



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, October 27, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman

Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 8380 SW Nyberg Street, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011 (voice) or 503.692.0574 (TDD). Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Introduction of new Tualatin Valley Fire & Rescue Captain - *Captain Case Brown*
2. Tualatin FIRST Robotics Team Presentation
3. Tualatin Tomorrow – Health, Safety, and Social Services - *Jay Wilcox*

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 – 7)

Page #

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.

1. Approval of Minutes for the Meetings of June 23, July 14, and October 13, 2008 5
2. Citizen Involvement Committee Appointment..... 70
3. Resolution No. 4838-08 Granting a Conditional Use Permit for Water Reservoirs 71
and a Wireless Communication Facility (WCF) at
8930 SW Norwood Road (CUP 08-04)
4. Resolution No. 4839-08 Adopting the City of Tualatin Identity Theft Prevention Program 76
5. Resolution No. 4840-08 Accepting an Additional Application for Bancroft Bonding 91
Connection Fees and Authorizing the City Recorder to Enter
Certain Real Properties Within the City of Tualatin on
SW Killarney Lane onto the City of Tualatin Lien Docket
6. Resolution No. 4841-08 Rejecting All Bids for Water Pipeline Undercrossing 98
of I-5 at Norwood Road
7. Resolution No. 4842-08 Authorizing an Agreement for Off-Site Wetland Mitigation 102
as Part of the Herman Road Improvement Project

E. PUBLIC HEARINGS – Legislative or Other

- 1. Plan Text Amendment Rescinding Requirements for Residential Minimum Built Density; 124
 Amending TDC Sections 5.040(1) through (5), 35.160(7), 36.162(2)(d) and (3)(d),
 36.242(4) and (5), and Section 15 of Chapters 40 through 44 (PTA 08-05)
[continued from October 13, 2008]

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

- 1. Ordinance No. 1271-08 Establishing a Criminal History Record Check Policy 153
 for the City of Tualatin
- 2. Presentation Regarding Metro's Greatest Places Initiative and an Update on the
 Urban / Rural Reserve Process - *Metro Councilor Carl Hosticka*
[presentation ONLY – no staff report]

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: October 27, 2008

PLEASE LIMIT TESTIMONY TO THREE MINUTES

PLEASE PRINT CLEARLY					AGENDA ITEM(S)	PROPONENT (if applicable)	OPPONENT (if applicable)
NAME	ADDRESS	REPRESENTING (if applicable)					
Jay Basse	9700 SW Tualatin Rd	Tualatin residents			Sherilyn has point		
Jill Hubbard	1176 Oxford Dr	Tualatin (T)					
Cassandra Ulven	on file	TVFR			FD presentation		
MARK COOLICAN	19050 SW Mobile PL				MYBERG ST Development		
Ryan Debacker		TVFR					
Michael Grant	13101 SW Shaker Pkwy						

10/27/2008
City Council - Agenda C. Citizen Comment / Joy
Basse

THE RAINBOW VALLEY PRESS
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Tualatin, OR 97062
503-209-4380
backstreettimes@comcast.net



October 13, 2008

To our Lawmakers:

We the renters thank God everyday for the help you have provided us and thank you for creating a relief program that addresses one of the root causes of illness and homelessness in Tualatin.

As children we all think about what we want to do or be when we grow up and try to make the world a better place. Some want to be doctors or nurses, lawyers and firefighters, or even the president. Me, I always wanted to be Mighty Mouse, I would tie this little blanket around my neck and run through the house with my fists in the air, hollering "Here I come to save the day!" Little did I know then, that was who God had intended for me to be. However, I do believe I probably turned out to be "Mighty Mouth" to speak up for those that deal with the oppression and injustice and bring awareness to those that can make a difference.

That's exactly what happened this last year. God delivered his people from the mold and disease. The City of Tualatin listened to our plea and made a difference to protect the renters in Tualatin from facing homelessness caused by tenants having to fight for reasonable living conditions.

We the renters are so grateful to God for the Tualatin Lawmakers hearts that opened up to the issues and rescued us from ever having to deal with this plight again.

Thank you Tualatin City Council for "Saving the Day!"

We hope that all other cities will take notice of the ordinances that our City Council is putting into effect January 1, 2009 and follow their example.

Again Thank You Tualatin City Council from the bottom of our hearts. God bless you in the Name of our Lord Jesus Christ. Amen.

Sincerely,

The Rainbow Valley Press



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: October 27, 2008

SUBJECT: APPROVAL OF THE MINUTES FOR THE MEETINGS
OF JUNE 23, 2008, JULY 14, 2008, AND OCTOBER 13, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meetings of June 23, 2008, July 14, 2008, and October 13, 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



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JUNE 23, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman [*arrived at 5:05 p.m.*], Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Clayton Reynolds, Acting Operations Director; Don Hudson, Finance Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

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

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Rental Housing Standards

City Attorney Brenda Braden gave an update on the rental housing maintenance standards proposed ordinance which is under the General Business section of the regular meeting agenda. The effective date of the proposed ordinance is 30 days after adoption of the ordinance, with the fee portion effective January 1, 2009.

Discussion followed on how a complaint would be dealt with by staff once it is received. Also discussed was issues of overcrowding, etc. and how enforcement would be handled. Also discussed was how the actual term "occupant" is defined. It was asked that "occupant/occupancy" mentioned throughout the ordinance also be added to the list of terms.

City Manager Lombos concluded that the goal is to get all issues dealt with before passing an ordinance. Council will hear comments, etc. at the General Business portion of the regular Council meeting, following this work session.

2. Municipal Court

Police Chief Kent Barker and Finance Director Don Hudson presented information on providing municipal court services in-house. Chief Barker explained the City's current municipal court system. Other than minor code enforcement and graffiti cases the rest of the City's court-related services are handled through the County. An analysis was done to assess the feasibility of expanding municipal court services.

Finance Director Hudson reviewed the proposed implementation plan which would be to hire a court administrator by September 2008, purchase software, provide administrator training, and negotiate a contract for a judge. Estimated expenses, etc. were also reviewed.

After discussion, Council consensus of all present was to proceed forward with the implementation of an expanded Tualatin Municipal Court as presented by staff.

3. *Bond Measure 2008 Update*

****SEE ATTACHED VERBATIM MINUTES FOR THIS PORTION OF THE MEETING****

C. CITIZEN COMMENTS
N/A

D. CONSENT AGENDA
Item D-1 was removed from the Consent Agenda by Mayor Ogden.

E. PUBLIC HEARINGS – Legislative or Other
N/A

F. PUBLIC HEARINGS – Quasi-Judicial
N/A

G. GENERAL BUSINESS
None.

H. ITEMS REMOVED FROM CONSENT AGENDA
D-1. *Proclamation Proclaiming July 2008 as National Recreation and Park Month*
Mayor Ogden removed this item from the consent agenda to be heard at the Presentations portion of the Council meeting.

I. COMMUNICATIONS FROM COUNCILORS
Councilor Maddux noted the "Willamette Meridian marker" event held on June 20, 2008 had a great turnout.

It was noted on Wednesday, June 25, 2008 there is an open house regarding the I-5/99W Connector project, 6:30 p.m., at Tualatin High School. All citizens were encouraged to attend.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(e) to discuss real property transactions will be held at the end of the work session.

K. ADJOURNMENT

The work session recessed at 6:41 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary gKirby

TUALATIN CITY COUNCIL MINUTES OF JUNE 23, 2008

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

ABSENT: Councilor Bob Boryska* [** denotes excused*]

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

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

A. CALL TO ORDER

Councilor Beikman led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. I-5 / 99W Connector Update

City Engineer Mike McKillip gave a brief update on open houses held this week at various regional locations regarding the project. Anyone can attend any or all of the open houses, and more information and comments can be found on the website at www.I5to99W.org.

2. Proclamation Proclaiming July 2008 as National Recreation and Park Month The Proclamation was read by Councilor Maddux.

C. CITIZEN COMMENTS

Marc Weinstein, 19905 SW Poplarwood Place, Tualatin, OR,

**** REFER TO THE ATTACHED VERBATIM MINUTES FOR THIS PORTION OF THE MEETING****

Brent Hamilton, 9350 SW Umiat Street, Tualatin, OR, said he has lived in Tualatin over 20 years. A problem has arisen with the house located directly behind his property regarding constant noise from a hot tub/motor. He spoke with staff and a hot tub is considered an outside appliance and is not addressed in the Development Code. Mr. Hamilton asked that this type of issue/noise be included in the Development Code in the future. Mayor Ogden suggested Mr. Hamilton contact the City Manager on this issue.

D. CONSENT CALENDAR

Item D-1 was removed from the Consent Agenda at work session by Mayor Ogden. MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

2. Approval of the Minutes for the Meeting of May 12, 2008
3. Resolution No. 4803-08 Approving and Authorizing the Provision of Workers' Compensation Insurance Coverage to Volunteers and Repealing Resolution No. 4693-07
4. Resolution No. 4804-08 Awarding Bid for the SW 108th Street and Storm Drainage Improvements – Willow Street to Nelson Street
5. Resolution No. 4805-08 Amending Water Rates Inside the City of Tualatin and Rescinding Resolution 4683-07
6. Resolution No. 4806-08 Setting Sewer Rates Inside the City of Tualatin

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. Resolution No. 4807-08 Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2008, Making Appropriations, Levying Ad Valorem Taxes, and Categorizing the Levies

Mayor Ogden opened the public hearing.

Finance Director Don Hudson presented the City of Tualatin budget for fiscal year 2008/09 budget. Mr. Hudson said there is also more detailed information listed in the resolution.

PROPONENTS/OPPONENTS – None.

COUNCIL DISCUSSION

None.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

Councilor Harris commented during the recent budget meetings with the Budget Committee, there was a split vote on the addition of a new police vehicle, but he noted that Tualatin received a grant for a "Mini Cooper".

MOTION by Councilor Maddux, SECONDED by Councilor Harris to adopt the resolution and approve the 2008/09 fiscal year budget with additional changes as outlined in the staff report. MOTION CARRIED. [Vote: 6-0-1; YES – Ogden, Barhyte, Beikman, Harris, Maddux, Truax; Boryska absent.]

F. PUBLIC HEARINGS – Quasi-Judicial

None .

G. GENERAL BUSINESS

Item G-2 was moved first on the General Business agenda.

2. Ordinance No. _____ ---- Relating to Rental Housing Maintenance Standards; Establishing a Rental Unit Maintenance Fee; Adding a New Chapter 6-13, to the Tualatin Municipal Code and Providing an Effective Date

Mayor Ogden said this issue is for Council to consider adopting a rental property maintenance ordinance.

City Attorney Brenda Braden said the ordinance is proposing to address the emerging overcrowding and inadequate property maintenance in some of the City's 6,000 rental properties. The Council has expressed an interest in addressing health and safety of the interior conditions of the properties and the exterior condition of the properties, taking into consideration of impacts on tenants, the neighborhoods, and community at large. The ordinance would be applicable to all residential rental properties in the city, with specific exclusions and provide specific maintenance standards.

Katie Bailey, 8700 SW Seminole Trail, Tualatin, OR, said there are many good points about the rental ordinance and she is generally in approval. Ms. Bailey mentioned concerns about overcrowding, and what is allowed or not allowed in low density/high density zoning areas. Ms. Bailey also said residential area parking needs to be addressed, especially in cul-de-sacs. She also asked that garage conversions for the purpose of increasing square footage not be allowed. She also questioned the square footage standard that applies to high density zoning.

STAFF RESPONSE

Various questions were asked regarding the regulation of residential zoning occupancy requirements, and City Attorney Braden said much is governed by the Federal Fair Housing Act. She also explained that there are the differences between land use laws versus federal housing laws. City Attorney Braden also responded to questions on parking standards, and noted that all standards are in the Tualatin Development Code (TDC). Changing the TDC is a different process than the Municipal Code, such as noticing requirements, comments periods, etc. and would not fit into this type of ordinance.

Ms. Bailey distributed an excerpt from the City's Development Code Chapter 73 referencing parking requirements in residential areas. *Jim Bailey, 8700 SW Seminole Trail, Tualatin, OR*, cited a legal opinion e-mail from the Baileys and submitted a hard copy for the record.

COUNCIL DISCUSSION

Council discussion followed on the various aspects of the proposed ordinance.

