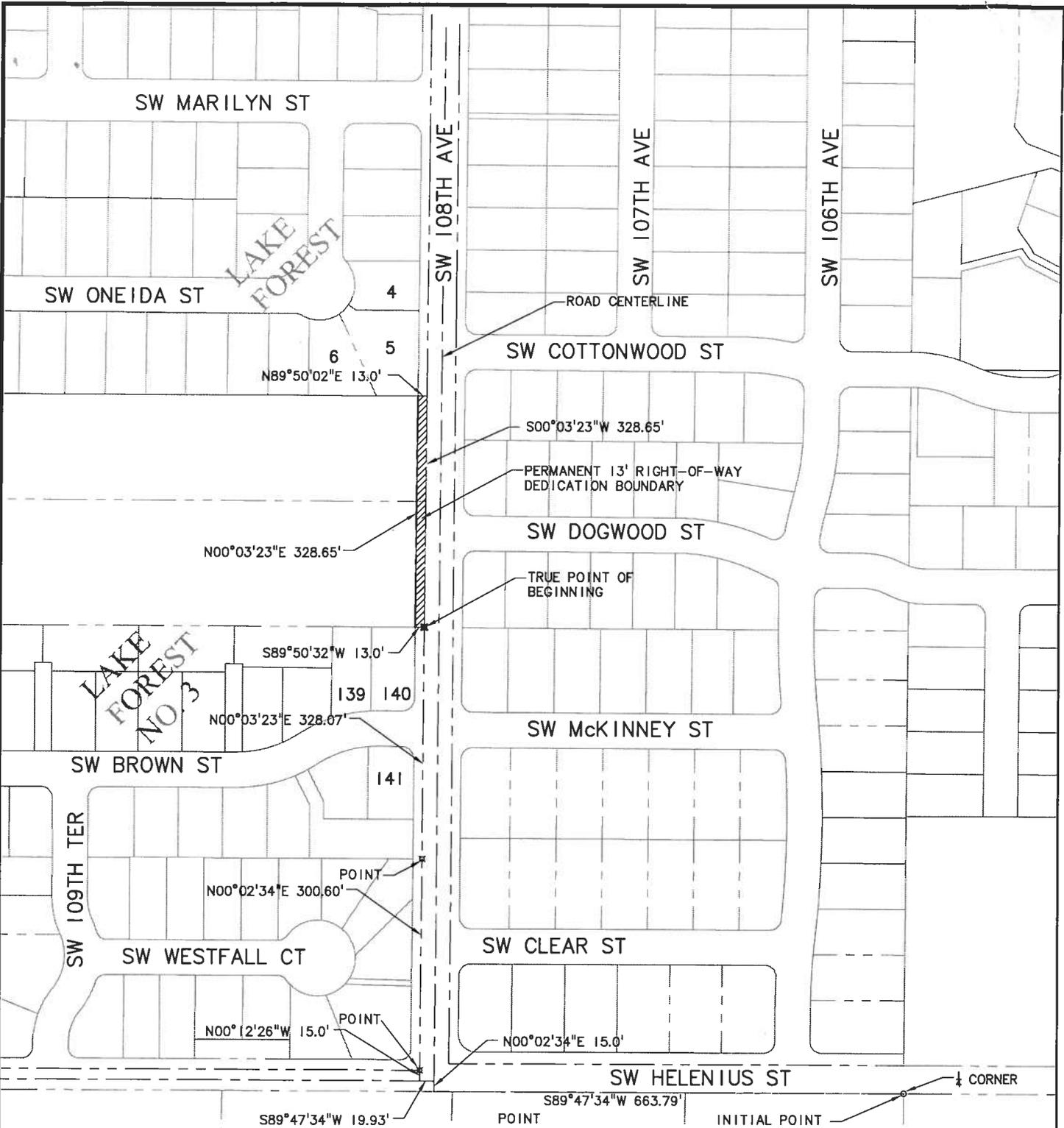
A strip of land 13.00 feet wide, lying within the boundary of the following described Right-of-Way Dedication: Commencing at the Initial Point, said Initial Point being the Southeast Corner of the Northeast Quarter of Section 34, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence South 89° 47' 34" West along a line a distance of 663.79 feet; thence North 00° 02' 34" East along a line a distance of 15.00 feet; thence South 89° 47' 34" West along a line a distance of 19.93 feet; thence North 00° 12' 26" West along a line a distance of 15.00 feet to a point; thence North 00° 02' 34" East along a line a distance of 300.60 feet to a point; thence North 00° 03' 23" East along a line a distance of 328.07 feet to a point, said point being the TRUE POINT OF BEGINNING for said permanent right-of-way dedication; thence South 89° 50' 32" West along a line a distance of 13.00 feet to a point, said point being the Northeast corner of Lot 140 Lake Forest No. 3, as recorded as document No. 2004144204, Washington County Deed Records, Washington County Oregon; thence North 00° 03' 23" East along a line a distance of 328.65 feet to a point, said point being the Southeast corner of Lot 5, Lake Forest, as recorded as document No. 2001046892, Washington County Deed Records, Washington County, Oregon; thence North 89° 50' 02" East along a line a distance of 13.00 feet to a point; thence South 00° 03' 23" West along a line a distance of 328.65 feet to a point, said point being the TRUE POINT OF BEGINNING to close the boundary of the described Right-of-Way Dedication.

Reference Documents Attached:

1. Figure 1 – City of Tualatin ASR Well House
Permanent Right-of-Way Dedication



G:\00\0500\203\CAL_0-0500-203-OR-FIGURE 1 ROW - EASE.dwg ROW 3/18/08 17:56 (EngCAD)



SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN

LEGEND

CENTERLINE	---
EXISTING PERMANENT RIGHT-OF-WAY DEDICATION	----
PERMANENT RIGHT-OF-WAY DEDICATION	



CITY OF TUALATIN
ASR WELL HOUSE

FIGURE 1

PERMANENT RIGHT-OF-WAY
DEDICATION

MSA Murray Smith & Associates, Inc.
Engineers/Planners
121 S.W. Salmon, Suite 900 PHONE 503-225-9010
Portland, Oregon 97204 FAX 503-225-9022

MARCH 2008



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
4-14-08
Recording Secretary *M. Smith*

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Michael M. Darby, Engineering Tech II *MD*

DATE: April 14, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR MERIDIAN BUSINESS PARK

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with Meridian Business Park, located 17650 SW 65th Avenue.

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 the Meridian Business Park.

The improvements constructed were installation of a half-street improvement with all utilities on SW 65th Avenue. These were done as required by AR 07-09 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.

Attachments: A. Resolution

RESOLUTION NO. 4772-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR MERIDIAN BUSINESS PARK

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Mike Berrey, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 07-19 to construct public improvements consisting of the installation of a half-street improvement with all utilities on SW 65th Avenue in association with Meridian Business Park, said improvements being required by the Public Facilities Decision issued on July 20, 2007; and

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

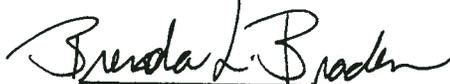
WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

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

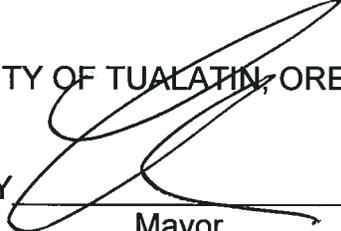
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

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

INTRODUCED AND ADOPTED this 14th day of April, 2008.

APPROVED AS TO LEGAL FORM

CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY 
Mayor

ATTEST:
BY 
Acting City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 4-14-08
Recording Secretary M. 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: April 14, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR 17645 SW JURGENS ROAD

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with a single family residence located at 17558 SW 104th Avenue. The project name is 17645 SW Jurgens Road.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed at 17558 SW 104th Avenue as part of the 17645 SW Jurgens Road project in accordance with the City of Tualatin's Public Works Construction Code.

The improvements were done as required by the Tualatin Development Code 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/17645 SW Jurgens Road

Attachments: A. Resolution

RESOLUTION NO. 4773-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR 17645 SW JURGENS ROAD

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Howard L. Rayborn, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 07-04 to install sanitary sewer, storm sewer, and water line connections on SW 104th Avenue in association with the single family residence at 17558 SW 104th Avenue, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the City of Tualatin Development Code; 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 14th day of April, 2008.

CITY OF TUALATIN, OREGON

By _____

Mayor

ATTEST

By _____

Acting City Recorder

Approved as to Form:

Brenda L. Graden
City Attorney



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*
Eric Underwood, Development Coordinator *EU*

DATE: April 14, 2008

SUBJECT: RESOLUTION ACCEPTING DEEDS OF DEDICATION AND EASEMENTS ASSOCIATED WITH THE SW HERMAN ROAD IMPROVEMENT PROJECT (MERLO STATION AND BROCKWAY)

ISSUE BEFORE THE COUNCIL:

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 and utility, slope, and permanent easements have been identified.
- The acceptance of the Deeds of Dedication and Easements are conditioned on the Commission at their April 14, 2008 meeting adopting a resolution authorizing compensation for the Deeds of Dedication 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:
 - Merlo Station LLC (Deed of Dedication and Slope/Utility Easements).
 - Brockway Exchange LLC (Deed of Dedication and Slope/Utility Easements).
- The Deeds of Dedication 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 Deeds of Dedication 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 Deeds of Dedication 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 Deeds of Dedication 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:

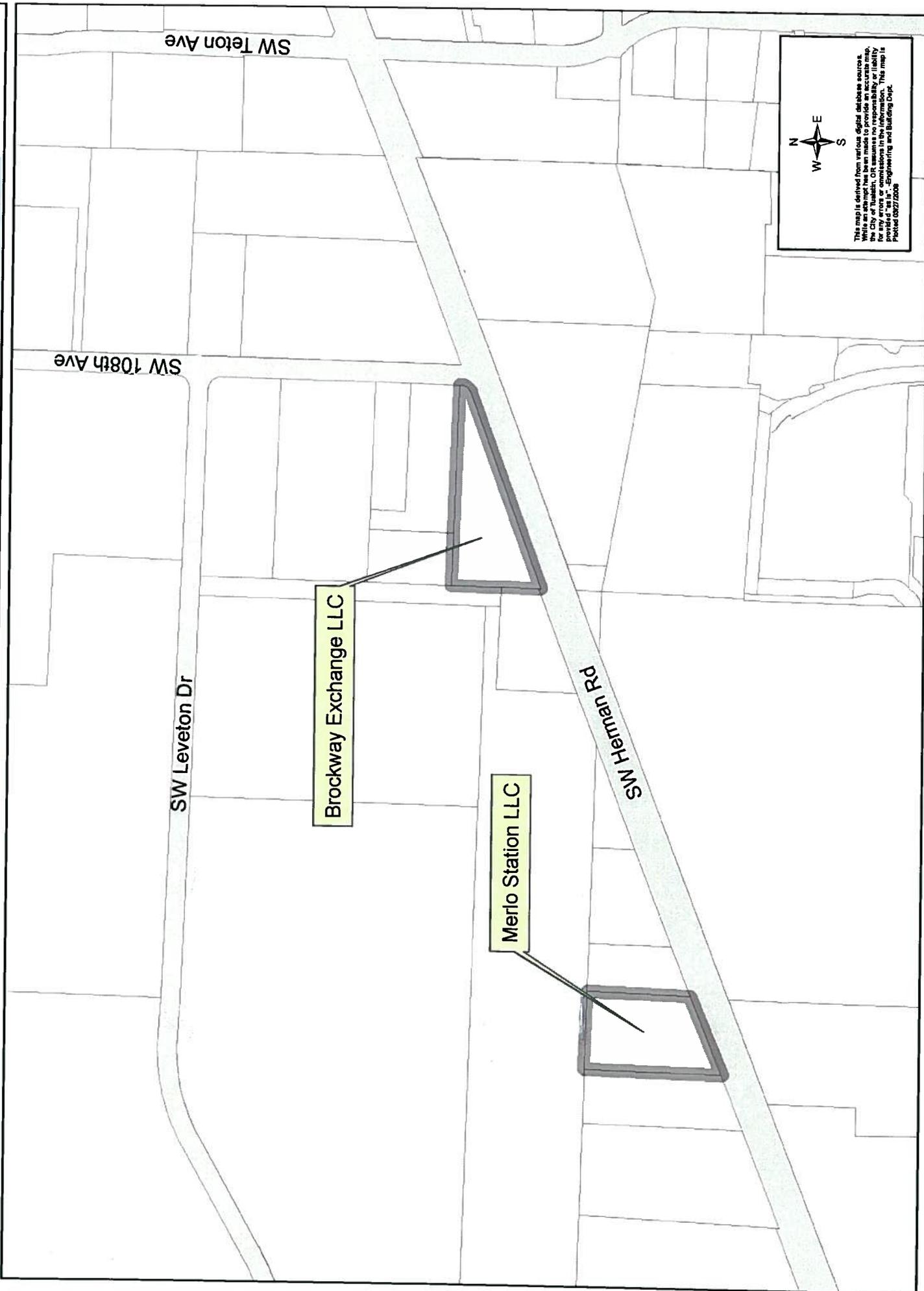
Compensation for the Deeds of Dedication and Easements was addressed by the Commission at their April 14, 2008 meeting and is not applicable to acceptance of these documents.

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

Deeds of Dedication and Easements / SW Herman Rd



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the user should not rely on this map for any critical applications. The user assumes all liability for any errors or omissions in the information provided. "as is". Engineering and Building Dept. Plotted 08/27/2008

RESOLUTION NO. 4774-08

RESOLUTION ACCEPTING DEEDS OF DEDICATION
AND EASEMENTS IN ASSOCIATION WITH THE
SW HERMAN ROAD IMPROVEMENT PROJECT (MERLO
STATION AND BROCKWAY)

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

Section 1. The attached documents, Exhibits 1 and 2 are hereby accepted by the
City of Tualatin:

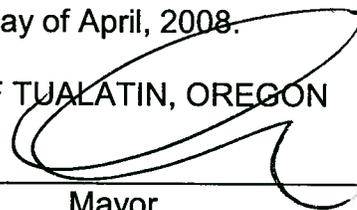
- a. Deed of Dedication and Slope/Public Utility Easement from Brockway
Exchange LLC
- b. Deed of Dedication and Slope/Public Utility Easement from Merlo
Station LLC

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

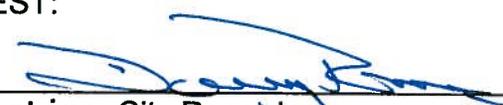
Section 3. The acceptance of the Deeds of Dedication and Easements are
conditioned on the Tualatin Development Commission adopting a resolution
authorizing compensation for the Deeds of Dedication and Easements.

INTRODUCED AND ADOPTED this 14th day of April, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST:

By  _____
Acting City Recorder



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Brockway Exchange 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 **Eighteen Thousand Twenty and No/100 Dollars (\$18,020.00)** 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 12 day of MARCH, 2008

Brockway Exchange LLC

Roger Brockway
Name (print or type)

Name (print or type)

Roger Brockway
Signature

Signature

OWNER
Title

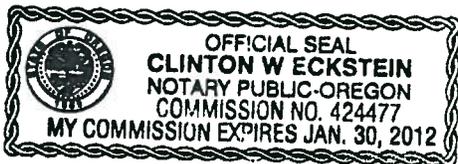
Title

STATE OF OREGON)
County of Washington) ss)

On this 12 day of March, 2008, before me, the undersigned, a Notary Public, personally appeared ROGER BROCKWAY and OWNER who are known to be the OWNER and _____ of Brockway Exchange 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: 1/30/12



CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
Acting City Recorder

EXHIBIT A

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

**Tax Map No. 2S122AD 0900
BROCKWAY EXCHANGE**

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 BROCKWAY EXCHANGE LLC, recorded on November 6, 2000, in Document No. 2000089801, 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 75+00.00 To 76+14.82	50.00 feet
From 76+14.82 To 76+19.00	50.00 feet in a straight line to 44.75 feet
From 76+19.00 To 77+00.00	44.75 feet in a straight line to 44.00 feet
From 77+00.00 To 77+85.00	44.00 feet in a straight line to 42.50 feet
From 77+85.00 To 78+60.00	42.50 feet in a straight line to 40.50 feet
From 78+60.00 To 79+20.00	40.50 feet in a straight line to 39.75 feet
From 79+20.00 To 79+80.00	39.75 feet

EXHIBIT A -Continued

PARCEL 1 - RIGHT-OF-WAY DEDICATION -Continued

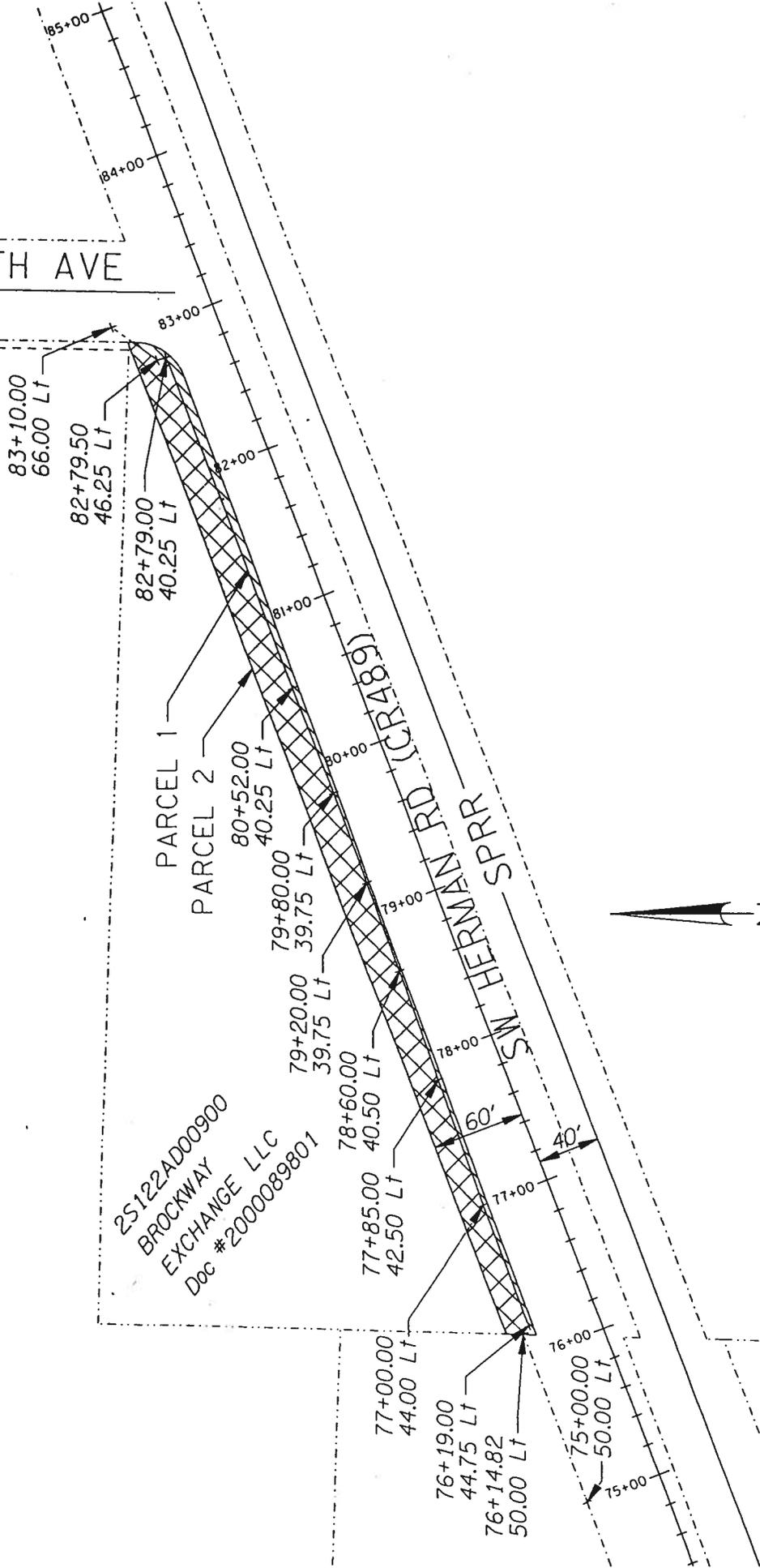
<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 79+80.00 To 80+52.00	39.75 feet in a straight line to 40.25 feet
From 80+52.00 To 82+79.00	40.25 feet
From 82+79.00 To 82+79.50	40.25 feet in a straight line to 46.25 feet
From 82+79.50 To 83+10.00	46.25 feet in a straight line to 66.00 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 of SW 108th Ave. (County Road 1278).

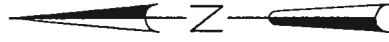
This area of land contains 2,278 square feet (0.052 acres), more or less.

EXHIBIT B

SW 108TH AVE



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



-  PARCEL 1
-  PARCEL 2
-  RIGHT OF WAY DEDICATION
-  SLOPE AND UTILITY EASEMENT 1"=100'



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Brockway Exchange 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 **Fourteen Thousand Nine Hundred Eighty and No/100 Dollars (\$14,980.00)** 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 12 day of MARCH, 2008

Brockway Exchange LLC

ROGER BROCKWAY
Name (print or type)

Name (print or type)

Roger Brockway
Signature

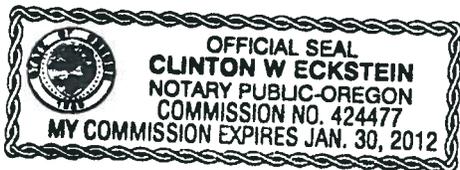
Signature

OWNER
Title

Title

STATE OF OREGON)
County of Washington) ss

On this 12 day of March, 2008, before me, the undersigned, a Notary Public, personally appeared ROGER BROCKWAY and _____ who are known to be the OWNER and _____ of Brockway Exchange 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: 1/30/12

CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
Acting City Recorder

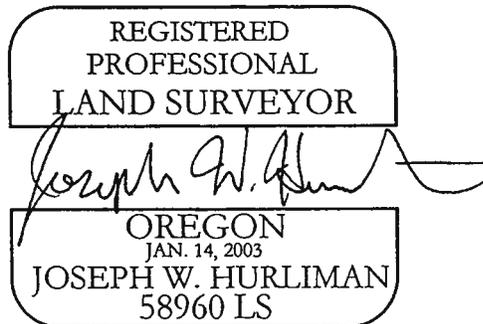
EXHIBIT A -Continued

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 BROCKWAY EXCHANGE LLC, recorded on November 6, 2000, in Document No. 2000089801, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 60.00 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), EXCEPT therefrom that portion lying within the existing right-of-way of SW 108th Ave. (County Road 1278), and EXCEPT that portion described in PARCEL 1.