Leslie Ross, 8555 SW Seminole Trail, Tualatin, OR, said when this issue first came up suggested by consulting a land use attorney that is an expert in this field, some of these questions might have been answered.

David Nelson, 9712 SW Alabama Street, Tualatin, OR, said it appears similar to Gresham's ordinance and City Attorney Braden said it would be complaint-driven, with a small fee per dwelling unit. It was noted that Council has been working on an ordinance for a long time, even before the Seminole Trail issue arose.

Mayor Ogden said there are three issue on the table - prohibition on garage conversions for rentals, different occupancy for single family and rentals, and requirement of additional off street parking requirements for rentals only.

Mayor Ogden closed the hearing.

COUNCIL DELIBERATIONS

Council deliberated on the various issues raised ranging from garage conversions, which could be difficult to regulate, parking requirements, density requirements. The ordinance is a good start and with some changes to definitions, etc. that could be addressed, an ordinance could be passed. Staff has enough direction from Council to return with more information at a future meeting.

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the issue to July 14, 2008. MOTION CARRIED.

1. Resolution No. 4808-08 Calling an Election to Submit a General Obligation Bond Authorization to the Voters

****SEE ATTACHED VERBATIM MINUTES FOR THIS PORTION OF THE MEETING****

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. EXECUTIVE SESSION

An executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions was held at the end of the work session.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adjourn the meeting at 10:11 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

Maureen Smith

VERBATIM Transcript from portions of the June 23, 2008 Work Session

SL = Sherilyn Lombos
BBR = Brenda Braden
PH = Paul Hennon
DH = Don Hudson
LO = Lou Ogden
BB = Bob Boryska
CB = Chris Barhyte
JH = Jay Harris
DM = Donna Maddux
ET = Ed Truax
MB = Monique Beikman

3. Recreation Bond Measure Update

SL: Bond measure update...so...we don't have any specific action requested on this. We wanted to get a sense for, I guess if there were any "oh crap" or "ah-has" that you wanted to talk about or work through.

LO: Just so we're all on the same sheet of music. There have been conversations going around about the size of the bond measure. Concerns about the maintenance fee, etc., etc., etc. So, I guess your gonna report this Paul but what I'm interested in is...of the work that's been done in the last couple of weeks, where are we now in terms of the scope of the bond, the size of the bond, the maintenance fee, what it covers, what it doesn't cover, just broadly what's been chiseled out and what's slipped off, if anything. And then kind of go around the room, when we get everybody in the room, and make sure that we have issues or not or what. I mean, so, is that what you had in mind, or not?

SL: Yes.

LO: Can we do that in 7 or 8 minutes?

SL: Yes. So let's talk about where it's chiseled down to. Do you want me to...I can pull up this...uh...

LO: Has Donna been...(unintelligible)...or shall we wait 'til she gets here...I'd just as soon we all be singing from the same hymnal.

(talking while waiting for PowerPoint to come up)

LO: Okay – we're on...real quick, recap Donna...we're gonna talk about what the bond measure is now, what's been snipped out, what's the cost, the monthly, what's been snipped out of that, how'd we get there, so we know what's given up or whatever, then we're going to do a check in.

SL: So this is a little preview of the presentation that's under general business...but...where it is right now...in the capital improvement costs of \$49.4 million still includes the community center, the same community center package...includes the same trail package, um, which is \$2.8 million...same park improvement package, the same sports field package, and bond issuance numbers. What got cut from the \$54 million was the contingency line that went from \$52 to \$54. So that got cut. And then some phasing.

PH: The dollars for contingency...the contingency percentages...and escalation...

LO: We still have a contingency, right?

PH: Oh yeah.

LO: At the 20% rate?

PH: They vary...so 15 to 20%...what we'll have trouble with is adds later on. Scope creep will be an issue...so. Well anything (unintelligible)...the other thing is, it's a minor one...bond issuance is the same but the bond insurance...the insurance underwriting...the bond is going down the tubes, and so our bond advisor suggested that what they're doing now is they're putting these insurance requirements on the buyer rather than on the seller. What that means to us is \$4 or \$500,000 dollars less, so that was just one of those....

LO: Probably (unintelligible)(unintelligible)

ET: Well, wouldn't that come back and bond interest rates....

Mostly unintelligible discussion with Paul and Ed about bond issuance.

PH: No, but it's apparently where we've gone, this is the bond insurance issue, how bond counsel is advising us right now...advising us to shift that over because of the cost of buying bond insurance (unintelligible)...this is what they're doing...so this is the advice we're getting (unintelligible)....

SL: So, bottom line we got to.....oh, I'm sorry...

PH: \$49.4.

SL: \$49.4.

PH: And then on the fees....

SL: So what that means is \$1.09 per thousand or \$18 dollars a month; \$219 per year based on a \$200,000 home. (unintelligible question asked) right... assessed. Okay?

JH: You know, when we put this assessed value in there, we should also make a statement, or an approximate market value of...I'm not kidding you, that would solve a lot of problems in (unintelligible)...

ET: No, I think that's too scary. I'm not goin' there...

BBR: You can't...market isn't tied to AV anymore at all.

JH: I understand that but nobody...

ET: But it's not a uniform difference.

JH: It isn't...OK...it's just that conversation right there...we're all getting into it..

PH: It's about 54%, AV's about 54% on average.

(unintelligible conversation)

PH: I got a call at 4:45pm today about that very question...

LO: Sorry?

PH: I had today at 4:45, I'm trying to leave the office and come here and....

JH: Maybe a little asterisk at the bottom with a little note at the bottom to look at your statement...your tax bill...and it's about 54%...something to help people...

LO: Time out...you're in the public information...so someone just take a note...in the public information...you could say in the outreach...AV is 54% of the market value...that's a true statement...so...that's a good point but let's not belabor this.

DM: Paul, I just keep checking...so is that actually would make this the single most expensive bond measure we are paying on...(unintelligible)I have no doubt it would be....

SL: Alright, so the operating costs for that...

LO: Put that in context...you're paying a dollar to the school district...you're paying a dollar to TVF&R...

DM: Well, they're not bonds....but they're different....

LO: It's a check that you gotta write in terms of a rate that's assessed. So, it might not be the single largest...but by nine cents.

PH: So we're talking about the fee now?

SL: Okay, so the operating costs for that are \$1.3 million; park maintenance fee is now \$9.14 per residential unit; that's all multi-family...that's per, that's the door. And then business is sixty-five cents per employee capped at 100 employees and exempting fitness oriented businesses.

LO: OK, so, we went from \$13 dollars....to...\$15...

SL: \$15...

PH: And the other significant thing was the 100...

LO: So...how much of that is made up of business side....

PH: 13% of the total.

LO: When we raised the business side, we reduced the residential side, was it a wash?

PH: There are other...there are three primary things and some minor things. The three primary things are...we had the per door by population broken down, different population as for single family versus multi family. So if you have a front door and averaging, the same thing.

LO: And that made the total collection go up?

SL: Down...

PH: That reduced the amount.

SL: It reduced the amount...the \$9 from \$15.

CB: We can always keep the collections around the same.....?

LO: That's my point...it made the collection per dollar go up...because you've got the same collection, fewer dollars...

CB: You're able to divide it.

PH: It caused the rate to drop by a set amount...

LO: Without reducing collection by the same amount.

PH: Correct, it's just spreading it differently. The second piece was there was a \$100,000...the second piece was the sixty-five cents per business and the...ah...businesses will contribute a \$160,000 and the residents will contribute \$1.1 million....(unintelligible). So it's relatively....and then the third and biggest thing is that there was a \$100,000 a year being collected that will be spent on...remember how that....so we threw that out...no payment...

LO: So the total now...annual collections at \$9.14 is based upon...how much different than the total collection is in the (unintelligible)...

PH: I think the difference is about \$400,000...we're about \$1.336 and it was about \$1.7.

LO: A hundred of that is the other stuff...what is (unintelligible)....

PH: The numbers I said, and some minor things....I have a little cheat sheet....

LO: I don't need the....my question....let me rephrase the question...what isn't going to get done

PH: A hundred thousand dollars for annual (unintelligible)....

LO: That's it? Cause we went down to \$400...

PH: Right.

LO: The other \$300 was what?

SL: Some recalculation of program, or of things in the community center.

PH: Oh, I'm sorry...there were...

LO: That's substantial.... other factors...there were...remember the night I was saying...oh I think that's a mistake on the cutting recreation staff? Well, it wasn't...I just couldn't remember what the concept was. It was...first, we have an adequate number in the budget. It's still above the initial level recommend by the consultant...so those dollars and with the...we applied that money to the maintenance fee...that was another part of that transfer of the...

LO: Okay we can do this off-line...what I'm worried is...we had \$1.75 million...\$100 of it we're not going to bring in...so now we're down to like \$1.6. Then we go from \$1.6 to \$1.3...we drop \$300...that's almost 20% in collection...I just want what is it we're gonna done with that...don't need to know right now...tomorrow's fine.

PH: blah, blah.

SL: So that's the cost...we've got some information about implementation, the schedule...so this would be the implementation schedule.

JH: One thing I've been wanting to say is that it went down but user fees went up some?

PH: Well, we added 10% on the user fee...that was another one.

LO: I don't need to know at this moment...I just want to be able to go to sleep knowing we're not shorting ourselves 20% of what we need...that's all.

PH: No, there were a lot of fractions is what it came down to. We'll send that out.

SL: So that's the gist of the money part of it. I don't know if want to go through the rest of it or wait for later in the night...but that's the extent of what's changed.

LO: So what does that do from the standpoint of the Council's interest in putting this on the ballot?

JH: I'm the one that sort of prompted this and when you read the study and we went down 54% when the maintenance fee went \$9 to \$15 we lost 4% of the voters...ummm...that was big to me. And with gas going up and groceries and all of that, I want to see that maintenance fee get down to \$9. And the \$9 was just picked out of the air by Sherilyn and Paul was able to get it down there without really reducing anything. So, the study would hold true at what, 58% around in there with the \$9 fee. I also like the idea of trying to pare down the whole measure without cutting the heart out of anything...just do a bunch of trimming on it. And Paul didn't. Well, he did one thing. He cut off the roof of the community center...the outdoor roof over the basketball courts. That was the only thing...and that was a substantial number. Anyways, got it under \$50 million. I think it just...we can advertise it better. With the way it is...every percentage of voters we can pick up I support right now.

DM: Um...this doesn't change my mind from my previous issues. And I've talked to some of you about my intentions tonight and I had a conversation with Sherilyn that I want to just discuss here about whether or not it is an option for me to abstain.

LO: You're elected to do...you do what you think is best.

DM: Well, there was a question as to...the question was...don't you have to have a conflict to abstain. Well, here you go...um...I looked up the definition of abstention. The definition on Wikipedia sort of makes my point: an abstention may be used to indicate mild disapproval. It does not rise to the level of active opposition. Is there an updated estimate on the cost for user fees for individuals versus families.

PH: Yes, it's in the report...

DM: It is in the report? I was looking for that.

PH: Go to...appendix...you kind of have to...appendix a, number 4, then look at that fourth. Do you see that schedule? Page 132.

MB: While you guys are looking at that, I just...went home that day after kind of going through it all and I just felt that we're all kind of spread out and getting to the point where we ...I think this is a good way to do it.

JH: I think we can actually market it because you got that \$385 a year for a...oh, no, a family is \$660 a year...um...divide that by 12 and then you take the...yeah...and so...for my family, I'm at, how much do you think? And I can't go to 24-hour fitness with my family and enjoy all the sporting field opportunities and the trails...you know...it's a winner.

LO: Okay, any other comments? Questions? Okay...let's go through the (conversation moved to the next item on the work session agenda).

End

VERBATIM Transcript from portions of the June 23, 2008 Council Meeting

C. Citizen Comments:

Marc Weinstein: My comments are for the bond measure, based on what I've heard it's going to be some hours before...

LO: Well, I don't know how long the hearing's going to go on the ordinance but ahh...

MW: I don't know if Council would consider letting me make my comments at this time.

LO: If you can't stay, I'll take them now. Reason we do them during the hearing so they can a) be part of the record and...

MW: I'll make my comments now.

LO: Okay, very good. Appreciate your input.

MW: My name is Marc Weinstein. My family and I lived at (address) here in Tualatin, Oregon and I'm here to speak to the Council about the \$49.4 million dollar general bond park and recreation facility bond that this Council is considering. And to express my concerns about the bond. My first concern about the bond is the sheer cost of the bond. It's my understanding of the current bond structure that the average Tualatin family who owns property in a home with an assessed value of \$200,000 will be paying an additional \$218 a year in taxes. On top of that they'll be paying an additional \$109.68 in other maintenance assessments for a total of \$327.68 a year. This will only give those Tualatin families access to the improved trails and parks but will not give them access to the community center which comprises 75% of this bond cost. In order for the Tualatin family to have access to that community center, they'll need to come up with what is proposed...projected to be a \$50 family membership. Costing them another \$600 a year. In other words, the average Tualatin family in order to get full value out of this bond measure will have to come up with an additional \$927.68 a year. This coming at a time of great economic uncertainty, skyrocketing fuel costs and

increased in consumer good prices. This cost in this economic climate is a hard pill to swallow. My second concern over this bond measure is the manner in which it's being presented to the citizens of Tualatin as an all or nothing bond measure. While it is being couched as a general park and recreation facilities bond, it must be understood that it is covering projects as divergent as trail and parks improvements to the building of what many of us consider a pure luxury item and a recreation facility. Which comprises 75% of the cost of this bond. By the Council presenting it to the voters as an all or nothing bond measure, forcing citizens of Tualatin to either pay the cost of all of it or get nothing, rather than giving them the option of setting their own priorities and making their own individual decisions on what they are or aren't willing to pay for from these very divergent projects is robbing the citizens of Tualatin of their autonomy. And when this is coupled with the fact that there is no real economic benefit to building a community center at the same time you are improving trails, it just strikes me as poor public policy and an inappropriate way to go about it. I'd ask this Council to consider setting these projects into individual bonds and giving the citizens of Tualatin the authority and autonomy to vote for these projects on an individual basis and let them decide which of these they prioritize enough to be willing to pay for at this time in this economic climate. Thank you.

GENERAL BUSINESS:

Calling an election to submit a general obligation bond authorization to the voters

LO: So we're on G1 now...moving backwards on the agenda.

SL: So what you see in front of you is a move to bring all of the ad hoc committee members forward (the ones that are here). Paul, could you pull the PowerPoint up?

LO: So I don't know that this is a public hearing per se...I think it's for Council to consider this resolution, but I absolutely am interested in anyone who would like to make comment, you know, both in support and in opposition in order to register questions and concerns. So, anyone who would be prepared to have that sort of input that would be appreciated and let the record show for the purpose of being respectful that Mr. Weinstein was here earlier and made his comments and concerns and in fact a recommendation on a different approach to the bond measure. So we have that as part of our testimony relative to this resolution. So, with that...

SL: I'd like to start out by introducing the ad hoc committee members that are here tonight. If you wouldn't mind going around and giving your name and who you represented as part of the ad hoc committee. Why don't we start over here:

- John Medvec and I'm citizen on the ad hoc committee and I'm also a member of the Tualatin Organization of Sports.
- Connie Ledbetter and I was the Tualatin Tomorrow
- Katie Ogden co-chair of the Tualatin Youth Advisory Council.

- Sammy Brudvig and I was on the Tualatin Youth Advisory Council but I graduated.
- I'm Bill Holly and I represent TPARK
- Joe Lipscomb. I'm a resident and also represent the senior center complex.
- I'm Lindy Hughes, also a resident and I'm representing the Tualatin Historical Society.
- Travis Dunford. Chairman of the TPARK and I was also on the ad hoc committee and a resident as well.
- Alaina Hahn and I'm on the Tualatin Youth Advisory Council.

SL: And then the staff that have very hard on this...and I'll talk a little bit about that. We have, of course Paul Hennon and Carl Switzer sitting back there has worked very hard. Matt Hastie who was Cogan Owens Cogan before he made a switch, but he's still with our project. Just to give a little background on the project purpose. It started a long time ago, but in current history, Tualatin Tomorrow visioning really was the impetus and created the momentum for this and it came up a number of times in Tualatin Tomorrow. Then in November the City Council went on their annual fall retreat and as an entire group were supportive of exploring additional opportunities for parks and recreation. So, since then, staff and others have been engaged in this study. The skeleton of the study that we started with was to look at a general obligation bond, looking at November 08 and considering the funding associated with that...the operation funding, so park maintenance utility fee and user fees for the community center. So that's kind of where we started November, December and January. As part of the process, the Council appointed a 20-member ad hoc committee representing key stakeholder groups. Many of them are represented here tonight – sports groups, advisory committees, community members, Tualatin Tomorrow. Three Council members were involved in the ad hoc committee including Monique Beikman, Jay Harris and Chris Barhyte. And then we held a number of work sessions and special study sessions on this for the council. So the Council has been very involved since the very beginning. Over the course of the last six months, we started with a rather large all-inclusive package. We did extensive work on scoping the projects and the maintenance aspects and the operating analysis. We developed and refined alternative packages. We evaluated the park maintenance utility fee for the new and existing facilities. And then did three public opinion surveys. In January we tested the concept and saw out of that solid support for the concept and continuing on in the process. In May we tested three specific packages plus the concept of the maintenance fee. We saw solid support for the capital and less than solid support for the maintenance fee. We went back at the end of May and tested the one package that was identified by the Council as kind of the final package plus the maintenance fee together and saw 54% support for that total package. So what's in the package today? A community center which is about 70,000 square feet. Indoor recreation community and gathering places. The site is to be determined after the election...so we don't have a site specified at this point but we do have alternatives for a site. Trails for pedestrian and bikes that would connect the Tualatin River Greenway between Browns Ferry Park and Community Park as well as a couple of other trail opportunities. Park improvements at Atfalati,

Browns Ferry, and Lafky and sports fields improvements at the city parks at Jurgens Park and Community Park and then at the new Tualatin Elementary School, the High School and Hazelbrook. The map you see there, the T indicates trails; P indicates park improvements; and F indicates sports fields so you can see that it is dispersed around the city pretty evenly. So the package as described comes to \$49.4 million dollars and it's broken down behind me. The largest chunk is the community center and included in that is bond issuance costs associated with this. To fund the construction of these improvements we are looking at a general obligation bond for the \$49.4 million dollars. We'd be looking at \$1.09 per \$1,000 of taxable assessed valuation. There is a difference between assessed valuation and real market value. The latest data we have available for 2007; our average assessed value is around the \$200,000 mark and our average real market value is around the \$400,000 mark and we've got actual data that shows that so if you have questions about it. So the average homeowner at about \$200,000 assessed valuation would pay \$18 per month or \$219 a year in property taxes. Because we don't want to build something we can't run and operate it is important to look at operating costs and the Council was prudent to make sure to give us that direction to do that. For the package described, we are looking at \$1.3 million in operating costs and to fund that we'd be looking at a park maintenance utility fee. And that would look like \$9.14 per month per door. So if you have a front door, you would \$9.14 per month on your utility bill. And businesses would pay \$0.65 per employee per month capped at 100 employees and we would exempt fitness oriented business such as ClubSport, 24-hour fitness. In addition, user fees would be part of the community center. The pro forma was based on something similar to the Y in Sherwood with residents paying about 35% less than non-residents. To give you a sense of the scheduling should it achieve over 50% support in November. Election day is November 4th look at operating costs and the Council was prudent to make sure to give us that direction to do that. For the package described, we are looking at \$1.3 million in operating costs and to fund that we'd be looking at a park maintenance utility fee. And that would look like \$9.14 per month per door. So if you have a front door, you would \$9.14 per month on your utility bill. And businesses would pay \$0.65 per employee per month capped at 100 employees and we would exempt fitness oriented business such as Club Sport, 24-hour fitness. In addition, user fees would be part of the community center. The pro forma was based on something similar to the Y in Sherwood with residents paying about 35% less than non-residents. To give you a sense of the scheduling should it achieve over 50% support in November. Election day is November 4th then we would look at implementing the dog park starting in summer 2009; it would be ready; then moving to the Tualatin High School artificial sports field which would be ready late fall 2009 for that sports season. The trails, parks and other sports fields in fall 2010 and then finally the community center in 2012. So the next steps – we're happy to take questions and have the ad hoc committee speak to this as they wish and then we have a resolution included in your package that would basically place it on the ballot on November 4th. We'd file that post haste assuming you approved the resolution and then move forward through the summer with a public information package. Is there anything else you want to add Paul?

PH: Just that all of these projects are consistent with the Parks & Recreation Master Plan and other related planning documents.

LO: Anyone else here to make comment?

Connie Ledbetter: I live at *(address)* and I'm here representing as I said the Tualatin Tomorrow group and during the initial phase for the visioning process for the Tualatin Tomorrow group. As you all know, there was broad-based community support for this. A lot of people had mixed together the social services aspect and the recreation center and were calling things the same thing. So part of what we did was separate out those two things and to put all of the social services things in one part of the Tualatin Tomorrow focus area – Health, Safety and Social Services. And all the recreation in the Parks, Recreation & Natural Area section. So that we were able to see exactly what was really happening. And there were a lot of people who were strong proponents of having a recreational center. It is one service that we do not offer in Tualatin and that people have to go outside of our city to swim and to recreate. We have very few services in our city for very young people and we know that's something we are short on. And we don't have a way for our elderly residents to interact with our young people and I believe that a recreation center would do that too. So, the Tualatin Tomorrow group in our last month's meeting they gave a mandate for continuing with the process – strong support and so I hit them up for money to run the political campaign. So we're ready and we want to see this happen now.

Bill Holly: I live at *(address)* and as a member of the TPARK advisory committee I do want to echo what Paul said that this is a package that very much mirrors what we have as our long term and short term goals for the parks. One of things we've been battling, having been on that advisory committee for three years is that there is no dedicated funding source for any of our goals. A perfect example of that is how much trouble we've had with citing the dog park. Didn't have money to buy one or even build a fence. I really want to emphasize to the public, because I think all you Councilors are aware that this is exactly what we've been looking at for a long period of time. It's been brought to the surface and reinforced by Tualatin Tomorrow but clearly this is a long term effort for citizens of this community and I wholeheartedly support it and am delighted that the trails are being as well funded as they are. Thank you.

John Medvic: *(address)* in Tualatin. I am a citizen member of the ad hoc committee and it was very good process that we followed – it was a long process. Everybody came to the committee with varying ideas and a relatively large wish-list and we went back and forth over a long period of time to kind of whittle that down and I think that this measure represents the best compromise of all parties involved and I think that everybody recognizes that this is a step on the way towards getting the things that each group really wants and I think that will kind of make Tualatin the kind of community we all want it to be. And I think that this is an important part of the process – an important step in getting there. So I would support the Council approving this resolution and putting it before the voters in November.

Joe Lipscomb: *(address)*.

LO: You're on the Tualatin Youth Advisory Council?

JL: Yes. I represent the senior center and the steering committee of the senior center and I represented them through the visioning process and we are strongly in support of the community center aspect and the walking trails system aspect of these four things that you are considering. The concern that we have is time. The community center will probably be 2012 or 2013 when we get done with this if we get on the November ballot. The population of the adult community by all projections is doubling and so we need the facility for wellness, fitness, the health-related issues that we cannot accommodate today in our complex and the community center would offer that. Thank you and we hope that you adopt this. We'd like to see it on the ballot in November.

LO: Not being far from your age, I'd have to say that when you said that your concern is about time, you're not concerned that seniors won't be around long enough to enjoy it, but rather it's not like on your bucket list.

JL: You have to have a long outlook on life about this you know.

LO: Anyone else? Oh good, come on.

Travis Dunford: *(address)* I didn't participate a lot in the Tualatin Tomorrow visioning process although I got a lot of emails and followed a lot of the process and then being part of TPARK, seeing how a lot of that went and there's a lot of public involvement in the process and seeing the ad hoc committee do, you know, come together with a package that we got is pretty aggressive and as John said, very tight compromised packages, well put together and the three feasibility studies showed strong support and me personally, I used to live in the in Rock Creek area and used Tualatin Hills a lot when I was there for my children and myself. I think that something like this in a central city that we have here...you got West Linn, Lake Oswego, Tigard, Wilsonville surrounding us, so you're gonna have a lot of out of resident participants and I think you can have a lot of strong support beyond just our community – the larger community. Just wanted to show my support and I think we should go forward with this. I think it's going to turn out to be a lot bigger than we expected and a lot better deal...so.