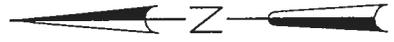
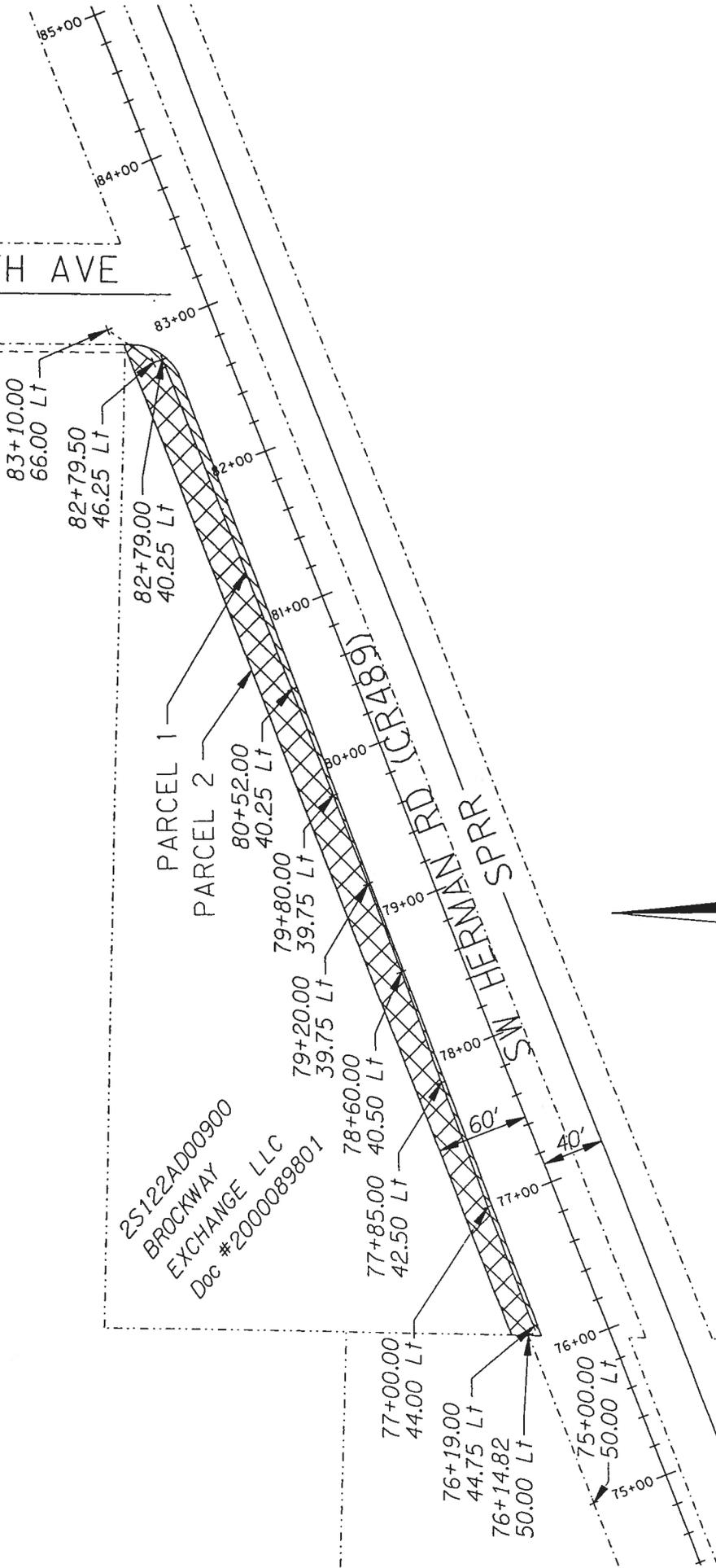
This area of land contains 12,588 square feet (0.289 acres), more or less.



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

EXHIBIT B

SW 108TH AVE



-  PARCEL 1
-  RIGHT OF WAY DEDICATION
-  PARCEL 2
-  SLOPE AND UTILITY EASEMENT 1"=100'

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 Merlo Station 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 **Forty-One Thousand Six Hundred Twenty-Eight and No/100 Dollars (\$41,628.00)** 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 13 day of February, 2008

Merlo Station LLC

John R. Bentley
Name (print or type)

[Signature]
Signature

MANAGING MEMBER
Title

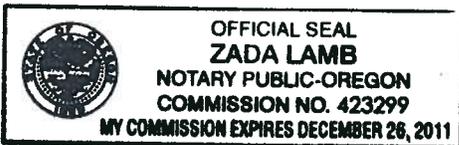
HAWKIN AU
Name (print or type)

[Signature]
Signature

Managing Member
Title

STATE OF OREGON)
County of Washington) ss

On this 13th day of February, 2008, before me, the undersigned, a Notary Public, personally appeared John R. Bentley and Hawkin Au who are known to be the Managing Member and Managing Member of Merlo Station LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Zada Lamb
Notary Public for Oregon

My commission expires: Dec 26, 2011

CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
Acting City Recorder

EXHIBIT A

**Herman Road Improvement Project
December 7, 2007**

**Tax Map No. 2S122C 2400
GARY WALGRAEVE and
RICKY WALGRAEVE,**

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, Washington County, Oregon and being more particularly described in a Deed to GARY WALGRAEVE and RICKY WALGRAEVE as tenants in common, recorded on November 12, 1993, in Document No. 93094118, 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:

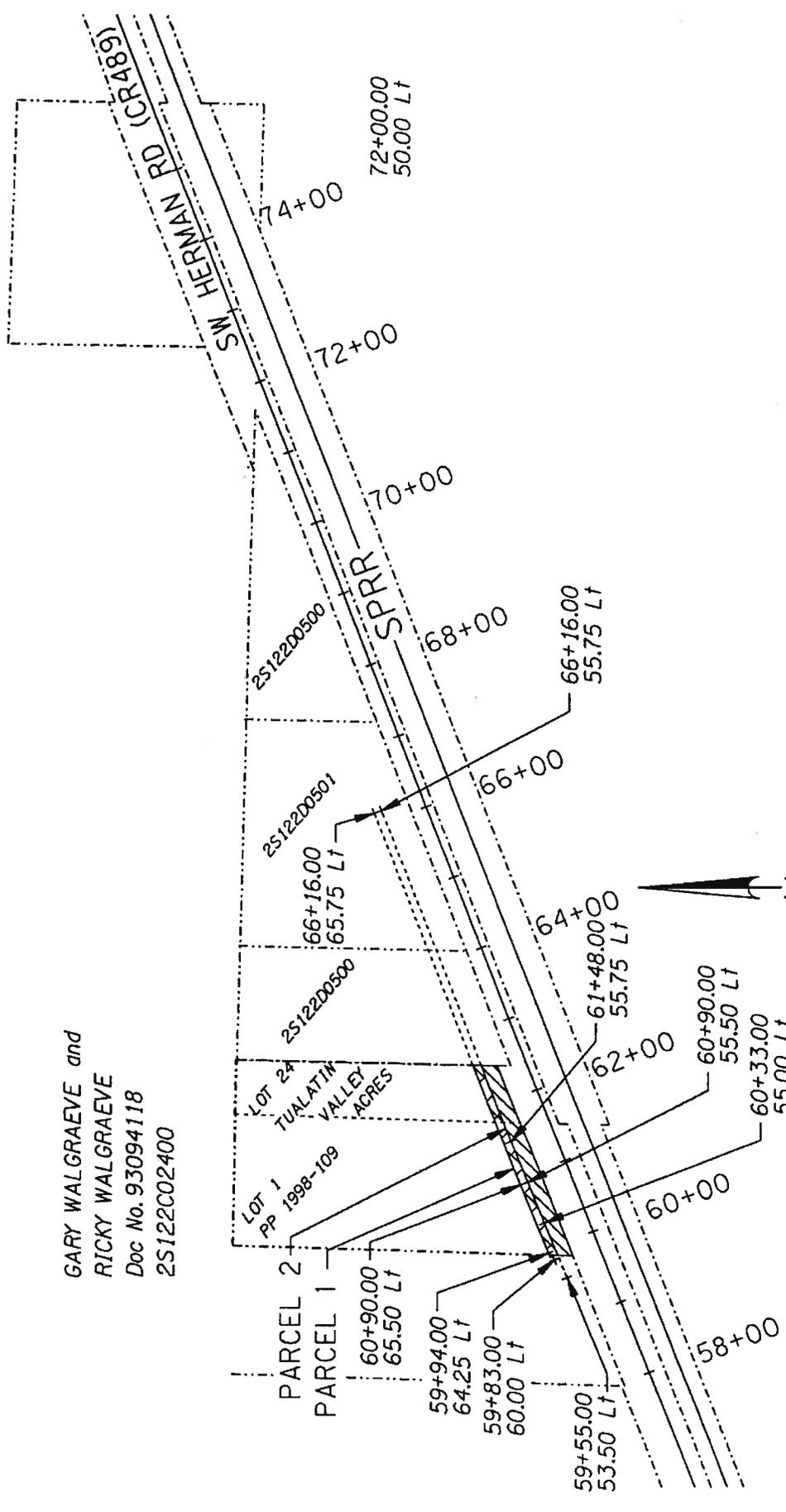
<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 59+55.00 To 60+33.00	53.50 feet in a straight line to 55.00 feet
From 60+33.00 To 60+90.00	55.00 feet in a straight line to 55.50 feet
From 60+90.00 To 61+48.00	55.50 feet in a straight line to 55.75 feet
From 61+48.00 To 66+16.00	55.75 feet

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

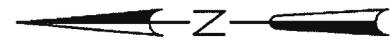
This area of land contains 5,201 square feet (0.119 acres), more or less.

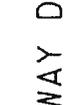
EXHIBIT B

GARY WALGRAEVE and
RICKY WALGRAEVE
Doc No. 93094118
2S122C02400



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



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

1"=200'



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Merlo Station 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 Thousand One Hundred Seventy-Two and No/100 Dollars (\$3,172.00)** 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 13 day of February, 2008

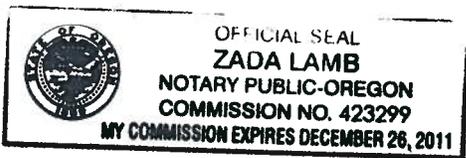
Merlo Station LLC

John R. Bentley
Name (print or type)
[Signature]
Signature
MANAGING MEMBER
Title

HAWKIN AU
Name (print or type)
[Signature]
Signature
Managing Member
Title

STATE OF OREGON)
County of Washington) ss

On this 13th day of February, 2008, before me, the undersigned, a Notary Public, personally appeared John R. Bentley and Hawkin Au who are known to be the Managing Member and Managing Member of Merlo Station LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Zada Lamb
Notary Public for Oregon
My commission expires: Dec. 26, 2011

CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
Acting City Recorder

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

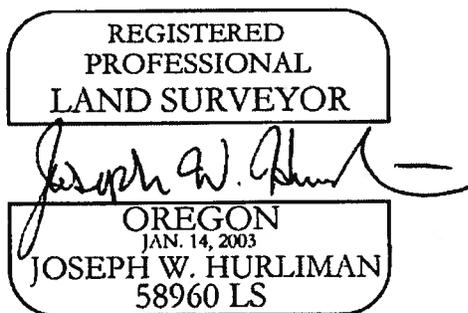
A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a Deed to GARY WALGRAEVE and RICKY WALGRAEVE as tenants in common, recorded on November 12, 1993, in Document No. 93094118, 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 59+83.00 To 59+94.00	60.00 feet in a straight line to 64.25 feet
From 59+94.00 To 60+90.00	64.25 feet in a straight line to 65.50 feet
From 60+90.00 To 66+16.00	65.50 feet in a straight line to 65.75 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 2,643 square feet (0.061 acres), more or less.



RENEWAL: 6/30/09
SIGNED: 12-7-2007



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 Department *DR*
Aquilla Hurd-Ravich, Senior Planner *AHR*

DATE: April 14, 2008

SUBJECT: RESOLUTION AMENDING THE CITY OF TUALATIN FEE SCHEDULE AND RESCINDING RESOLUTION NO. 4756-08.

ISSUE BEFORE THE COUNCIL:

City Council to consider adopting a resolution to update the City of Tualatin Fee Schedule.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This proposal is to amend the City of Tualatin Fee Schedule in order to increase the following fees on a cost recovery basis:

Administration Department

Agenda Packet

Ordinances or Portions Thereof

Photocopies, One-Sided

Photocopies, Two-Sided

Color Copies (new fee)

Photocopies, 11x17 (new fee)

CD Duplicating (new fee)

STAFF REPORT: Resolution Amending The City of Tualatin Fee Schedule

April 14, 2008

Page 2 of 4

Legal Services

Development Code Updates

Police Department

Copies of Police Reports (no charge to victims), 1-10 pages

Copies of Police Reports, plus each page over 10

- City staff created an annual fee review procedure in 2004, whereby the City's fees that are not subject to an alternative review process or authority were broken up into three groups, with each group to be reviewed and updated as needed on a triennial (every 3 years) schedule. The group of fees discussed in this staff report have not been updated since 2005 or prior.
- There are no applicable criteria to apply to this request.
- The City has general government authority to cover the costs of providing services and documents, as set forth by applicable Oregon Revised Statutes.