Alaina Hahn: *(address)* and I was on Tualatin Tomorrow and I'm a big supporter of the community center especially because we have the teen programs that are run through the city but we don't really have anything for kids younger than middle school and we don't really have anything for sophomores, juniors and seniors at the high school because at a certain point you get a little bit too old to do the teen program but you still want to have some where to go; you still want to be active and you still want to be able to go and have fun and I think that the community center is going to give us a chance to have that which we really don't have. I mean we have the skate park; we have the parks but we don't have a swimming pool; we don't anything where all the teens can get together and hang out and I think this community center is something that will really allow us to do that. Especially during the summer. So...

LO: I think you brought the whole choir. I really appreciate you coming and doing that. In all sincerity would like anyone who would like to register any not-so-complimentary comments, not to be intimidated by this group here that is sort of buttressed themselves here against in taking up the entire table and aisleway. Seriously, this is a process for different points of view and so if there's anyone who has concerns, questions or outright opposition, we had one gentleman come earlier today and talk about it ought to be broken into smaller chunks so the voters could vote on the individual components. I'd like in a moment someone to address that question, but is there anyone here who would like to make comment about concerns, size, scope, cost? Please, come on up. These guys will be nice here I promise. Just don't use your real address.

Bryan Dockter: (*address*) I was just brought aware to the bond measure last week. Donna was kind enough to attend our homeowner association meeting and I was shocked to be aware that it was on there. I did participate in some of the community events in October and November. I wasn't on the right committee evidently. I was...kind of to mirror what the other gentleman had said before me, um, I feel very fortunate to live where I do. I love the neighborhood I'm in and I'm there because I was able to be disciplined and save the money to be there. Here's my property tax bill. I'm a homeowner, but in essence I feel like a renter at times because if I don't pay this \$5,000 rent to the Washington County and the City of Tualatin, all the other bond measures that have already been passed on here, I will soon get evicted from my home. So I'm an owner and a renter, so anytime you talk about raising my rent or my mortgage payment, I'm concerned. The aspect that really concerned me was that this was all lumped together and I don't quite understand why. I would be an advocate for all of the above with the exception of the community center. I'm concerned with that because there would be a lot of out of resident participation, this is true and talking to some of my neighbors, they feel pretty much the same way I do thus far. With a lot of out of city participation, we're still paying for their luxury. I understand they will have monthly dues, but we're still gonna have monthly dues attached to either our water bill or perhaps to a monthly due if we want to be a member of that, in addition to what we're gonna pay yearly on this bond measure. The trails, the park improvements, the sports fields – we're in dire need of sports fields. I live in a cul-de-sac of 16 houses and there's 24 kids under the age of 10 so there's a lot of kids in our neighborhood. T-ball just ended, or baseball did – I think everyone who was old enough to run was on a baseball team, so definitely not against it, but if I wanted to be a member of the community center and my property taxes were raised, it would be about a \$1,100 to \$1,200 increase for me, which is about an extra mortgage payment. Like I said before, I live in the neighborhood I do, not because I have a lot of money but because I'm financially disciplined and an extra mortgage payment a year would pay off my mortgage 7 to 8 years early. So I think of things like that before I check yes on a bond measure. So I at least wanted that to be brought up and I hope I didn't upset all of you guys here. My biggest question is why are they all lumped together cause I think if it was put all together you would get yeahs on all of them and a big fat ney on the community center. That's my assumption, I could be wrong, but I think that's probably accurate.

LO: That's a fair question, we'll address it because Marc brought it up as well. Thanks Bryan. Anyone else have concerns, questions, and you know

recognizing, I mean I just want it to be clear because we've got 12 people here from the ad hoc committee that were in favor and 2 people that have come down to express concerns doesn't necessarily mean that's the balance of proportion in the community, or more likely, the balanced proportion of awareness, cause like you just said, you just found out about this yesterday, last week. The reason being is that there's been only a little bit of news publication cause this has been in the developmental stages other than the statistically valid survey, so if something is put on the ballot, there will be a huge public outreach to make people aware of the details and the facts so they can vote objectively. But, ah, anyone else to make comment? Let's have staff, Paul, Sherilyn, someone, respond to the question that's been brought up about why is there one ballot question and not a series of ballot questions.

PH: *something unintelligible – can't hear.*

JH: I've got a question of staff...when you go back to the surveys...the three surveys that were done, um, could you tell me, in percentages, how the facilities rated? I know we combined them but the survey, if I recall, the community center rated lower out of all the...rated the highest...

LO: In the staff report...page 195 of the actual packet...it's page 7 of the staff report.

JH: So I guess what my comment was, if I recall all of them were rating about the same.

SL: Page 197 if you look at that one, that's where it broke it apart.

LO: And 197 shows which one was ranked number one.

JH: So for people at home...we have a large viewing audience...on 197 it shows that the community center had 29% support; trails and pathways at 25%, parks and playgrounds at 15%. You guys might want to amplify on that because you were deeper into this study than we were.

LO: Let me point out, if I can cut across you...the community center at 29%...that doesn't mean that only 29% of the people wanted a community center, in fact, 62% wanted it. It says that 29% rated the community center as the #1 thing. 25% rated trails and parks as their #1 thing. That doesn't mean that they didn't want two or more things. So just be clear on that.

JH: Correct and that's what I was trying to point out was we had some separate polling and then we had combined polling and if you guys can amplify on that for a moment...just show...because that helps in my decision-making process of why we're not combining them or why we do combine the whole thing.

Matt Hastie: I was just going to also note that in a couple of different...we did three surveys...all three of them showed some mutually reinforcing results and the community center as I think people noted already consistently showed up as either the highest or

one of the two highest rated types of improvements in each survey that we did and so...and then the other thing to note is that typically in a measure like this, combining things does increase the overall support. In this case, the community center alone at substantially lower cost per household than the package rated just a little bit higher but you still had 62% when you increased the cost for folks but added in the additional improvement to parks, trails and sports fields. But typically, combining things is a way actually to increase overall community support because as people said, for some people it's trails that are most important, for others it's sports fields, for others it's the community center so it's actually an effective way in terms of supporting the overall set of improvements. And in terms of just procedurally, it's a lot more cost effective to do it in a combined way than a series of separate measures.

JH: The last bond measure Paul that we put out for the library and the park improvements, can you recall, I don't have those numbers at the tip of my tongue, but the library was an amount and the parks were an amount. I guess where I'm getting is the community center was 39 million and then the other improvements to the parks and trails and that sort you know added up to get us up to \$49. The last measure though with the library and the parks, what were some of the rough numbers on that?

PH: The bond measure was about \$8 million; the park improvements were just under \$4 million and the library was just over \$4 million but remember how the library also had an urban renewal contribution of about \$5 million so it was \$3.8 on parks the last time. And this time currently, the community center is at about \$37 million. It was at \$39 million earlier.

JH: What was the total library cost once we went through all the economic turmoil and the urban renewal and all that?

PH: About \$9.3 million or so off the top of my head.

JH: Total with urban renewal and with the bond? And then how much was the parks part of that measure again?

PH: It was I believe \$3.7 million.

JH: Okay, so it was large in proportion to the total measure then? The physical improvements that we make to a structure...are large portion...library versus parks. Okay, thank you.

Bryan Dockter: The original estimate for the tram downtown was \$17 million and it came in at \$53 million because of commodities and there's no sign of commodities slowing down so I at least want that to be taken into consideration. And once you get...commit to these things you can't back down so what kind of commitment are we making for the whole package deal, again?

JH: And I can answer that in part, I mean we ran into the same problem with the library as you all recall, that we needed some funding because steel prices and

concrete went way up. We went and changed our urban renewal plan somewhat and were able to find additional funding to purchase the library. Paul, could you answer the question about contingencies that you have? I'm assuming the parks and trail improvements don't require as high of a level of contingency as a building but could you amplify on that a little bit?

PH: Sure, the issue is escalation. Today's price if you are bidding it a year and a half from now, they bid based on what they believe the price will be at about the mid point of construction, so we have anticipated escalation and have that built in. These are not today's costs, these are the amount of dollars we will need to build it on the schedule that we have shown. You referenced the library increases and those were partly...I mean there were significantly due to the fact that there was a delay in the schedule in implementation of the project so there was a vote and there was a delay and during that delay, which was not planned in terms of the escalation, prices went up. That got compounded by the steel and concrete issue so I guess the numbers we are using for escalation are in the 15-20% in terms of contingencies...I'm sorry, we've got contingencies built in that are in the 15-20% mark and we're using I believe it's 4% a year...5% a year on escalation so...and that's compounded twice in terms of the schedule. And we have had architects from Opsis Architecture assist with...they've prepared these numbers essentially and on the park and recreation facilities, a) they're a lot less money so a change doesn't have the same impact and b) we have quite a bit more experience in managing the construction of those kinds of facilities and we're pretty confident in the numbers on that side as we are with the larger, but we are relying a lot on the advice from the architect and consultants on that. And they have recently built other similar facilities that have come in within their dollars.

LO: Other questions?

DM: Question, I'm not sure who might have the answer...other county or local bond measures we might see on the ballot for the November ballot? So will there be competing bond measures or tax increases out there on the local level?

SL: I do have that sheet but it's in my office...Portland Community College has a capital bond measure on the November 08 ballot; the School District has a renewal of their local operating levy on the November 08; TVF&R, the fire district has a renewal of their local operating levy in November 08; and Washington County took their MSTIP off so that's not a part of November 08.

PH: I think that Metro Zoo is in there for...Carina are you here – do you recall that? Clackamas County has got an extension services district...also a new library district proposal...I think that's the ones we know of.

JH: I got a couple of questions...when you say renewal...that's not a new tax, that's a levy that's just being renewed for another four years...so when you look at your tax bill that's part of the taxes you are already paying right now.

- SL: Yes, those are the renewals of the current operating levy for the school and TVF&R. Portland Community College is actually a new capital bond measure that would be an increase.
- JH: You mentioned the Clackamas County Libraries, we're out of that.
- SL: We're not part of that district.
- PH: You're right...Tualatin opted out on that and on the school district local option levy, in 2004 when we had the park and recreation and library measure on the ballot that's when they previously renewed that local option, so both measures were on the ballot then and in 2000 I believe was when they started the first time around for the local option and the Tigard Library was on the same ballot and they were renewed each time and the other city measures were successful.
- LO: Questions? Please.
- ET: What are the pros and cons of breaking this into its component pieces and putting it on the ballot that way?
- SL: Are you asking what are the pros and cons of having multiple ballot measures this fall?
- ET: For this measure? You know, we've heard two suggestions tonight, which sound to me like not totally unreasonable ideas. Broken out and put separately in separate bond measures on the ballot. So I just want to have a discussion about the pros and cons of that.
- PH: I'll take a stab at that...it's a little more speculative as we did not survey that scenario so we're looking at people's opinions here. My guess is that it would fragment the vote. If you had the opportunity to vote on as many as you wish...I guess we've never looked at how to do that...I suppose if you could vote on as many as you wish, not only one it wouldn't necessarily fragment it the same way.
- ET: My question is...put them all on there...okay. So what are the pros and cons of putting them all on there and I can go down the list and I can pick the rec center and I can pick the sports fields. I can check them all off and vote yes on all of them...okay...or I could say, I really like the sports fields but I'm tired of the trails and I want a rec center so I'm going to vote on two out of three.
- PH: Brenda, you might think about this, I'm not sure how to do...if you can have multiple questions on one measure...
- ET: No, no, no. It's not one measure...it's three or four separate measures for each separate thing.
- PH: Let me go back to my first statement about I think it would fragment the vote.

SL: To Matt's question...and he may have some other comments on it...but the cost of issuance of bonds...if we broke it apart in four ways...we would pay...I don't know that...I think having it as one bond measure, you have one issuance cost and if you broke it up separately, you might...you can get some economies of scale...but if you break it up into a \$30 million and an \$11 million dollar and a \$9 million dollar, I think you have different issuance costs for those.

PH: To be able to bundle those ultimately if they were on the same schedule. You know one thing that I think would happen is that it would be, divisive as people are, I want mine and you want yours and now it's divisive as opposed to uniting. I hear that sometimes on the committee with people not getting as much of one element as they are interested in and of course, want a different element that they value less to not be funded or funded at a lower level. I'm thinking that could be one of the impacts.