OUTCOMES OF DECISION:

Approval of the fee schedule amendment will result in the following:

1. Affected fees will be increased;
2. All other fees will remain unchanged;
3. The changes will become effective July 01, 2008, in order to coincide with the start of the 2008-09 fiscal year; and
4. Resolution No. 4756-08 will be rescinded effective July 01, 2008, in order that the existing Fee Schedule will be replaced with the new Fee Schedule.

Denial of the fee schedule amendment will result in the following:

1. There will be no change to the existing City of Tualatin Fee Schedule.

ALTERNATIVES TO RECOMMENDATION:

- Direct staff to return to Council with an alternative resolution, including any revisions requested by City Council;
- Direct staff to return to Council with additional information; or
- Take no action.

FINANCIAL IMPLICATIONS:

When fees identified in this staff report are collected by the City, they are deposited into various accounts that are identified as "revenue" in the City of Tualatin Budget. The City's current FY 2007-08 revenue projections for the accounts impacted by this proposed fee update are listed in the table below. The anticipated effect of the proposed fee adjustments on each of these revenue accounts is presented in the right-hand column of the table:

STAFF REPORT: Resolution Amending The City of Tualatin Fee Schedule

April 14, 2008

Page 3 of 4

Account No.	Revenue Source	Current 07/08 Revenue Projection	Effect of Fee Increase on 08/09 Revenue Projection
001-0000-452.04-00	Administrative Fees ^A	\$ 1,000	\$ 1,052
001-0000-452.01-04	Police Reports and Photos	\$ 1,500	\$ 1,755

A. This Account includes photocopying fees for Legal Services

DISCUSSION:

Over the past three years, City staff has established a review process that uses the Consumer Price Index (CPI) as a methodology for analyzing City fees. This year a cost recovery methodology was used to determine fee increases. Cost recovery typically intends to recover all the costs such as labor and materials associated with providing a service. Staff recommends that the group of fees scheduled for review this year (see table below) be increased as presented in the right-hand column of the table. The column labeled **Fee Increase** is the increase determined appropriate by the individual department.

Legal Services determined their proposed fee increase to be appropriate by examining the copy charges of other departments in the City, by comparing the fees of surrounding cities, which ranged from \$0.15 to \$1.00 and by considering what would be an acceptable rate increase. The proposed cost recovery copy fee of \$0.25 per page equals the charge of \$55.00 for a copy of the complete Municipal or Development Code.

The Police Department proposes to increase their photocopying fee of the first ten pages of a Police Report and every page thereafter. Police reports for victims will remain free of charge. The Police Department determined this increase to be appropriate based on labor and material cost increases since 2004, the last time Police Reports fees were updated, and the increase in postage. The proposed fee is anticipated to recover the costs involved with providing copies of police reports.

Finally, the Administrative Department is proposing to increase photocopying fees, rename Video Tape Duplicating to Audio/CD/DVD Duplicating, and add two new fees for photocopying in color and in 11x17 format. The Administration Department estimates that existing photocopying fees were last updated in the 1980s. Due to the length of time since the last update and given the new photocopying fees the appropriate fees were determined by reviewing fees charged by 14 other cities in Oregon. Although the Video Tape Duplicating fee was increased last year, this year the fee is changing to provide duplication services for Audio Tapes, CDs and DVDs. VHS tapes will no longer be available because meetings are no longer recorded in this format. The former fee charged a rate per hour plus the costs of materials. The proposed fee is flat and accounts for both materials and time. All of the proposed fees

STAFF REPORT: Resolution Amending The City of Tualatin Fee Schedule

April 14, 2008

Page 4 of 4

are anticipated to recover the costs associated with providing copying and duplicating services.

Fee Scheduled for Review	Account Number	Current Amount Collected	Fee Increase	Recommended Fee
1. Agenda Packets	001-0000-452.04-00	\$ 5.00		No change
2. Ordinances of portions thereof	001-0000-452.04-00	Same as photocopy rate		Same as photocopy rate
3. Photocopies, one-sided	001-0000-452.04-00	\$ 0.10	\$ 0.15	\$ 0.25
4. Photocopies, two-sided	001-0000-452.04-00	\$ 0.15	\$ 0.10	\$ 0.25
5. Photocopies, color (new)	001-0000-452.04-00		New fee	\$ 1.00
6. Photocopies, 11x17 (new)	001-0000-452.04-00		New fee	\$ 0.50
5. Audio/ CD/ DVD Duplicating (new)	001-0000-452.04-00		New fee	\$ 15.00
6. Tualatin Municipal Code and Tualatin Development Code Update	001-0000-452.04-00	0.03 + postage	\$ 0.22	\$ 0.25 + postage
7. Copies of Police Reports (no charge to victims) 1-10	001-0000-453.01-04	\$ 6.00	\$ 1.00	\$ 7.00
8. Copies of Police Reports, plus each page over 10	001-0000-453.01-04	\$ 0.20	\$ 0.05	\$ 0.25

Attachments: A. Resolution with Exhibit "A" (City Fee Schedule)

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RESOLUTION

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-See Following 2 Pages-

RESOLUTION NO. 4775-08

RESOLUTION AMENDING THE CITY OF TUALATIN FEE
SCHEDULE AND RESCINDING RESOLUTION NO. 4756-08

WHEREAS THE City Council has the authority to set fees for materials and services provided by the City; and

WHEREAS the fees listed under the Administration Department, Legal Services Department, and Police Department, in the City of Tualatin Fee Schedule were last evaluated and amended in 2005 or prior; and

WHEREAS the City's costs incurred in providing materials and services have increased since these fees were last evaluated; and

WHEREAS Resolution No. 4756-08, adopted February 25th, which last amended the City of Tualatin Fee Schedule, must now be rescinded.

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

Section 1. Fees listed under the Administration Department, Legal Services Department, and Police Department are established as set forth in "Exhibit A", which is attached and incorporated by reference.

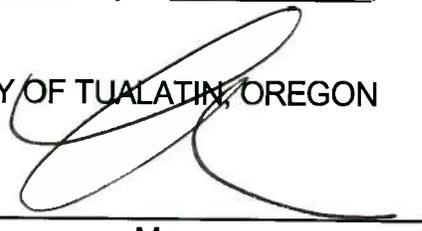
Section 2. All other fees provided in the City of Tualatin Fee Schedule remain unchanged, as set forth in "Exhibit A", which is attached and incorporate by reference.

Section 3. The fees shall be effective July 01, 2008.

Section 4. Resolution No. 4756-08 is rescinded effective July 01, 2008.

INTRODUCED AND ADOPTED this 14th day of April, 2008.

CITY OF TUALATIN, OREGON

BY 

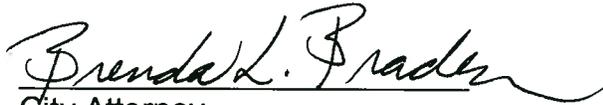
Mayor

ATTEST:

BY 

Acting City Recorder

Approved as to legal form:


City Attorney

CITY OF TUALATIN FEE SCHEDULE

Exhibit A

Administration Department:

Agenda Packet	5.00
Ordinances or Portions Thereof.....	same as photocopy rate
Photocopies:	
One-sided	0.25
Two-sided	0.25
Color	1.00
11x17.....	0.50
Audio Tape/ CD/ DVD	15.00
Passport Photo	15.00

Engineering & Building Department:

Engineering Copies:

1987 and earlier, aerial/contour maps.....	6.00
36" x 48"	3.50
24" x 36"	2.50
18" x 24" and 11" x 17"	1.50

Geographic Information System:

Citywide aerial photo, 36" x 42"	25.00
Subdivision street map, 34" x 36"	12.00
Street map, 22" x 22"	6.00
Planning Districts, 34" x 44"	12.00
Planning Districts, 18" x 24"	6.00
Custom Mapping	45.00/hr, plus materials

Partition,* Nonexpedited & Expedited Processes	350.00
Partition,* Nonexpedited & Expedited Exten. /Modif.	115.00
Partition,* Nonexpedited, Appeal Proceeding to Council	115.00
Partition,* Expedited, Appeal to Referee, Deposit per ORS 197.375.....	300.00
Partition,* Minor Variance included & primary use is a single family dwelling in RL or RML	Add 115.00
Partition,* Minor Variance included & primary use is not a single family dwelling & not in RL or RML	Add 175.00
Property Line Adjustm't.,* primary use is a single family dwelling in RL or RML	60.00
Property Line Adjustm't.,* Minor Variance included & primary use is a single family dwelling in RL or RML	Add 115.00
Property Line Adjustm't.,* primary use is not a single family dwelling in RL or RML	255.00
Property Line Adjustm't.,* Minor Variance included & primary use is not a single family dwelling in RL or RML	Add 115.00
Property Line Adjustm't.* Appeal Proceeding to Council	115.00
Public Works Construction Code	40.00
Subdivision,* Nonexpedited and Expedited Processes.....	2,320.00
Subdivision,* Variance included & primary use is a single family dwelling in RL or RML	Add 230.00
Subdivision,* Variance included & primary use is not a single family dwelling in RL or RML	Add 290.00
Subdivision,* Minor Variance included & primary use is a single	

family dwelling in RL or RML.....	Add 115.00
Subdivision,* Minor Variance included & primary use is not a single family dwelling in RL or RML.....	Add 175.00
Subdivision,* Nonexpedited, Extension/Modif. by Council.....	530.00
Subdivision,* Expedited, Extension/Modif. by City Engineer.....	130.00
Subdivision,* Nonexpedited, Appeal Proceeding to Council.....	115.00
Subdivision,* Expedited Appeal to Referee, Deposit per ORS 197.375.....	300.00
Street Name Change	115.00
Street Vacation Application Deposit.....	290.00
Zone of Benefit Application Fee.....	580.00

* Subdivision, Partition and Property Line Adjustment applicants shall contact the Finance Department for a determination of L.I.D. assessment apportionment for the property proposed to be divided or adjusted.

Finance Department:

*L.I.D. Assessment Apportionment Fee.....	95.00
Lien Search Fee (per tax lot)	26.00
Recovery Charge Installment Payment Plan Application Fee.....	200.00
Returned Checks (per check for processing NSF check)	32.00
Zone of Benefit Recovery Charge Administration Fee.....	105.00

Legal Services Department:

Development Code	55.00
Updates	0.25/page + postage
Tualatin Municipal Code	55.00

Operations Department:

Street Tree and Installation (Single Family Only)	175
Tree-for-a-Fee Program	45.00

Community Development Department:

Amendment to Comprehensive Plan Map	1,795.00
Amendment to Comprehensive Plan Text/Landmark Designation/Removal of Landmark Designation	1,795.00
Annexation.....	1,225.00
Appeal Proceeding to Council.....	115.00
Appeal Expedited Process to Referee, Deposit per ORS 197.375	300.00
Architectural Review Application, Nonexpedited Process:	
Estimated Project Value:	
Under \$5,000	100.00
\$5,000 - \$24,999.99	470.00
\$25,000 - \$99,999.99	850.00
\$100,000 - 499,999.99	1,415.00
\$500,000 and greater.....	2,070.00
Architectural Review Application, Expedited Process:	
Estimated Project Value:	
Under \$5,000	100.00
\$5,000 - \$24,999.99	945.00
\$25,000 - \$99,999.99	1,880.00

\$100,000 - 499,999.99	2,830.00
\$500,000 and greater	4,335.00
Conditional Use Permit	1,225.00
Conditional Use Permit Renewal	1,225.00
Core Area Parking District Tax Appeal	115.00
Interpretation of Development Code	No Fee
Industrial Master Plans	1,565.00
Landmark Alteration/New Construction Review	50.00
Landmark Demolition Review	50.00
Landmark Relocation Review	50.00
Reinstatement of Nonconforming Use	1,225.00
Request for Council Rehearing	140.00
Sign Code Interpretation	350.00
Sign Ordinance	6.00
Sign Code Variance	580.00
Sign Permit:	
New Sign or Structural Change to Existing Sign	115.00
Temporary Sign or Each Face Change to Existing Sign	60.00
Temporary Uses, 1 - 3 days.....	40.00
4 - 180 days	\$40.00 + 1.50/day
Over 3 days.....	not to exceed a total of \$170.00
Transitional Use Permit.....	1,315.00
Tree Removal Permit, 1 tree.....	276.00
each additional tree, \$10.00 not to exceed a total of.....	300.00
Variance:	
When primary use is a single family dwelling in RL or RML.....	245.00
When primary use is not a single family dwelling in RL or RML	1,225.00
Variance, Minor:	
When primary use is a single family dwelling in RL or RML.....	245.00
When primary use is not a single family dwelling in RL or RML	905.00
All Other Actions	280.00
<u>Police Department:</u>	
Copies of Audio Tapes.....	11.00 per tape
Copies of Video Tapes.....	35.00 per tape
Copies of Photographs	13.00 plus 0.50 per photo
Copies of Police Reports (no charge to victims):	
1 - 10 pages	7.00
plus each page over 10	0.25
Alarm Permit, Initial Application	21.00
Alarm Permit, Annual Renewal	21.00
Alarm Permit, 1st False Alarm	No charge
Alarm Permit, 2nd False Alarm	No charge
Alarm Permit, 3rd False Alarm.....	79.00
Alarm Permit, 4th False Alarm	105.00
Alarm Permit, 5th False Alarm	158.00
Alarm Permit, 6 th and More False Alarms	210.00 per alarm
Release of Towed (impounded) Vehicles	100.00



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Kent W. Barker, Chief of Police 

DATE: April 14, 2008

SUBJECT: RESOLUTION AUTHORIZING AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR TOWING COORDINATION SERVICES

ISSUE BEFORE THE COUNCIL:

The Intergovernmental Agreement for the City of Tualatin for Towing Coordination Services is currently expired. An amendment to the agreement has been sent to our agency, requesting approval and signature for a contract amendment.

RECOMMENDATION:

Approve the Resolution to authorize the amendment to the towing agreement.

EXECUTIVE SUMMARY:

The Tualatin Police Department currently uses Washington County Consolidated Communications Agency (WCCCA) to dispatch tow trucks to the scene of automobile crashes, hazardous tow situations, evidence impounds, and to the scene of traffic stops where a driver has been cited and/or arrested for Driving Under the Influence of Alcohol (DUI), Driving While Suspended (DWS) or Driving Without Insurance.

The City of Tualatin is currently working under an expired agreement with Washington County to provide towing services as needed within the City of Tualatin. The services that are provided are listed on Attachment A of the attached Intergovernmental Agreement.

This agreement has been amended to show the new term of the agreement is extended from December 31, 2007 to December 31, 2008. The amendment also shows the effective date as December 31, 2007, or upon final signature, whichever is later.

Attachments:

- A. Resolution
- B. Intergovernmental Agreement
- C. Contract Amendment Form

RESOLUTION NO. 4776-08

RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF WASHINGTON AND THE CITY OF TUALATIN FOR TOWING COORDINATION SERVICES.

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

Section 1. The attached amendment to the Intergovernmental Agreement is hereby approved and accepted.

Section 2. The Mayor and the City Recorder are authorized and directed to execute the Intergovernmental Agreement on behalf of the City of Tualatin.

Section 3. The Mayor or his designee is further authorized to enter into a memorandum of understanding relating to the provision of the Intergovernmental Agreement with the County of Washington so long as the terms of any such memorandum of understanding are consistent with the terms of the Agreement and all of the parties to the understanding are other units of local government that have agreed to be bound by the terms of the attached agreement.

INTRODUCED AND ADOPTED this 14th day of April, 2008.

CITY OF TUALATIN, OREGON

By: 

Mayor

ATTEST:

By: 

Acting City Recorder

**INTERGOVERNMENTAL AGREEMENT
FOR TOWING COORDINATION SERVICES
CONTRACT AMENDMENT**

This amendment is made and entered into by and between, City of Tualatin (Contractor") and Washington County, a political subdivision of the State of Oregon ("County").

This amendment modifies that certain contract between the parties, the original contract number being CA 06-1192.

The contract is amended as follows:

The Term is extended 12/31/07 to 12/31/08

Effective Date of Amendment: 12/31/07, or upon final signature, whichever is later.

All other terms and conditions of the original contract shall remain in full force and effect.

WASHINGTON COUNTY:

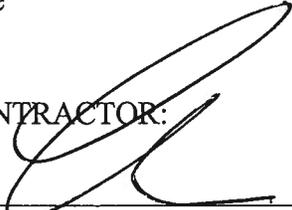
Signature

Printed Name

Date

Title

CONTRACTOR:



Signature

Lou Ogden

Printed Name

April 14, 2008

Date

Mayor

Title

18880 SW Martinazzi Ave. Tualatin, OR 97062

Address

#503-692-2000

Telephone Number

INTERGOVERNMENTAL AGREEMENT
FOR TOWING COORDINATION SERVICES

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and Tualatin Police Department.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: November 13, 2006, or upon final signature, whichever is later.

The expiration date is: December 31, 2007; unless otherwise amended.

- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an officer, agent or employee of any other.
- 5) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

This Agreement may be terminated, with or without cause and at any time, by a party by providing 30 days written notice of intent to the other party(s).

- 7) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 8) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. City specifically agrees, subject to the limits of the Tort Claims Act and the Oregon Constitution, to indemnify and defend County for any claim, demand, action or suit arising from any City policy, practice, procedure or custom, and any claim, demand, action or suit which alleges that a tow ordered by a City officer was improper or without authority.

- 9) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.
- 10) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 11) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 12) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
- 13) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

CITY OF TUALATIN, OREGON:

Jurisdiction



 Signature

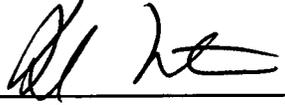
November 13, 2006
 Date

Lou Ogden
 Printed Name

Mayor
 Title

18880 SW Martinazzi, Tualatin, Oregon 97062
 Address

WASHINGTON COUNTY:



 Signature

DEC 04 2006
 Date

Dave Maertens
 Printed Name

Sr. Deputy County Admin.
 Title

 Address

Mail Stop # _____
 Hillsboro, OR

ATTACHMENT A

Statement of Work/Schedule/Payment Terms

Washington County agrees to provide Tow Coordination Services to the City of Tualatin (hereinafter Contract Agency) for the duration of this contract. These services shall consist of:

1. Providing a Tow Coordinator to oversee contracts with tow firms and administer the Towing Procedures Manual, including enforcement of suspension and termination provisions.
2. Conducting background checks on all tow drivers and related tow employees as required by the Towing Procedures Manual.
3. Complaint handling from citizens and other agencies.
4. Conducting tow lot inspections and inspections of towing equipment.
5. Define tow areas and administer rotational tow lists with contracted dispatcher.
6. Maintain and administer contract with contracted dispatcher.
7. Providing periodic reports to contract agencies regarding number of tows, average response times and other information as agreed.

In consideration of Washington County providing the above services, City agrees to notify Washington County of any tow issues or complaints arising from a non-consensual law enforcement tow, and to fully cooperate with County in investigating these complaints. City also agrees to utilize towing policies and procedures which are compatible with the Towing Procedures Manual and do not conflict with the provisions of the Manual or the contract between Washington County and contract tow firms.

These services do not include, and City shall remain solely responsible for the following:

1. Conducting hearings under ORS 809.716 or other statutes on impoundment of vehicles towed by City officers, and paying for any tows by City officers which are found to be improper.
2. Providing any required notice of impoundment or towing, including but not limited to notice under ORS 819.180, 809.720 or 809.725.

Washington County will maintain rotational tow lists for each area, but will not create or administer a tow list for an individual agency.



Approved By Tualatin City Council
Date 4-14-08
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: April 14, 2008

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

ISSUE BEFORE THE COUNCIL:

This is a public hearing to accept testimony on the proposed renaming of the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County. The Council initiated this item on February 11 and held a public hearing on February 25. The item was approved and an ordinance adopted on March 10. The public hearing notice was not published as requested and the ordinance needs to be repealed and a new ordinance adopted to comply with the requirement of ORS 127.120.

RECOMMENDATION:

Staff recommends Council accept public testimony on this matter and adopt the attached ordinance renaming a portion of SW Boones Ferry Road in Clackamas County to SW McEwan Road.

EXECUTIVE SUMMARY:

- 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. The Clackamas County emergency response agency, C-COM, supports this change.
- 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

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 for 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.
- A Notice of Revised Address Assignment was mailed to the effected property owners and businesses, 9-1-1, City departments, County agencies, and utility companies stating that the effective date of the street name change is April 1, 2008. The street name sign has been changed.
- The Notice of Hearing was published in *The Oregonian* on April 9, 2008.

FINANCIAL IMPLICATIONS:

The Publication of Notice was published once in *The Oregonian* per the requirements of ORS 227.120. The cost is \$268.08.

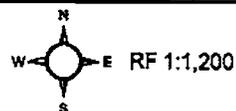
- Attachments:**
1. Map
 2. Ordinance to adopt
 3. Notice of Hearing
 4. *The Oregonian* order confirmation
 5. Ordinance No. 1253-08 to repeal
 6. Previous public hearing staff report

Street Name Change Proposal

Air Photo June 2006



 Street section proposed to be renamed McEwan Rd



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

ORDINANCE NO. 1257-08

AN ORDINANCE RENAMING A PORTION OF SW
BOONES FERRY ROAD TO SW McEWAN ROAD

WHEREAS on April 14, 2008, the City Council approved the City Engineer's recommendation for a public hearing for renaming the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County to SW McEwan Road; and

WHEREAS based upon the Council approval of the City Engineer's recommendation, a notice of public hearing was given as required under ORS 127.120 by publication on April 9, 2008, in *The Oregonian*, a newspaper of general circulation within the City and within six miles of the limits of the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 14, 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 recommendation [Vote 6-0], with Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated April 14, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report, which is marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City finds that it is in the best interest of the residents and inhabitants of the City and the public interest will be served by adopting the street name change and the new street name at this time; and the street name conforms to the Tualatin Community Plan.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. 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. The Clackamas County emergency response agency, C-COM, supports this change.

Section 2. Prior to the I-5 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 the "Lower" from the street name).

Section 3. On this short section of street between 65th Avenue and the merge, the businesses are currently using both Lower Boones Ferry Road and McEwan Road in their addresses. This street name change is needed to match up the legal street names with the physical locations of the streets. It will assist with response to emergency calls, as well as help limit the confusion associated with the current use of two different street names.

Section 4. The City Recorder is directed to file a certified copy of this ordinance with the Clackamas County Clerk, the Clackamas County Assessor, and the Clackamas County Surveyor.

Section 5. Ordinance No. 1253-08 is repealed.

Section 6. This ordinance is necessary for the immediate preservation of the public safety and shall take effect immediately upon passage.

INTRODUCED AND ADOPTED THIS 14th day of April 2008.

CITY OF TUALATIN, Oregon

BY _____

Mayor

APPROVED AS TO LEGAL FORM

Brenda LeBrack
CITY ATTORNEY

ATTEST

BY _____

Acting City Recorder

NOTICE OF HEARING

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Tualatin, Oregon commencing at 7:30 p.m. on Monday, April 14, 2008, at the Council Building, Tualatin City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon, to hear and consider:

Renaming a portion of SW Boones Ferry Road, from SW 65th Avenue to the merge with SW Lower Boones Ferry Road, to SW McEwan Road.

All citizens are invited to attend and be heard upon the proposed action. Individuals wishing to comment in writing must do so prior to the hearing or present written or oral testimony to the City Council at the hearing.