Matt Hastie: I'm gonna say just a couple of quick things. One, I think based on the survey results, particularly the second survey result, that you would have a greater chance of not getting most or all of those things passed if you split them up than if you keep them together. I think you see that again, when we polled on the second survey on a community center only, versus a community center plus a whole series of additional improvements, there was another \$16 million dollars worth of additional improvements, so, there was only a 2% difference in the amount of support for community center only versus community center plus another \$16 million worth of improvements. That sort of says to me that you're gonna get more support for them as a package than...and you're probably not going to get enough support for some of those individual things in that package if you split them up. I think you would have a greater chance that some of the individual things would not pass. Two, I think at some point, you are going to run into some voter fatigue when you see that many different things on a ballot. So I would just personally be a little bit concerned about that potential voter fatigue with multiple funding measures on there even though they're for somewhat similar types of facilities. Those are a couple of issues I would be thinking about in terms of splitting them up.

PH: On the positive of course, it would cost less. So you'd have an overall lower cost and depending on what passed or didn't pass, that maintenance fee could go down. The bulk of the maintenance fee is towards the community center; I think it's something like 75% of it or so is associated with that. So if that's what people wanted and that was the only thing that they wanted, you'd still have \$9 minus 25% would be that maintenance fee and the capital would drop by...the capital side would go from \$38 million instead of \$49 million. But if the community center didn't go then the numbers would drop down substantially more so that would be...if you didn't want to be paying, that would be a real benefit, or be viewed that way. On the flip side, I think it would be a lot less responsive to the Tualatin Tomorrow visioning process. I think about why are we doing this now? From a work load standpoint, where'd it come from? And it came out of the community. So if you deliver up a package something like this, responding right across the board in terms of the park and recreation area, if it divided up, then there'd be some unfinished business to get back to at another time.

LO: Other questions?

PH: Relating to the community center...it needs to sit on land, so there's a major issue there in terms of the availability of land. That would be a potential issue if land opportunities went away that are present today. Certainly, historically, the cost of everything has gone up, so build it later and we'll be spending more than today. But the availability of land is a factor. It's a limited supply right now as you are aware.

MB: How long has a community center been in the master plan and how many times have you done a feasibility study and not gone out to a bond?

LO: Once.

PH: Well, it's been in the parks and recreation master plan for over 20 years. We have done I believe, I can recall one we did with Lake Oswego, we did another one and we did this one. So four times. With the Lake Oswego joint facility, that was around 1992 and the city tax base system failed and so that one we just walked away from that project at that time. I think the very first time...we're looking at the 1980's, that led to going to the ballot and people voted to build on land that had already been acquired with a previous levy and that's what built Ibach Park, Brown's Ferry Park and Atfalati Park. The community center was there – it was the next one on the list, but they just drew a line, and another time it did make it to the ballot, twice I believe, 1994/1995 and it failed. It lost by like 47 votes on the first one and on the second vote...the very first ballot...you wouldn't even want to know what the price was at the time compared to this today but...for the same type of facility...but it was a very close vote – the Council said let's put it back out. There was...it was a mixed recreation center and city offices complex and the city offices complex had some kind of scoping issue and it was a couple of million dollars more by the time it made it to the ballot and it failed substantially. There was some opposition that was generated for the recreation center and the price went up by almost \$2 million for the whole two buildings. And people at time wanted to divide them but the Council didn't do that at the time. So I guess, most of the studies have led to the ballot. The one with Lake Oswego, the joint partnering, the city had to lay off employees due to the failed tax base and it wasn't the right time to even be dealing with it so it was set aside for about 3 or 4 years.

LO: Other questions from Council? Let me just really quickly summarize. Some of the questions that have been addressed. Why are we doing this? And what is the role of the ad hoc committee – how did the folks get on that committee? Let me just tell you the process as I saw it and see if that has some sense of reality. Largely from the information that came out of Tualatin Tomorrow process as has already been indicated by Councilor Beikman, there were issues of priority that the community moved forward. The Council took that information and had a discussion about should we really pursue this or not. And the answer was, I don't know, why don't we ask the community. The Tualatin Tomorrow people were

self-selected largely. It was through a lot of outreach process but in many cases those who chose to be part of the process. Let's go out and do a statistically valid survey to find out what the community really thinks and that was shortly after the first of the year, I can't tell you the month, but I think February and what came back, frankly to my surprise was a pretty strong support, like in the 2/3rd kind of range for a community center and for some of the other upgrades. Because there was a check-in again with the community, not with advocates, not with this committee, which didn't exist, or the parks people, or the athletics people, a statistically valid survey, because we wanted to find out what the community thought, there was pretty broad support for this issue. So based upon that, the Council said, okay, looks like the community is interested in something, we need to have some body determine what that something is. And so one option would be to have Councilor Barhyte and Councilor Maddux work on it, the other option was to go out and get the folks who are really interested in this kind of stuff, not the experts, but the users and say okay, if there was a package before you, what might it look like. So that's when you bring in the advocates, that's when you bring in the senior center and the ball field people and the youth advisory and the parks advisory and all them and say, if we put a package together, what does it look like. And that's how this thing got developed as it is. So it's, yes, a product of the advocates, but at sort of the permission of the broad community based upon the level of positive response in the survey. Then we took that and said okay, this is now what it looks like and this is what it costs, go back again to the community broadly, not the advocates, not the users, but everybody randomly and say, do you really like this, or were you guys just really kidding the first time around. So what we got, again in May, a statistically valid positive response to the package that was presented. And the package was presented in its entirety but it also was asked, what if we just did this part or that part and so that's where the numbers from the survey came that there was more support for the community center than anything. And I think part of the argument for breaking out would that golly sakes, the community center's the most expensive piece in all regards so maybe we just take a pass on that and just go for the parks and fields and the survey information, again, not of the advocates or the people that are red-hot for the community center, but a random survey of everyone old, young and in the middle, voters only by the way, said that the community center was the highest single choice but a package together rated high enough to think that there was a likelihood of success. So basically my feeling on that is we've spent this amount of time and money based on the community saying we're in favor of this. To not present it back to them as the package that we surveyed and built would be saying well we don't really think that you're interested after all so whether I'm interested or not is irrelevant frankly and in my opinion, whether the rest of you are interested or not is irrelevant as much as what the community has said they are interested in. Now, with the caveat being that it is a lot of money and the economy is different today than it was yesterday than it was a week ago and a month ago and certainly than it was in May. So there will be pressures and the ballot, though it surveyed positively as late as late May, it may not be economically viable by November. But that's not for me to decide today, frankly. I think it's for me to facilitate giving the people a chance to vote on this and yes, we could break it into components, and there's a logic to doing that, but quite

honestly, we're this far along, what the ad hoc committee has created to present to the voters and what the voters we've tried on for size with our statistically valid surveys seems to support this package. And I gotta tell you that I believe what is said that...and this might sound counter democratic, with a small d, but why not give people the choice? Check off that one and that one and that one. There's no logical argument for not doing that, frankly. It's like you're going to a restaurant, you don't order everything on the menu, you pick what you want. The difference I think is that the opportunity to go back and return to that menu more often when you go out to dinner is higher than the ability to go out and return to a substantial ballot measure and that frankly, as Matt talked about fragmenting, it's just from the standpoint that because there are enough people that support different things, I think that they would appreciate amalgamating with others to get broad support. Now, like anything else, the Council has the ability if not the responsibility, to lay it out there for people to decide. I don't think we have the responsibility from this dais to advocate for or against to get people to vote for that, but there will be a number of people who will advocating for and probably some advocating against and that's the democratic process at work. By allowing multiple parties to come to the same ballot measure, you allow multiple people to advocate collectively and help the voters decide if that's what they want or not. And god knows if we're not smart enough to vote for a president without \$100 million being spent, we might not be smart enough to vote for a bond measure without somewhat advocating. And I say that tongue-in-cheek because obviously the voters are the most intelligent, but clearly the community process of advocating for or against is gonna have a lot more to do with this than what this Council decides, other than if they decide not to put it on the ballot. So, that's kind of the overview I've seen with our process and our role as facilitators to the community. I welcome any other comments.

JH: I'd like to mention somebody said about the menu approach about going into the restaurant...um...you know with these bond measures we're pretty much tied to every two years going out for things, so we only go to the restaurant every two years because of double majority, um, that's where 50% of the voters have to turn out and 50% of the people have to vote for it, um, getting the 50% turnout in our elections is problematic and we even mail in ballots now too, it's not that hard to do, but we don't ever get it, and the general election, fall election, you know, I think we don't have to worry about the 50% of the voters, but the problem is, is separating the packages out, we can't just go out in May and put out sports fields, and then in the fall put out some trails and that sort of thing. The Legislature has sort of limited our ability to separate 'em out because of the two-year process, so I wanted to point that out, and also the taxes, are we done, can I ask staff a question or we done?

LO: This is not quasi-judicial...

JH: When do you have taxes being levied, uh, to the people. We are in a downtime right now....when is the majority of the tax gonna be levied?

(pause)

SL: Don...

PH: Looking to see if Don is here, but I think the answer is December 2008...is the first interest payment.

(background - unintelligible)

DH: It would sell, right now the assumption is we would sell April 1, 2009, I'd have to look and see when the first (unintelligible) would be levying then in November '09...

PH: OK, selling the bonds isn't levying the tax though?

DH: Correct.

PH: So when, uh, when do you propose to levy the tax? For the majority of the amount of the center?

(pause, unintelligible)

JH: OK

LO: So, we levy in July?

(background - unintelligible)

PH: It'd be with the annual adoption of the budget in the fiscal year following the sale, so if it was sold in April of 2009, in June of 2009 the budget would be adopted for 09/10, and that would be the first year that the tax would come on, or....

LO: You would actually levy that in the fall, huh...when your property tax is due in November....yeah...

JH: And then the center will be open 2012, 2013?

PH: That's the spring of 2012 and that has some contingency built in to it.

JH: Obviously you need the money to go build the facility that's why you're levying the taxes in the fall of 2010 then? Is that correct...?

SL: 2009...

JH: 2009...OK, thank you.

PH: Well, people would either pay that in the lump there, or, I, for example, pay monthly...my taxes....

JH: And then for the assessed....the \$200,000 home, that's assessed value though, that isn't real market value. I noticed you pulled your taxes out early. You'd brought yours also (indicating to audience)....and uh, anyways, it looks like it's somewhere around \$30 a month....then for a house...that's the maintenance fee and the bond. So, if you choose not to use the facility there's user fees on top of that if you choose to use the facility. So if you didn't use the facility at all and your house was assessed at \$200,000, it's about \$18 plus \$9 for \$27 a month, OK, whether you use it or not. Then you can choose to be a yearly member or if you're just an adult you can get an adult pass and, that's all in the staff report...uh, which by the way is available on line for any of the public out there....then get on line and go look at this whole package. Is, is the current link under the Parks section...how do you get to that?

PH: On the front page of the City's website there's a logo that looks like this logo right here, and if you click right underneath that you'll go to a page that's got all of these...

JH: OK, so what we're looking at right now, you can get these documents on line then?

PH: Yes...I might indicate that your use...the cost to use the facilities is only...the user fees only would relate to the community center, so for the trails there's not a charge, for the park facilities there's not a charge. For the fields, by and large there's not a charge but if you're a non-resident group that wants to rent a field, and have lights, then you'll pay for that.

JH: OK, and then also non-residents are charged a 1/3 more? I know their still sort of part of the community as someone else had mentioned, but their gonna pay more because it's our center.

PH: Correct...about 35%.

JH: 35%....and so if you didn't want to buy the yearly pass, the adult is \$7 a day to use it...and the youth for the community center is \$5 a day. So if you chose just to show up a couple times a month, ya know, you can get out of the yearly fee, I guess is what I'm saying...you know so it's \$27 a month plus you go there a few days, you know and spend another \$30 a month for your family to go in...so I mean people could sort of work it whatever way it fits their budget, I guess is what I'm saying...OK, thank you.

LO: Respond real quickly to the question is...it's a very good question about fees, user fees and so on, cause it was brought up, if not by Bryan, by Marc. Question why would I want to pay taxes for someone else to come and use the facility. And it's a fair question, the question that came up before....first of all, surveying strongly supported user fees, so even...I mean the survey was asked would you be willing to pay this much in tax, would you be willing to pay this much in a month fee, and in addition to that it was asked what do you think about user fees....and so...it was...the cost of the bond....the cost of the maintenance fee

was supportive, it was a majority of people that supported that. Overwhelming majority supported user fees on top of that. But at the incremental increase for out-of-area folks, that 35%, relates very closely to what the underlying bond and maintenance fee cost is for someone that lives here, so it's like if you're coming from out-of-service area, out of tax district, and using it, you're paying the equivalent of the user fee, plus the tax base on that, very close. So you're not getting a free ride I guess is the point. And the fees were structured for that intention, so just to make that point clear.