All documents and evidence, applicable criteria, and the City 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 upon request. Arrangements can be made to provide these materials in alternative formats, such as large type or audiocassette tape. For information, contact Claudia Harris, Engineering & Building Department, at 503 691-3032 (voice) or 692-0574 (Text Telephone) no later than 24 hours prior to the meeting.

The City will also upon request endeavor to arrange for a qualified sign language interpreter for persons with speech or hearing impairments. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. two working days prior to the meeting date (same phone numbers as listed above).

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO *THE OREGONIAN*: Please publish on April 9, 2008.
(Do not publish in *Food Day*.)



The Oregonian Order Confirmation for Ad #0002510926

Customer Information
Account # 1040031051
CITY OF TUALATIN
18880 SW Martinazzi Ave. FINANCE DEPARTMENT
Tualatin OR 97062-7099 USA

Phone 503-692-2000
Fax

E-mail NMCDONALD@ci.tualatin.or.us

Payer Information
Account # 1040031051
CITY OF TUALATIN
18880 SW Martinazzi Ave. FINANCE DEPARTMENT
Tualatin OR 97062-7099 USA

Phone 503-692-2000

PO Number

Sales Rep.
zzNoticesRep

Ordered BY
Claudia Harris

Total Amount \$286.08 **Promo Type** C-Legal Ad 1x **Ad Size** 1.0 X 64 Li
Payment Amt \$0.00 **Special Pricing** None **Color** <NONE>
Amount Due \$286.08 **Attributes**

Payment Method **Tear Sheets** 0 **Proofs** 0 **Affidavits** 1 **Blind Box** **Materials**

Invoice Text NOTICE OF HEARING CITY OF TUALATIN, OREG

Product: Edition: Zone

Oregonian: All: Full Run

Run Dates 4/9/2008

Sort Text NOTICE OF HEARING CITY OF TUALATIN OREGON NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY COUNCIL OF TUALATIN

Run Schedule Invoice Text NOTICE OF HEARING CITY OF TUALATIN, OREGON NOTICE IS HEREBY GI

Product: Edition: Zone

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Placement

C-Notices - Classified

Position

008-Public Notices

Inserts

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Ad Content Proof
NOTICE OF HEARING

CITY OF TUALATIN, OREGON
NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Tualatin, Oregon commencing at 7:00 PM on Monday, April 14, 2008, at the Council Building, Tualatin City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon, to hear and consider:

Renaming a portion of SW Boones Ferry Road, from SW 31st Avenue to SW 32nd Avenue, Boones Ferry Road, to SW McEwen Road.

All citizens are invited to attend and be heard upon the proposed action. Individuals wishing to appear in the hearing must do so in writing or oral testimony to the City Council at the hearing.

All documents and evidence, applicable criteria, and the City staff report will be available for inspection at no cost at least seven days prior to the hearing. Materials will be provided at reasonable cost upon request. Arrangements can be made to provide these materials in alternative formats, such as large type or audiotape. For information, contact: Claudia Harris, Treasurer, Boones Ferry Road, Tualatin, OR 97062 (Text Telephone) no later than 24 hours prior to the meeting.

The City will also upon request find an appropriate interpreter for persons with speech or hearing impairments. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City at least two (2) working days prior to the meeting date (same phone numbers as listed above).

CITY OF TUALATIN, OREGON
By: Sheriff Jim Lombos,
City Recorder

ORDINANCE NO. 1253-08

AN ORDINANCE RENAMING A PORTION OF SW
BOONES FERRY ROAD TO SW McEWAN ROAD

WHEREAS on February 12, 2008, the City Council approved the City Engineer's recommendation for a public hearing for renaming the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County to SW McEwan Road; and

WHEREAS based upon the Council approval of the City Engineer's recommendation, a notice of public hearing was given as required under the Tualatin Community Plan by publication on February 20, 2008, in the Oregonian, 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

WHEREAS the Council conducted a public hearing on February 25, 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 recommendation [6-0], with Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated February 25, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report, which is marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City finds that it is in the best interest of the residents and inhabitants of the City and the public interest will be served by adopting the street name change and the new street name at this time; and the street name conforms to the Tualatin Community Plan.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. 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. The Clackamas County emergency response agency, C-COM, supports this change.

Section 2. Prior to the I-5 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



Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Kirby

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: March 10, 2008

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

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would rename that section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road to SW McEwan Road.

RECOMMENDATION:

Staff recommends the City Council approve the ordinance granting the name change.

EXECUTIVE SUMMARY:

On February 25, 2008, the City Council approved the City Engineer's recommendation to rename a portion of SW Boones Ferry Road to SW McEwan Road. At the close of the public hearing, Council approved the Staff Report by a vote of 6-0 with Councilor Barhyte absent, and directed Staff to bring back an ordinance adopting the street name change.

FINANCIAL IMPLICATIONS:

The Notice of Publication was published once in *The Oregonian* per the requirements of ORS 227.120. The approximate cost was \$350.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Staff Report dated February 25, 2008

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 the "Lower" from the street name).

Section 3. On this short section of street between 65th Avenue and the merge, the businesses are currently using both Lower Boones Ferry Road and McEwan Road in their addresses. This street name change is needed to match up the legal street names with the physical locations of the streets. It will assist with response to emergency calls, as well as help limit the confusion associated with the current use of two different street names.

Section 4. The City Recorder is directed to file a certified copy of this ordinance with the Washington County Clerk, the Washington County Assessor, and the Washington County Surveyor.

Section 5. This ordinance shall take effect on April 10, 2008.

INTRODUCED AND ADOPTED THIS 10th day of March, 2008.

CITY OF TUALATIN, Oregon

BY



Mayor Pro Tem

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST

BY



City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: February 25, 2008

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

ISSUE BEFORE THE COUNCIL:

This is a public hearing to accept testimony on the proposed renaming of the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County.

RECOMMENDATION:

Staff recommends Council accept public testimony on this matter and direct the preparation of an ordinance renaming a portion of SW Boones Ferry Road in Clackamas County to SW McEwan Road.

EXECUTIVE SUMMARY:

- 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. The Clackamas County emergency response agency, C-COM, supports this change.
- 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

EXHIBIT B

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 for 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.
- A letter and copy of the Notice of Hearing were mailed out to the effected property owners and the businesses adjacent to this section of street.

FINANCIAL IMPLICATIONS:

The Publication of Notice was published once in *The Oregonian* per the requirements of ORS 227.120. The approximate cost if \$350.

- Attachments:**
1. Map
 2. Notice of Hearing
 3. Letter to owners and businesses



Approved By Tualatin City Council

Date 4-14-08

Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, AICP, Community Development Director DR
William Harper, AICP, Associate Planner [Signature]

DATE: April 14, 2008

SUBJECT: CONDITIONAL USE PERMIT FOR A WATCHMAN'S DWELLING
FOR A SELF-STORAGE FACILITY AT 18270 SW PACIFIC
HIGHWAY (CUP-08-01)

ISSUE BEFORE THE CITY COUNCIL:

A request for a Conditional Use Permit that would allow a watchman's dwelling use in the General Manufacturing (MG) and Light Manufacturing (ML) Planning Districts at 18270 SW Pacific Highway.

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-08-01.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use permit request.
- The applicant is Kevin Howard of Tualatin Storage, LLC, the owner of the 3.8 acre, Tax Lot 2600 (Map 2S121A) subject property located at 18270 SW Pacific Highway in the both the MG and ML Planning Districts. The property is the site of the 7 building (Buildings A-G), 469 unit Tualatin Storage "mini-storage" facility with a 1,125 square foot facility office building approved in Architectural Review AR-06-15 and AR-07-27 (Building G revisions/construction slated to commence in Spring 2007). A Vicinity Map, a Tax Map and a Site Map/Building Floor Plan are included as Attachments A, B & C respectively. The applicant's materials including a site plan are included as Attachment D.

- The Tualatin Storage is a newly constructed self-storage/mini-storage facility. The proposed use is "...a dwelling unit for Watchman and Family" to be located in the Tualatin Storage facility manager's office building at the entrance to the self-storage complex. The dwelling unit will allow the facility manager and family to reside on-site and provide 24-hour service and security to the self-storage operation. (Attachment D, pg. 1). The manager's office building is located at the ingress/egress access entrance to the facility (to SW Pacific Highway) and would include 1 bedroom living unit and a business office counter. If the watchman's dwelling CUP is approved, the applicant will need to obtain Building Permits for the residence modifications to the manager's office building. The building has landscaping and parking spaces approved in Architectural Review. No modifications to the exterior of the manager's office building are proposed.
- A "Dwelling Unit for Watchman and Family" is a Conditional Use in the ML and MG Planning Districts [60.040(1)(e), 61.030(1)].
- The Applicant has prepared a narrative that addresses the Conditional Use Permit approval criteria (Attachment D). Attachment E is the Background Information and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F). No conditions are recommended.
- Currently, five existing self-storage/mini-storage businesses in Tualatin include a watchman's dwelling. The City Council has approved Conditional Use Permits for a watchman's dwelling use for the following developments in ML and MG Planning Districts: CU-78-05/ToteNStow; CU-85-09/Columbia Self-Stor; CU-88-08/Public Storage; CUP-91-13/A Storage Place, Lake Oswego; CUP-94-04/A Storage Place, Tualatin.
- The applicable policies and regulations that apply to the proposed Conditional Use in the ML and MG Planning District include: TDC 7.040 Manufacturing Planning District Objectives; TDC 60.010 ML Planning District Purpose; TDC 60.040 Conditional Uses; TDC Chapter 61 MG Planning District; TDC Chapter 73-Community Design. The Analysis and Findings (Attachment F) considers the applicable policies and regulations.
- Before granting the proposed amendment, the City Council must find that the criteria listed in TDC 32.030 are met: The Analysis and Findings (Attachment F) examines the application in respect to the criteria for granting a Conditional Use Permit.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit request will result in the following:

1. Allows the applicant to utilize the business's manager's office building as a residence on the subject property. The subject property is located in an industrial area and the proposed watchman's dwelling will be configured as a small apartment in a new building with parking and landscaping improvements previously approved in Architectural Review AR-06-15.
2. The proposed Tualatin Storage watchman's dwelling is compatible with the existing and proposed industrial developments in the area.

Denial of the Conditional Use Permit request will result in the following:

1. The applicant will not be allowed to construct a residence in the Tualatin Storage manager's office building or have a resident staff on the subject property.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the proposed Conditional Use permit with conditions the Council deems necessary.
- Deny the request for the proposed Conditional Use permit.
- Continue the discussion of the proposed Conditional Use permit and return to the matter at a later date.