SL: It's also a little unfair, I think, to say that you would have no community use of the community center....you would have to pay to have use of the community center. So the community center is designed, well as the concept is, that there would be community meeting space, and you wouldn't have to pay the user fee, the monthly pass to go to a community meeting or, that we put on, or the senior area for instance. If the, we'd have it designed to incorporate the senior center, and there would be some accommodation made for the, the teen center, the community center aspects, as opposed to the recreation center aspects. So, it's a multi-purpose facility that is much more, encompasses much more than just a recreation center that you would pay user fees for.

LO: So, to that point, as an example, today, if you sign your kids up in some sort of a youth program, under the current rec program, and they have it at Van Raden, or they have it, you know, out in the park or whatever, you pay for that, right, you pay a fee for that, for that program, whether it's a day long or whether it's three months long, true?

SL: Yes...

LO: So then if that program were done in a new community center, have you contemplated this at all....that a youth activity that's offered through the City of Tualatin, open to anyone, it happens to be staged out of the community center, you would pay a fee to go to that, you wouldn't have to pay...or would you have to pay the community center use fee on top of that...I mean would that be any different...you could participate in youth programs or any other programs that were offered through the Tualatin City Rec program that happen to be staged out of that facility, or would you have to pay the additional community fee on top of that...or have you thought that far. If you haven't I would consider the former as opposed to the latter.

SL: *(laughter)* My assumption is that we would...that, well it would certainly have a recreation center component, we could work our existing programs, perhaps out of it, like you described...

LO: That's what I'm suggesting....

SL: Like teen program, or there would be many other things. I mean we have community meeting space in there, we have the senior space, the teen space, so

there will be functions out of there that you don't have to show your monthly pass to participate...to be part of....

LO: Or pay the gate fee to get in the community center, and the pay your program fee for....

SL: I don't know that that's worked into the pro forma and we haven't actually talked about it, but I can't imagine it being otherwise, and I'm going to just say that that's how...how it would be.

PH: Well, the other thing about fees in general, is this is an operating pro forma based on averages and typically what happens at community centers around the country...the City Council will need to make, establish all the fee policies, and the actual rates after a facility is designed, and there's a better handle on how it will be programmed and what the actual cost of operating will be and how well they're coming in within these ranges.

JH: I guess one thing that's a little bit unique about this is, if you belong to 24-Hour Fitness, and wanna go in to some special...or if 24-Hour Fitness is offering a special weight training course, with a dietician, and all sorts of things, you have to be a member of 24-Hour Fitness. And I guess what the comment is, if I want to go take a senior cooking class there that's one night a week, I would like to not have to be a member of the community center perhaps, to go take the cooking class, because it is a community center, and maybe you shouldn't have to belong for special type of programs. But then on the other hand if it's learn to swim night or something....I don't know. At a certain point, you know, I guess we need to discuss that later, but, of how....where is the division line of belonging to the community center and the benefits of being a full member versus you know, not being a full member, and uh just joining special programs.

(pause)

DM: There is clearly a great deal of support for this bond measure. The work that Tualatin Tomorrow has done and that the ad hoc committee has done and Paul, I mean everybody's done a great job, worked really hard. I have absolutely no doubt that when we leave here tonight, this is gonna be on the ballot in the format that you guys presented it to us. However, that being said, I respectfully disagree with the Mayor. I think that the question of whether to put this....*(laughter)*

ET: I'm holding back....

DM: Yes, the question of whether to put this on the ballot or not in November is a policy question for the Council. I feel like as a council member it's my responsibility to look at policy questions in context...so I don't think sort of what we know out there right now is irrelevant and that this doesn't matter to the decision. Um....*(remark unintelligible from another councilor)*...you did, I wrote that down...*(laughter)*...you did. So just given the current and projected state of

the economy in Oregon, right now, I just, I think that it weighs against putting this on the ballot in November, and incurring the cost of this bond measure in the format we've got it at this particular time. I've had the ability to get a bunch more information and probably some of the other folks here have had, which I want to share with you folks. I asked the question about what's going to be on the ballot in November for county and local bond measures, because in addition, to county and local, what we have in Tualatin, there's going to be at least six that's already been preapproved but there will be additional measures on the ballot for the statewide ballot, in the fall. I sat through a presentation about two weeks ago now, that talked about the cost of what's being called the mandatory minimums that are on the ballot measure this fall. There are two ballots on the fall...uh, two measures on the ballot this fall statewide. Both purport to do just about the same thing. One is a Kevin Mannix piece, another one is a legislative attempt to fix that. Both would create additional mandatory minimum prison sentences for certain crimes, things like, they're property crimes...so, identity theft, and burglary, things of that nature. There is a great belief out there right now that at least one of them is going to pass. The legislative fix which is alleged to be much cheaper than the Mannix proposal...the current estimate is that it is going to cost about \$100 million dollars a biennial. And it is gonna go in to place right away. At the same time, the projection is that state revenues are going to decrease, so we've got one pie of state revenues, it's gonna do this, and we're gonna have a public safety mandate, something that has to be funded. The projection is that State is going to have to reach into education, and to other areas in order to pay for this. What will happen is we will get less dollars from the State and we will have to try and find a way to pay on local levels for things that we may have received state funding for. But the meetings I'm sitting in, and when we're talking about budgeting at the state level, come January 09, it is not pretty. It is really ugly. If you're funded by general fund, people are starting to get really worried now because of the projections. And so, in light of what I've seen on that side, you know, knowing how the economy is just going as it is now, seeing how much...if you look at just how much gas is increased since the last time we did a poll in the middle of May...I have a hard time actively supporting putting it on the ballot in the fall, however it is not my intent to actively oppose it. But I felt like I just wanted to make clear about where I was coming from and how I felt about that.

LO: Thank you.

CB: I have to sit next to an attorney every day so, you guys can feel my pain over here (*laughter*)...uh really for me, this ballot measure, you know, I've been on Council six years and we've talked about...I've had people come to me and ask for...you know why don't we have the Tualatin Parks Rec District, why don't we have these different features in Tualatin. And really what we're doing, in my mind, is we're giving the voters and opportunity to vote on this. So, we're putting the package together and saying, you know, we're not as a Council voting on this, and mandating it, we're giving the citizens an opportunity to vote, and have a voice. And, you know, a lot of people, I've heard people say well you're...you need to listen to us. Well, I think we are. Over 50% of the folks have said they

want to vote on this measure and they want the different aspects of the measure. If you look at Tualatin's tax base we are a lower tax base in Washington County, we have one of the lowest tax base, even when you add in all the different taxes that cities would normally provide, fire, parks, we, we're...and even with this measure I believe we're, if not the lowest, second from the lowest after this measure would pass, I believe. So, when other people come to me and say, you know why does Beaverton offer this? Well, Beaverton offers that because they have a pretty high tax base and they're able to offer that...they have their own park district, and they're able to offer a lot of services with the park district. Lake Oswego has a high tax, West Linn has a high....I mean, we're...you know a lot of these people have these services because they have a higher tax. So, putting this out is just saying, you know what, if you want those services, now's your opportunity to vote. When we did the last bond measure and we went for the library and some of the park improvements, we didn't go out where people said, you need to put more on there, you need to put sports fields, you need to do other things. We didn't do that, because we did the same thing where we said, well geez, you know what, you know, we can't go too high. I realize the economy right now, isn't great right now. But if you look back a couple months ago, everybody says we looked at these surveys even a month ago and things are different now. You know, we don't know what the economy will be in November. I mean, let's hope it's better. I'm not sure if it will be. I'm not trying to say I'm not realistic, I understand that, but a lot of people are still saying to me they want these things...they want a place where they can take their kid over the summer and 'stay-kate'....they're gonna stay home, they don't want to spend the money for fuel...well, you can save a gallon of gas and go to our pool, spray park and enjoy, exercise, right here in Tualatin, and not spend the fuel driving around the region trying to get to your....to your rec center that...a lot people do...so fuel prices in a sense say this is a good deal. I mean you're going to be able to take that gallon of gas, \$4 bucks, and pay for a pass to get into our rec center with your kids...you know, it's kind of a neat deal. A lot of people go outside of the area for those features right now, so, I think it's a good opportunity to...we've heard the voters multiple times, this year, and last year, and we're giving the voters and opportunity to vote, so I will vote to put this on the ballot in November.

JH: I just want to add to what Chris said, I agree with everything you said. And I think one of the most important things is that the ad hoc committee, and that, just the integration of our seniors, our youths, the teens, everybody's gonna have a place to go...with the senior center moving over there, they'll be there during the day. People can take small children over there during the day while kids are at school, the teens can be there maybe more in the evening, adults can come home from work and go work out. It is a true community center. It has enough features in there to attract a lot of different types of people. And then you throw all the trail and park improvements on top of that, and I think it's exactly what our community wants and I'll be supporting it this evening.

(very low sound.....MB appears to be speaking)

MB: *(sound now available)*.....by packing it all together it helps us all, and we all get benefits from it. If you don't use the community center but you're an avid...your kids are in sports and you need the fields, you've got lacrosse coming in, and you need the fields, you know it's important. By packaging it together we all benefit. If you take it all apart and we don't pass some and we pass others, then there will be people in the community that don't benefit, so that is one thing by packaging it all together, I believe. And I will vote to put this on the ballot.

ET: Four years ago we were having a discussion about being more responsive to what the community thought and doing a better job of listening to what people thought. And the result of that discussion was Tualatin Tomorrow, and I'm very pleased that we did that. In fact, a little over...well, I guess it's been not quite a year ago that Doug and I went down to Phoenix, Arizona and accepted an international award for the work that Tualatin Tomorrow did in gathering citizen participation. And I think that we accomplished what we set out to do in terms of listening to what our community wanted, and what has come back to us, among some other things, is this bond measure. And while my personal preference would be to put it on the ballot in its component parts, I think that it's easy to recognize the fact that I'm in a stark minority in that position. And, being a realist, I am OK with putting this on the ballot. And the reason is that I think that it would be disingenuous of us as a Council, to spend the hundreds of thousands of dollars and time and energy that has gone into Tualatin Tomorrow, and the work that we've done to gather community input and listen to what our community thought, and then not give them a chance to vote. And so, I'm going to bend to the will of the Council and go along with putting this on the ballot in its current form and not insist that it be broken into pieces...so there...

LO: Just to set the record straight. My comment wasn't that what we know is irrelevant, my comment was in my opinion, what each of us feel about this ballot measure is irrelevant. We could all say this is bad idea, and I don't think it would be responsible to not put it on the ballot, since a majority of the people we surveyed three times said it's a good idea...and we've invested all the time and effort to create it, that's what I was trying to say, not that your opinion or my opinion is invalid, but I think our personal preference on this is irrelevant in terms of deciding whether or not people ought to have the right to vote, that's what I'm saying. And I'm not...you could say no, they don't, they shouldn't vote on this. I think that the...all the points about the economy are concerting...disconcerting, I'm sorry, and we'll just have to see what people believe they can afford in November. But to the point, just again, I don't want to cloud...or muddy the water, to the point about whatever happens on the Mannix issue, those costs to the State will not be passed on in increase taxes. Whether this ballot measure passes or not will have no impact on the City of Tualatin's budget vis-à-vis what state shared revenue in the future don't come. That's gonna happen with or without this ballot measure. And all of the money from this ballot measure goes into the construction, and all the fees go to the operation...so it's not like we can turn those around and use 'em to offset the alcohol and tobacco tax revenues that we might not get...that's a problem you point out, it's a very real problem, but it has no impact on this question, frankly...from a fiscal standpoint. From just a

dollars and cents standpoint, it's a big problem for the state, and we live in this state, no doubt, but in terms of Tualatin's operating budget, I don't see how it relates. Anyway, I would accept a motion, or...in one form or another...

MB: I'd like to move that we accept the staff's resolution calling for an election to submit a general obligation bond authorization (unintelligible)...

CB: Second.