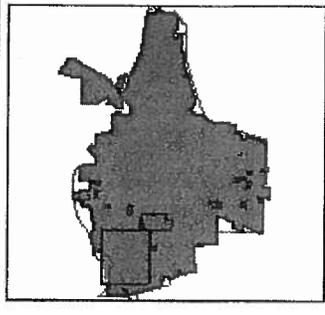
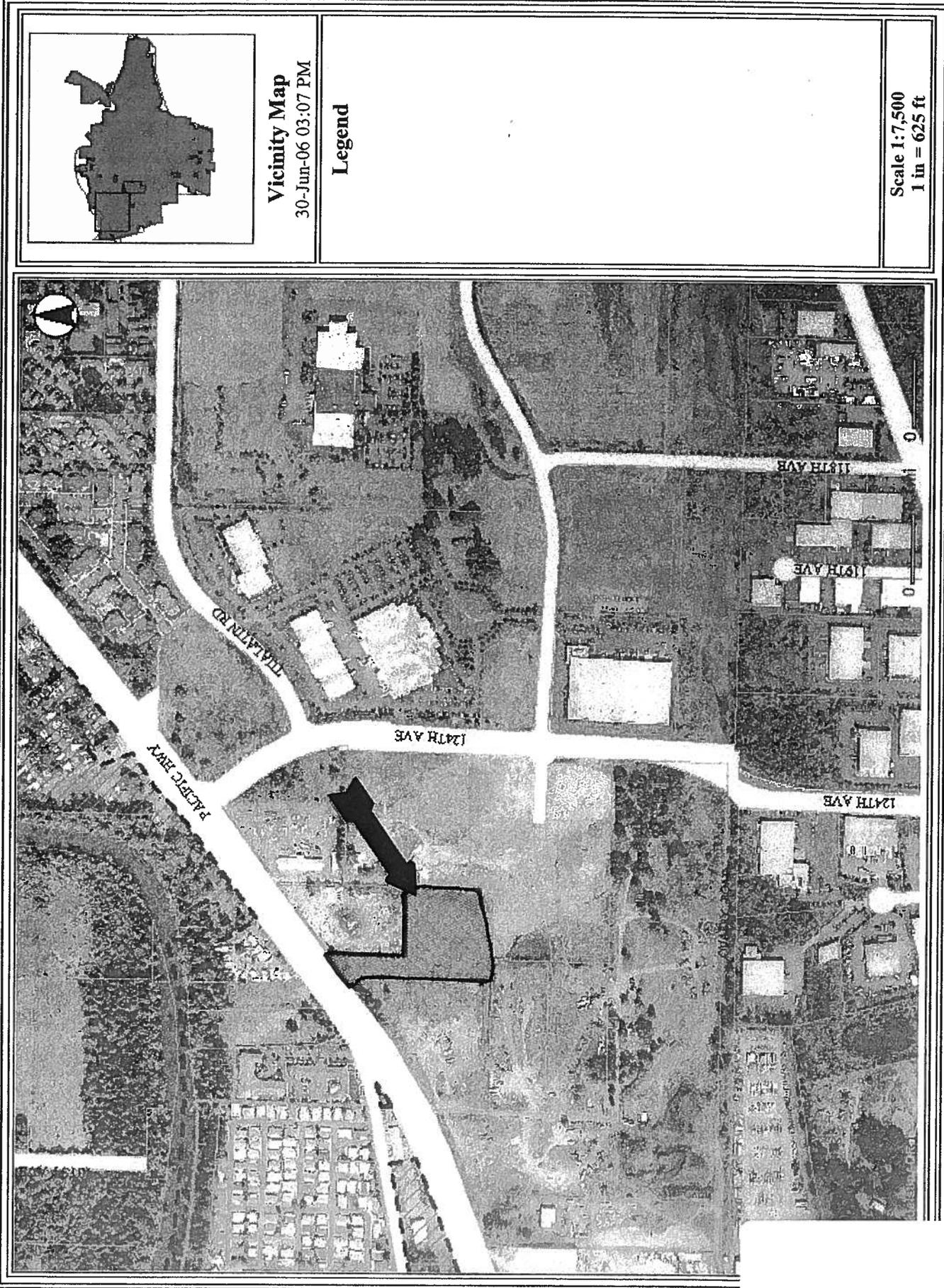
FINANCIAL IMPLICATIONS:

Revenue for Condition Use permits has been budgeted for Fiscal Year 07/08.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at 18270 SW Pacific Highway (subject property) on February 5, 2008, to explain the Conditional Use permit proposal to neighboring property owners and to receive comments. No members of the public or nearby property owners attended the meeting.

- Attachments:**
- A. Vicinity Map
 - B. Plat Map of Site
 - C. Site Map/Building Floor Plan
 - D. Applicant's Materials and Supporting Information
 - E. Background Information
 - F. Analysis and Findings
 - G. Engineering Division Memorandum



Vicinity Map
30-Jun-06 03:07 PM

Legend

Scale 1:7,500
1 in = 625 ft

Narrative for Conditional Use Application to Allow a Dwelling Unit for
Watchman and Family under Code Section 60.040 Number 1(E) of the
Tualatin Development Code

Property is located at Tualatin Storage, 18270 SW Pacific Hwy, Tualatin, Oregon.

- A. Is your proposed use listed as a conditional use in a planning district where your site is located? Yes, it falls under the Tualatin Development Code Section 60.040 Conditional Uses. Under Section 1(E) a dwelling unit for a watchman and family.
- B. Are the characteristics of the site suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features? An office and storage building presently exists on the site. The dimensions are 28 x 33 ft. The proposed use would require that the interior of the building would be reconfigured to allow for a one-bedroom apartment for the watchman and family. The current use of the office for the mini storage would remain. No changes would be made to any exteriors of the building or the surrounding property. The proposed dwelling unit for the watchman is consistent with other mini storages in the area as well as mini storages in Portland.
- C. Is the proposed development timely considering the adequacy of transportation systems, public facilities, and service existing or planned for the area affected by the use? The proposed use would be consistent with other mini storages in the area and Portland. It would add little or no traffic to the transportation systems. There are adequate public facilities and improvements already existing on the site for the use.
- D. Will the proposed use alter the character of the surrounding area in any manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary use listed in underlying planning district? The proposed use would not change the character of the use or nature of any of the surrounding properties. A watchman's dwelling provides for additional security in the area and of the immediate business. It is a benefit for those customers storing in the mini storage facility.
- E. Does your proposal satisfy those objectives and policies of Tualatin Community Plan which apply to the proposed use? The proposed use does not come into conflict with the Tualatin Community Plan. It does satisfy the objectives and policies of Tualatin Community Plan. The proposed use is provided for in the Tualatin Development Code under conditional uses.

ATTACHMENT E

CUP-08-01: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for CUP-08-01 and other supporting documents is summarized in this section.

The applicant is Kevin Howard of Tualatin Storage, LLC, the owner of the 3.8 acre, Tax Lot 2600 (Map 2S121A) subject property located at 18270 SW Pacific Highway in the both the MG and ML Planning Districts. The property is the site of the 7 building (Buildings A-G), 469 unit Tualatin Storage "mini-storage" facility with a 1,125 square foot facility office building approved in Architectural Review AR-06-15 and AR-07-27 (Building G revisions/construction slated to commence in Spring 2007). A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B & C respectively. The applicant's materials including a site plan are included as Attachment D.

The applicant seeks a Conditional Use permit to allow a "Dwelling Unit for Watchman and Family" that would serve as an on-site manager's residence for the self-storage facility.

Tualatin Storage is a newly constructed self-storage/mini-storage facility. The proposed use is "...a dwelling unit for Watchman and Family" to be located in the Tualatin Storage facility manager's office building at the entrance to the self-storage complex. The dwelling unit will allow the facility manager and family to reside on-site and provide 24-hour service and security to the self-storage operation. (Attachment D, pg. 1). The manager's office building is located at the ingress/egress access entrance to the facility (to SW Pacific Highway) and would include 1 bedroom living unit and a business office counter. If the watchman's dwelling CUP is approved, the applicant will need to obtain Building Permits for the residence modifications to the manager's office building. The building has landscaping and parking spaces as approved in Architectural Review. No modifications to the exterior of the manager's office building are proposed.

ATTACHMENT F

CUP-08-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use permit 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. The use is listed as a Conditional Use in the underlying planning district.

"Dwelling Unit for Watchman and Family" is allowed as a Conditional Use in the Light Manufacturing (ML) and General Manufacturing (MG) Planning District, as stated in TDC 60.040(1)(e) and 61.030(1)]. The proposed Tualatin Storage manager's residence is the Conditional Use listed above. The site of the proposed use is in the ML and MG Planning Districts.

Criterion 1 is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

- Size:** The Tualatin Storage site is a 3.8 acre parcel in the ML and MG Planning Districts. The site is currently developed as a 469 unit Tualatin Storage "mini-storage" facility (the two-level Building G is approved for development with construction planned for Spring 2008) with 7 storage buildings (Buildings A-G), a 1,125 square foot facility manager's office building and parking, landscaping. The site size is suitable for the use.
- Shape:** The shape of the subject property is a flagpole shape with the narrow west portion extending to the SW Pacific Hwy. frontage. The lot shape is suitable for the proposed use. Access to the building is via one driveway from SW Pacific Highway to the north.
- Location:** The site is located on the south side of SW Pacific Highway between SW 124th Avenue to the northeast and SW Cipole Road to the west in the ML and MG Planning Districts. On the west, south and east, the subject site adjoins other industrial properties including the undeveloped Hock and CEC properties and the Voss Materials (Valley Yard Supply) site on the east. To the east is a street frontage (no access) on SW 126th Place.
- Topography:** The site has a minor slope from north to south and is terraced above properties to the south and east.

Improvements: The site improvements (construction of Building G beginning in Spring 2008) include a 7 storage buildings, the facility managers office building, 5 parking spaces, a pedestrian walkway connection and landscaping improvements approved in Architectural Reviews AR-06-15 & AR-07-27.

Natural Features: There are no natural features on the subject site.

The applicant states "An office and storage building presently exists on the site. The dimensions are 28 x 33 ft. The proposed use would require that the interior of the building would be reconfigured to allow for a one-bedroom apartment for the watchman and family. The current use of the office for the mini storage would remain. No changes would be made to any exteriors of the building or the surrounding property. The proposed dwelling unit for the watchman is consistent with other mini storages in the area as well as mini storages in Portland." (Attachment D-Application Narrative, pg 1). Given the features and improvements of the subject property listed above, the characteristics of the site are suitable for the proposed uses.

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Public sewer and water and storm connections to the Tualatin Storage development already exist and are adequate to serve the site and proposed use.

The Tualatin Storage site fronts and obtains access from SW Pacific Highway, an ODOT facility designated as a state highway and designated by the City of Tualatin as a Major Arterial (Eb&t). The site is also adjacent to SW 126th Place on the east (no access proposed or required), which is designated as a Local Commercial Industrial (BC-I) (TDC11.060 Table 11-2). As approved in AR-06-15, access for the site is via a shared ingress/egress driveway on SW Pacific Highway serving the subject property and with access easements provided to the adjacent Hock and Voss Materials properties (located west and east of the subject property, respectively). The applicant submitted a traffic impact analysis (CTS Engineers) for the Tualatin Storage (All Star) use. The City Engineering Division generally agrees that the existing and the approved transportation improvements on SW Pacific Highway are adequate to support the proposed use (Attachment G). Traffic generation from the Conditional Use will not limit, impair or preclude surrounding properties from primary uses allowed in this Planning District.

The applicant states that the watchmans' dwelling "...would be consistent with other mini storages in the area and in Portland. It would add little or no traffic to the transportation systems. (Attachment D-Application Narrative, pg. 1).

Based on staff review and analysis of the application, the existing and approved public facilities for the site are adequate for the proposed use and the development is timely.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject territory is in the ML and MG Planning Districts. Surrounding land uses are:

- S: ML Lot #10, Leveton Commons (vacant) (Proposed Columbia Roofing site).
- MG CEC Undeveloped Property (Tax Lot 2201)
- W: MG Vacant land (Tax Lot 2200) (Hock/Hwy 99W Fill Site)
- N: RH Vacant land & Non-conforming Mobile Homes (across SW Pacific Hwy.)
- E: ML Lots 6 & 7, Leveton Commons (Vacant & Haul-A-Way) (across SW 126th Place)
- ML Voss Materials (Valley Yard Supply)

There are residential areas in the vicinity of the subject property (North across SW Pacific Hwy.). The area in the vicinity of the Tualatin Storage site proposed watchman's dwelling includes vacant and developed industrial uses to the east, south, and west. There are no physical modifications to the exterior of the manager's office building or the development proposed or required in order to accommodate the proposed watchman's dwelling use. The residential use will occur within the building

The applicant states that "A watchman's dwelling provides additional security in the area and of the immediate business. It is a benefit for those customers storing in the mini storage facility." (Attachment D-Application Narrative, pg. 1).

Based on the applicant's submitted information and review by staff, with the site improvements approved in AR-06-15 and AR-07-27, it is concluded that the proposed watchman's dwelling in the facility manager's office building will not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying Planning Districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicant states that the proposed watchman's dwelling does not conflict with the Tualatin Community Plan and satisfies the objectives and policies of the Plan. (Attachment D-Application Narrative, pg. 1).

The Tualatin Community Plan purpose and intent section of TDC Chapter 35 Conditional Uses (TDC 35.010), states:

"It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

(1) Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties;"

The proposed storage facility manager's dwelling is uniquely a residential use in an industrial location that supports the business office and management of a self-storage facility. The building location and the use of the building for a manager's office and residence will not conflict with the uses of adjacent properties and the protection of health, safety and convenience of the community is retained. The proposed Tualatin Storage watchman's dwelling use is suitable for this location.

The proposal satisfies those objectives and policies of the Tualatin Development Code (TDC) that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis, the Tualatin Storage Conditional Use permit application for a watchman's dwelling use meets the criteria of TDC 32.030.

MEMORANDUM

DATE: February 20, 2008

TO: Will Harper, AICP
Associate Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 08-01 – All Star Mini Storage - To allow a watchman's dwelling for a mini-storage facility, using a newly constructed office building (ML/MG Planning District)
18270 SW Pacific Highway Tax Lot: 2S121A2600

Will-

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation: The site is adjacent to SW Pacific Highway, southwest of SW 124th Avenue.

SW Pacific Highway is an ODOT facility designated as a state highway and designated by the City of Tualatin as a Major Arterial (Eb&t), which would ultimately have a right-of-way width of 98 to 102 feet that includes four travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Pacific Highway is currently approximately 170 feet wide with an approximately 60-foot center median, four 12-foot travel lanes, approximately 8-foot of shoulders, and approximately 23-foot of additional right-of way after the shoulders.

The submitted application refers to a traffic study performed as part of the original AR that showed adequate capacity (LOS C) for this lot and the two adjacent lots to access SW Pacific Highway. Improvements are already a condition of the AR decision.

Water, Sanitary, & Storm: Connections to City systems currently exist.

Please let me know if you have questions, ext 3035.



Approved By Tualatin City Council
Date 4-14-08
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 *MCK*

DATE: April 14, 2008

SUBJECT: PROPOSED RENAMING OF A PORTION OF SW 80th AVENUE
TO SW MARTINAZZI AVENUE

ISSUE BEFORE THE COUNCIL:

This staff report initiates the street name change process. This is a housekeeping item to officially change the name of the portion of SW 80th Avenue (commonly referred to as Martinazzi Avenue) from Boones Ferry Road to Warm Springs Street to SW Martinazzi Avenue.

RECOMMENDATION:

Staff recommends Council accept this recommendation to rename a portion of SW 80th Avenue, and the City Recorder be directed to give notice of the public hearing for April 28, 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*.
- The proposed street name change is a housekeeping item to get the official street name to match up with the existing street name signs and the common name that the community knows and uses.
- The Washington County Surveyor's office recently alerted the City to the fact that the street from Boones Ferry Road to Warm Springs St has not had an official street name change from SW 80th Avenue to SW Martinazzi Avenue, although the City appears to have been using the Martinazzi name since about 1979.

STAFF REPORT: Street Renaming

April 14, 2008

Page 2 of 2

- This street name change is needed to match up the legal street names with the addresses assigned to structures along the street and with the street name signs currently installed.

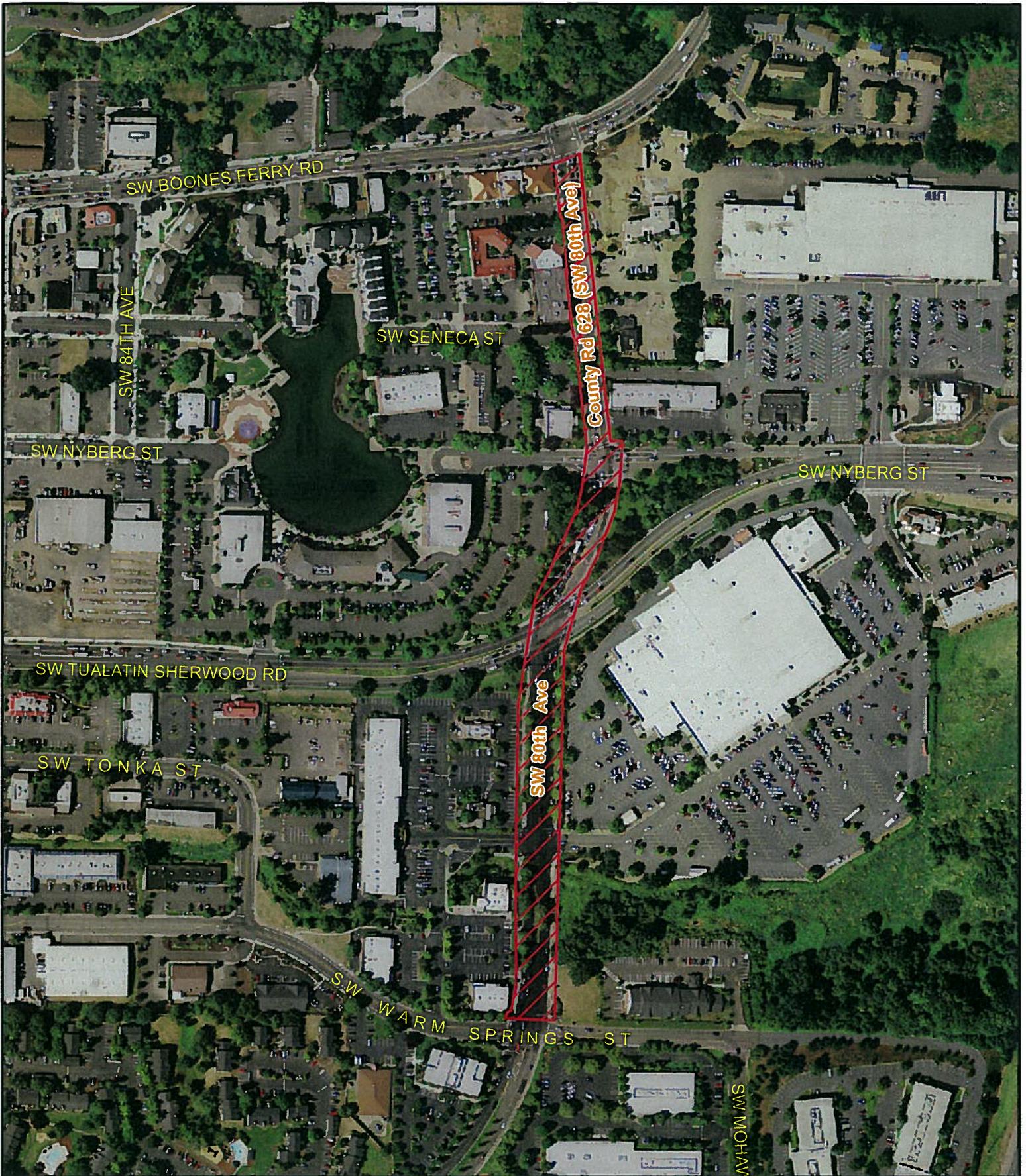
FINANCIAL IMPLICATIONS:

The Publication of Notice will be published once in *The Oregonian*. The cost of publication is approximately \$300.

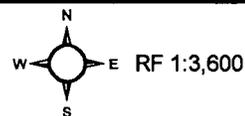
Attachments: Map

Martinazzi Ave Right-of-Way Renaming

Air Photo: July 2007



 Right-of-Way to be renamed Martinazzi Ave



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 4/1/2008



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: April 14, 2008

SUBJECT: AN ORDINANCE RELATED TO THE LIBRARY ADVISORY COMMITTEE; MODIFYING THE DUTIES OF THE COMMITTEE; AND AMENDING TMC 11-4-030, 11-4-040, AND 11-4-070.

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to approve the ordinance to amend the Library Advisory Committee provisions in the Tualatin Municipal Code.

RECOMMENDATION:

Staff recommends approving the ordinance.

EXECUTIVE SUMMARY:

Before the Arts Advisory Committee (TAAC) was created by the City Council in 1997, the Library Advisory Committee was assigned the duties of making recommendations to the City Council regarding public art and cultural development in the City. With the creation of the Arts Advisory Committee, those duties were assigned to the new committee. However, the references to the public arts duties were not removed from the Library Advisory Committee at that time. This ordinance will remove the public art duties from the Library committee.

It also changes the references to the Library Director to the Library Manager.

OUTCOMES OF DECISION:

If Council approves ordinance, the corrections will be made.

If Council does not approve the ordinance, the duties will remain as part of the Library Advisory Committee's duties, which may cause disagreements between that committee and the Arts Advisory Committee regarding which committee is responsible for certain art projects and purchases.

STAFF REPORT: AN ORDINANCE RELATING TO THE LIBRARY ADVISORY
COMMITTEE

April 14, 2008

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FINANCIAL IMPLICATIONS: None.

Attachments: A. Ordinance

ORDINANCE NO. 1258-08

AN ORDINANCE RELATED TO THE LIBRARY ADVISORY COMMITTEE;
MODIFYING THE DUTIES OF THE COMMITTEE; AND AMENDING
TMC 11-4-030, 11-4-040, AND 11-4-070.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 11-4-030 is amended to read as follows

Section 11-4-030 Membership of Committee.

(1) The Committee shall consist of seven members appointed by the Council and, except as provided in subsection (5) of this section, shall serve three-year terms or until their respective successors are appointed. Except for a member who is appointed under subsection (5) of this section, no member shall serve more than two three-year terms in succession. Committee members shall receive no compensation.

(2) In considering new members, the Council shall strive for geographic balance. No fewer than five members shall reside inside the corporate boundaries of the City, and no more than two shall reside outside of the City.

(3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.

(4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) ~~No more than one~~ One member may be less than 18 years of age. A member who is appointed under this provision shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the academic performance of the member and the effect membership on the Committee may have on such performance.

(6) A committee member shall not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to any scheduled committee meeting.

Section 2. TMC 11-4-040 is amended to read as follows:

Section 11-4-040 Organization of Committee.

(1) At the first regular meeting of each October, the Committee shall elect a chairperson and vice chairperson from its membership, who shall be voting members, and those who are then elected shall assume office at the first regular meeting in the following November.

(2) In the absence of the chairperson, the vice chairperson shall assume the responsibilities of and act as chairperson pro tem.

When the office of chairperson becomes vacant, the vice chairperson shall assume the responsibilities of chairperson and an election shall be called and conducted to fill the remaining term of vice chairperson.

When the offices of both the chairperson and vice chairperson become vacant, the Committee shall elect a chairperson pro tem to temporarily fulfill the responsibilities of such office until a special election is called and held. The special election to fill the remaining terms of vice chairperson, or chairperson and vice chairperson, shall be called not less than 20 days prior to the election. The special election shall take place in accordance with rules established by the Committee.

(3) The Library Director **Manager** shall serve as secretary to the Committee. The secretary shall keep an accurate record of all Committee proceedings. The Committee shall file a report of all its proceedings with the City Recorder within 30 days of such proceedings.

Section 3. TMC 11-4-070 is amended to read as follows:

Section 11-4-070 Powers and Duties of Committee.

The Committee shall have the following powers and duties in addition to those granted by resolution of the City Council from time to time:

(1) Consult with and advise the Library Director **Manager** on all matters affecting operational policies of the City library;

(2) Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library; **and**

(3) Hear and consider complaints about City Library policies or materials;

~~(4) Make recommendations to the City Council with respect to all matters relating to public arts and the cultural development of the City;~~

~~(5) Provide assistance to activities and organizations in the community which provide art programs; and~~

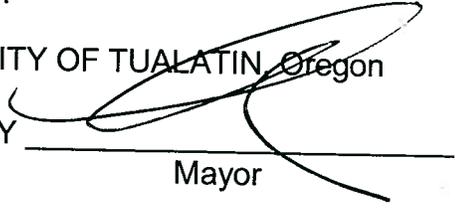
~~(6) Encourage, sponsor, co-sponsor or conduct public programs to further the development and public awareness of the arts.~~

INTRODUCED AND ADOPTED this 14th day of April 2008.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, Oregon

BY 

Mayor

ATTEST:

BY 

Acting City Recorder