LO: It's been moved and seconded to pass the resolution to put the ballot...put the question on the ballot. Discussion on the motion? (heard none)...All in favor (eyes heard) opposed – (none heard), abstentions? (pause)...OK, so I, let the record show that six, five in favor and zero opposed, and one abstention from Councilor Maddux. Thank you, thank everyone for their thoughtful consideration on this issue. Like so many things, it's not simple, and it's not painless, but thank you all...

(unidentified) – thank you very much...

LO: Thanks to the work of the ad hoc committee and staff and everyone whose spent a lot of time putting together the due...the due diligence on this. We'll see what the voters believe they can afford in November.

MB: Thanks for staying late and *(unintelligible)*

(laughter)

LO: Alright, I think we're moving on down to the fact that we had an executive session.....

END



City of Tualatin

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Approved By Tualatin City Council
Date: 10/27/2008
Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Don Hudson, Finance Director; John Stelzenmueller, Building Official; Will Harper, Associate Planner; Kathy Kaatz, Program Coordinator; Carina Christensen, Assistant to the City Manager; Maureen Smith, Recording Secretary

ABSENT: Councilor Monique Beikman* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:34 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Emergency Preparedness Discussion

Operations Director Dan Boss presented information on the City of Tualatin's emergency preparedness program. Mr. Boss explained how the program works and staff involved in the process. There is also various exercises done each year with staff to make sure the organization continues to be prepared for an emergency. Mr. Boss explained Council's role in the emergency management process. Also, the City recently participated in a countywide disaster drill / exercise with the entire organization.

Council suggested staff present this information at the regular meeting under "Presentations" for community awareness of the program and what the City is doing for emergency preparedness.

2. Floodplain Regulations Briefing

City Manager Lombos noted on the public hearings portion of the regular Council agenda a plan text amendment regarding floodplain regulations. Staff is present to give a briefing on why the issue is before Council and to answer any questions.

Associate Planner Will Harper gave an update on regulation changes, which is revising and adding definitions in the Development Code to be consistent with the current Federal Emergency Management Agency (FEMA) and Flood Insurance Administration (FIA) provisions. This is not a change to the existing flood map however.

Brief discussion followed. It was suggested that there be a clearer explanation in Section 5, subsection 4 of the resolution regarding recreational vehicles. Staff will follow up.

3. *Recreation Bond Measure Voter Information Program*

****SEE ATTACHED VERBATIM MINUTES FOR THIS PORTION OF THE MEETING****

4. *Urban / Rural Reserves Update*

Councilor Barhyte represents cities in Washington County on the Urban/Rural Reserve committee and gave a brief PowerPoint presentation on the proposed study areas, work program overview and key milestones for designation of urban and rural reserves. Brief discussion followed. If Council has any comments, let Councilor Barhyte or Community Development Director Rux know.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

N/A

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 6:54 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

Maureen Smith

VERBATIM Transcript from a portion of the July 14, 2008 Work Session

SL = Sherilyn Lombos
BBR = Brenda Braden
PH = Paul Hennon
CC = Carina Christensen
LO = Lou Ogden
BB = Bob Boryska
CB = Chris Barhyte
JH = Jay Harris
DM = Donna Maddux
ET = Ed Truax

MB = Monique Beikman (was absent from this meeting)

3. Recreation Bond Measure Voter Information Program

SL: Paul.....(PH stepped up to the table) this next one is to talk....

ET: Oh, you have one minute left....

(laughter)

SL: Um, so why don't you go ahead and talk about the purpose and what we need out of the Council tonight.

PH: I'll do that. So Carina and I have been, and Sherilyn, and to some extent Brenda, have been working on the voter information program and we've only talked about it in general terms and now we need to get the OK to use public funds to pay for, um for that and we want to advise you of the status of the filing and also talk about prohibitive and allowable activities for elected officials.

So, the first, actually, I spoke out of sequence, the...advising Council of filing status is on the...previously Council said OK, refer this to the...place it on the ballot, so we're going through the process of making that happen. There is a defined process, there is an advertisement that's been done, we plan on filing it on July 16 of...

LO: Excuse me...I'm not looking for the notes here am I?

PH: No...this is just my notes....and the ballots will be mailed on October 17th, now that's like you'll get the ballots about October 17 and of course election's on 11/4, so that's what the filing...there's nothing else the Council needs to do at this point. And, voter information materials, so the purpose here is to provide impartial, factual information on the recreation bond measure and associated fees, and uh, we're working on a portfolio of ways to communicate the

information on the bond measure and on the fees. And so that would be flyers and newsletters and the kinds of approaches we've taken in the past.

SL: Basically, pretty much mirroring the library....

PH: Pretty much mirroring the last four times, although I think that we've, we've increased the quantity of a couple of things, given that we're starting a little bit earlier than in the past. I think the last ones it was usually into September, maybe later, when we were able to get started, and this is earlier, so there's a little bit more time...so we're looking at, uh, around \$25,000 and we can set that a "not to exceed"...right now our little list is a little higher than that, but we can prune it down some. Uh, and that would come from the general fund contingency transfer and that would be approved by Council at a later date.

And so what we need tonight is "yeah, it's OK to move forward with that..." or "nope, don't want you to do that" or "you know what, we want to talk more about the details and here are my ideas."

LO: Questions....Jay?

JH: Um, I was wondering. I know the last time we did the Back to School night, and some other things, uh Meet and Greets, that sort of thing. And I showed up for some of them to, ya know...

PH: Yeah, I remember...

JH: to just talk about....are we, are you proposing the same....

PH: So we have a list....Carina's been...uh, we don't have it for you tonight, but by the next meeting we'll be doing as we have in the past, we'll be circulating that, saying here are all of the opportunities essentially, and like Ice Cream Back to School Nights, ice cream socials, various clubs and organizations....

SL: Concerts on the Commons, Movie Nights..

PH: There's a lot of them, and we're working on the documents aren't done yet.

JH: I think even football night we had ten or something up there...

PH: Yeah...so those would be there, there was a TVCTV video on the bond measure the last time and so we're talking about doing another one of those...

LO: From an expense standpoint, it runs in my mind that in the past those have been \$15,000.

PH: That's about where they were.

LO: So this is substantially higher, so help me understand that....

PH: Direct mail, um and more inserts I think...bigger inserts. So we've had a postcard that we mailed out...so we're doing two of those instead of one, and you might know off the top of your head about what one costs....

CC: Postcard...(unintelligible)

PH: One...one whole batch of mail....

CC: Oh (unintelligible)

PH: Postage included I think you have...

CC: Yeah, postage is (unintelligible)....

PH: So that's a chunk because, while she's looking that number up ...that's one, and that also means printing those...

CC: So, a batch of mailings is \$2,452. So if we do two of those...

PH: So, that's the postage...

CC: That's the postage...yes...

PH: And then there's the cost of the cards too...

CC: And, right, then there's the cost of printing the cards, and that's all included, so you add the cost of the cards, you have another \$2,697, we add printing of the cards....

LO: So, that's about \$5 or \$6,000...

CC: Yeah...

PH: Yeah...

LO: So, um, what I'm asking is...I don't want to review the list in great detail tonight, but seems to me...our objective is public information, obviously. And how much information is enough, and how much of it is too much, and how much of it is money that you'll need to spend, and how much of it is penny-wise and pound foolish...you've got a \$50 million bond, you know, what's another \$5,000 to spend on public information? So I don't have a good sense for what you do...what you don't do...etc. All I was thinking is what we've done in the past, I thought it's been pretty effective. And, so, um, if we replicated that...substantially just replicated it...I would expect the cost to be up a little bit, the postage is about 9-10%, a little bit more for the number of houses have increased, but programmatically do we....do we need to do, you know, another 60 – 70 % of what we did before....functionally?

PH: Yeah, and I think the two big things that drive the increase...good question...but the two things that are different are the second mailing and a second run in the newsletter...

SL: In the newsletter...oh like an insert in the newsletter...and, the reason that we have the option to do more is because we're starting earlier, so that gives...so you know, so we backed it up into August now, instead of starting in September, and so additional opportunities to get information out.

LO: I guess, my other question is, and I don't need an answer tonight, is to think through, is that necessary? Is that...there's a theory that work expands to fill the time available...well...the budget expands to fill the project and you've got to spend it...so, I just asked question. I'm concerned about those things.

PH: Well, I guess it would be...this would be a good time to actually talk about it, because we're getting ready to launch and to print. If it's good to go, we actually have to print them and it's cheaper to print, for example, the flyers all in one fell swoop. So if we knew we were going to do one or two inserts, into the newsletter and some into newspapers we'd want to run them all at once....

LO: And are the quantities of print such that you don't get any more benefits of scale. You know, there's a certain point where after so many thousand, if it's the same rate per thousand...

PH: Right, we were just talking about that increment...we're up and around probably 50-60,000 on the flyers...

LO: So whether you go 60 or whether you go 80....

PH: Minute....

LO: the direct cost...I mean, I can't answer those questions. I don't want to...I don't want to burden the Council to hear when it's time to go through the pro forma in detail. I'd be happy to meet with you afterwards...whatever, ...but...not that my judgment is more important than the other six...but

PH: I think it'd be helpful....

ET: Is it your concern that the budget's too big?

LO: Well, I'm just saying, we typically spend about \$15,000, this year it's \$25,000. And I don't mean to be...I don't mean to be, uh...(unintelligible) about this, but you know the answer is well we've got more time to spend more money...and I don't mean that uh...I mean it's true, we have more time so we can make more things to do, we can make more communications, but you know if we started in January we could spend \$100,000...and give everybody you know....three to four million...

- SL: So we can certainly pare down the list to match any budget that you set. So if \$25,000 seems...is too much of an increase then...or too much...we can go back, relook at it, make it basically be exactly what we did before.
- LO: So forget about the dollars...I don't want to be penny wise and pound foolish about it... but if you looked at the hits, what information are you getting out, and how...and you've got, I mean I don't know what that is, but if you've got 1 million and you've got three stuffers in The Oregonian, one stuffer in the Times, two stuffers in the newsletter...I mean I'm just saying do you really need that other 5,000 or 6,000 to mail...do you really get substantial benefit, and if the answer is yeah, people don't read stuff anyway, sometimes they gotta get it five or six times before they see it, why does Fry's send out their ad in the Sunday paper every week...just asking the question...if everyone else is just fine with it then....
- PH: Well, our broad strategy was start early, and starting early means getting more information out, so if uh, we....
- ET: So, when would you start doing what?
- PH: We would have information in the August newsletter....
- ET: OK.
- PH: So, August 1...and uh...
- LO: And the cost of that is approximately a couple thousand bucks...
- CC: (in background) uh-huh....
- PH: Well, I would say...we have to look at that...cause there's printing numbers, there's insertion numbers...and there's design numbers...so, you know the very first thing we do, of course, is the spendy one, because you design it up once, you get to use it five times, you've only designed it once, unless you have five separate concepts, which we aren't talking about doing that....
- SL: No...we're just going to do one design concept....
- LO: So...in terms of making any more decisions, you put it in the newsletter twice...
- PH: We should make that call up front...and there are you know, you can insert a document and fold it into the newsletter and you can print it into additional pages and embed it in the newsletter and we have a combination of those two approaches.
- ET: Is that what you're talking about in terms of direct mail?
- PH: The direct mail was for a postcard, um, I shouldn't say a postcard, it's like an

11x17" piece of paper....

ET: Yeah, like we did last time...

PH: Right...yeah, so we talked about two of those this time...

ET: In addition to being in the City newsletter how many times?

PH: Uh...three, September, October....August, September, October...

LO: How many newspaper stuffers?

PH: Five...six, right...I think to get at \$25,000 we were just talking about dropping it to five as opposed to six, but currently it is six of twenty-six...

ET: That's a lot...

LO: That's what I'm thinking....I mean...

ET: I mean that's a lot, because really, each....the newsletter thing can't be...have a much different list than direct mail....

LO: And there will be some additional coverage...

ET: I mean...we mail the City newsletter to every household in Tualatin...

PH: Right...of course the whole theory is people don't see....

ET: Well, I know, I know what the theory is....but I'm just counting noses here....and so we're at what...six...?

LO: Eight...

ET: Eight?

LO: Nine...oh, we got five and three....five newspapers...and three newsletters....if we didn't do any direct mail...that's eight...direct mail's nine

ET: You do that twice, that's ten...

PH: You're looking at total exposures. There's also some project locator signs. They're just....sort of this is what it is....

ET: Well I'm looking....I'm looking at mail exposures and you're dividing these up into categories and it finally dawned on me that at the core of them they're all direct mail pieces. It doesn't matter if we direct mail 'em or if they go out in the City newsletter, they're all direct mail pieces....

PH: Right....

ET: And they go largely to the same list of people....

SL Yes...

ET: And so I'm sitting here counting...I mean, oh my goodness...you know, ten direct pieces is a lot...

JH: If they contain the same information...

ET: Well, they'd have to because we already talked about the fact that they're all gonna have the same design element...

PH: The cards and the flyers are a little different....

LO: Bob, you're on....

BB: OK, I would, uh, be in favor of going back and revisiting this, cause I remember the \$15,000 number from the last time. And I remember being back at one of the Back to School nights, and handing these things out....got it, got it... you know it's like every parent you saw...yep, got it, got it, have it...yep, know all about it...I mean it was like, it was already there so I mean, it's like, you know you get to a certain point of diminishing returns, and maybe, and maybe it's not \$15 maybe it's \$17? But I think you do \$25, and you know you're just filling the recycling bins then...so I would be...you know something...I don't know what that number is...but maybe just take a look at it and see...because it seems like whatever we did the last time...the library...when we handed those things out. Cause I remember at the school, I was just amazed at how many people already knew about it...which was...which was a good thing....

CB: I was just going to propose, what if we just said \$18,500 and then let staff go figure out how to spend \$18,500, because if we wait 'til next meeting we're getting that much further behind...I'd be...I'd propose we just give them a number....

BB: Well, let's tell them up to \$18,500..

LO: Another approach would be...to say do what you did last time, adjusted for inflation and growth...

PH: And I'm gonna to guess that's gonna be....Carina's done all the numbers this time, so I'm thinking it's in the \$17,000 range....

CC: I would agree...

ET: I would too...here we go....here we go....

BB: Alright...put that book to bed ...

LO: And I commend you for making this stab, because we got the time, we're gonna utilize it...we're all good with that?

BB: I thought it was great last time.....

PH: And we've done it like four times now...

BB: Yep....yep....the Back to School nights and stuff...you get so many people with that...

PH: We may even be forwarding that through....probably Sherilyn, before the next meeting, um, because there's a couple of early dates if we're ready...ready to go early...

SL: We'll start shooting that out as soon as we have everything...

LO: So I think you know our intent ...in fact I think we'd be comfortable saying do what you did last time in terms of the activity...

PH: Yeah..

LO: Increases for inflation....increases for growth in terms of number of houses and businesses, and you know, not to exceed \$20,000 and go do it, but I expect it to be less than that....anyway, you don't have to come back to us for approval...is that fair?

PH: Yeah...

SL: Perfect...

LO: So I expect it to be less than \$20, but I don't want to give you a number you're going to be strangled with...

PH: That'll work....

DM: Are we going to get to see the piece before you mail it?

PH: Yeah, we'll mail it to you...

(Group laughter)

PH: No , we did not intend to bring it to you before we've printed, we don't have that built into the schedule, so you know, your options can be to tell us you're not happy with that, I wanna proof it, the individual words, and if that's the case...

BB: Can you e-mail us the proofs?

DM: Yeah, I'd like to see it...

BB: Are you e-mailing the proofs back to the printer?

ET: We don't have to have a meeting, but I'd like to see it before it prints...

DM: Yeah....uh-huh

BB: Just e-mail us the proofs....

PH: And the turnaround is gonna have to be in about a day...which we can

ET: Well, that's fine...

BB: And if you don't hear from us full speed ahead...

CB: We did that on the park one....if you remember there was one....you told us you have until tomorrow at 10:00....to comment...and if not, we're assuming you are fine...

BB: Yeah....that's right....

LO: We have extra time this time....

PH: We need to get this off for the August newsletter....

JH: My wife had 8,000 mailers....

DM: August is still early...

ET: You could give up the August newsletter....

PH: There are people chomping on this one already...I think it's a good idea to get it out early...

LO: Absolutely...cause everybody's talking about it...not to belabor the point...but what we did last time, I thought was enough, but spreading it out....you don't want to spread it out too much cause it will spread us too thin...but if you get us comfortable up front...

PH: Right, right...so the newsletter was going to be the early lead...so Brenda has a few comments on prohibited and allowable activities for elected officials....

BBR: And since we're down to a really short time, I can make it very, very short....council can advocate from the dais...or oppose from the dais...staff has to be impartial and unbiased....provide factual and impartial information, and you can't ask them to do anything on city time or with city money....uh, or

materials...we can put things on the agenda, but we can't do the work for you....that's the short version...the handouts are from the Secretary of State, if you have questions about it...

SL: So, Chris and I were having a conversation about urban/rural reserves...(conversation moves to next item on the agenda)

End



TUALATIN CITY COUNCIL MINUTES OF JULY 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Bob Boryska, Jay Harris, 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; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

ABSENT: Councilor Monique Beikman* [* denotes excused]

Mayor Ogden called the meeting to order at 7:04 p.m.

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

A. CALL TO ORDER

Councilor Barhyte led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Graffiti Apology – Eduardo Pliego-Ramirez*

Eduardo Pliego-Ramirez was present to give an apology for possession of graffiti instruments. Mayor Ogden said there is concern about graffiti in Tualatin and asked Mr. Pliego-Ramirez' help in discouraging graffiti to his friends.

2. *Tualatin Youth Advisory Council Update*

Representatives from the Youth Advisory Council were present and gave a brief update on upcoming events, and on new membership in the coming school year. It was also noted that the City's Teen Coordinator Ryan Dinneen is leaving the City for other employment and will be missed. Mayor Ogden commended the group for being active during the summer months.

3. *Swearing-In of New Reserve Police Officers – Kendall Heinrich, Evelena Powlison & Bret Rudolph*

Chief Barker introduced and swore-in the new reserve officers and gave a brief background on each.

4. *Library Project Update*

Library Manager Darrel Condra presented a brief PowerPoint on the recent opening of the newly remodeled library, and the construction progression of the library. There are new library hours and the grand opening is scheduled in August.

Mayor Ogden thanked staff for all the hard work that has been done on getting the remodeled library up and going. Mayor Ogden also thanked Mr. Condra for his work and noted his upcoming retirement.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

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

1. Approval of the Minutes for the Meeting of April 28, 2008 and May 27, 2008
2. Citizen Involvement Committee Appointments
3. Approval of Change of Ownership Liquor License Application for La Barca Guerrero
4. Resolution No. 4809-08 Accepting Deed of Dedication and Easements Associated With the SW Herman Road Improvement Project (Walgraeve Property)
5. Resolution No. 4810-08 Accepting Applications for Bancroft Bonding Connection Fees and Authorizing the City Recorder to Enter Certain Real Properties Within the City of Tualatin on SW Killarney Lane Onto the City of Tualatin Lien Docket
6. Resolution No. 4811-08 Accepting Public Improvements for a New Domestic Water Service Connection at 19745 SW 65th Avenue
7. Resolution No. 4812-08 Accepting Public Improvements for a Replacement Driveway at 20740 SW 90th Avenue
8. Resolution No. 4813-08 Accepting Public Improvements for American Classic Deck and Fence

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. An Ordinance Relating to Floodplain Management; Amending Floodplain District Definitions and Provisions; and Amending TDC 70.020, 70.030-70.040, 70.160 and 70.180 (PTA-08-02)
-

Mayor Ogden opened the public hearing.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The proposal was initiated by the City's Engineering Division, and is related to Development Code Floodplain District, for some changes that are consistent with the floodplain management of Federal Emergency Management Agency (FEMA), the Flood Insurance Administration (FIA), and the National Flood Insurance program. It is recommended for Tualatin's continued part in the floodplain program. It is not a change to the existing floodplain map and not a change to flood protection process or standards. It was noted that Council made a change during the work session discussion regarding a minor change in the draft ordinance, Section 5, subsection 4, regarding recreational vehicles. The Tualatin Planning Advisory Committee (TPAC) recommended Council approve PTA-08-02.

Staff recommends Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-02 based on the draft ordinance in Attachment A of the staff report.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Harris, to accept the staff report and direct staff to prepare an ordinance granting PTA-08-02 based on the draft ordinance in Attachment A of the staff report, and to include the minor change made by Council. MOTION CARRIED. [Vote: 6-0; Beikman absent]

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Conditional Use Permit for Building Materials and Supplies, Warehousing and Wholesaling, and Home Improvement Materials and Supplies Retail; TDC Section 61.030(1) (CUP-08-02)
-

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. He gave a brief background on the proposal which is a request for a conditional use permit (CUP) to allow the warehousing and wholesale distribution of building materials and retail sales of home improvement materials and supplies in the General Manufacturing (MG) Planning District at 10700 SW Tualatin-Sherwood Road.

Staff recommends Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-08-02.

PROPOSERS

Theresa Paulson, project planner for Group Mackenzie, representing the applicant noted their project team members were present and would be available if Council has any questions.

OPPONENTS – None.

COUNCIL DISCUSSION

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to accept the staff report and direct staff to prepare a resolution granting CUP-08-02. MOTION CARRIED. [Vote: 6-0; Beikman absent]

G. GENERAL BUSINESS**1. Fiscal Year 2007/08 Tualatin Tomorrow Vision Implementation Committee Annual Report**

Frank Bubenik and Candice Kelly, co-chairs of the Tualatin Tomorrow Committee presented the first annual report of the Tualatin Tomorrow Visioning Committee.

A brief PowerPoint presentation on the background of the "Tualatin Tomorrow" project progress to date was viewed, and the purpose of the "Vision Action Committee". A reminder that it is a 30-year plan and not all can happen in the next few years. The City is already implementing many of the recommendations that were made, and will be implementing more in the coming years.

Mayor Ogden thanked all that have participated and particularly co-chairs Frank Bubenik and Candice Kelly, for all the work that has been done on Tualatin Tomorrow visioning.

MOTION by Councilor Truax, **SECONDED** by Councilor Boryska to accept the Tualatin Tomorrow Visioning Committee Annual Report as presented. MOTION CARRIED.

2. Ordinance No. 1264-08 Relating to Rental Housing Maintenance Standards; Establishing a Rental Unit Maintenance Fee; Adding a New Chapter 6-13 to the Tualatin Municipal Code and Providing an Effective Date
[CONTINUED from June 23, 2008]

Mayor Ogden noted this matter was first heard at the June 23, 2008 Council meeting and was continued to this date to incorporate changes that were suggested by the Council. Mayor Ogden reopened the hearing for discussion.

City Attorney Braden briefly reviewed the specific changes to the proposed ordinance that were made from the last meeting.

Mayor Ogden asked if anyone wished to speak on the issue.

Katie Bailey, SW Seminole Trail, Tualatin, OR, expressed her concern about the proposed ordinance language and off-street parking. Ms. Bailey said she has spent time measuring many cul-de-sacs in Tualatin and Seminole Trail is the smallest. Ms. Bailey mentioned many subdivisions in Tualatin have Covenants, Conditions and Restrictions (CC&Rs), and older neighborhoods either do not have any or they are outdated. Ms. Bailey suggested the Rogers Park Subdivision CC&Rs language be used. Ms. Bailey asked Council to take the opportunity to ensure livability and safety of streets across the City, and adopt the Rogers Park Subdivision CC&R language.

Four amendments to the rental housing maintenance ordinance were proposed by Councilor Barhyte and reviewed with Council. Changes or additions were proposed for Sections 6-13-040(8), 6-13-040(10)(b), 6-13-040(10)(c) and 6-13-040(10)(e).

Council reviewed the ordinance and proposed amendments. It was suggested that Section 5, subsection 9 language be removed, and replaced with a reference directed to the appropriate section of the Tualatin Development Code dealing with parking. It was also suggested to add some type of language addressing insect and/or rodent control.

Katie Bailey, SW Seminole Trail, Tualatin, OR, spoke again and said sufficient off-street parking IS a safety issue. She also does not believe the conversion of a garage for the purpose of adding more square footage should be allowed. Ms. Bailey reiterated her concern of safe on-street parking and sufficient off-street parking. Older subdivisions deserve as much safety as newer subdivisions.

It was asked if the option of permit parking has been explored by residents on Seminole Trail. Ms. Bailey said it may come to that, but she believes that by allowing the garage conversion, the City created the problem.

Mayor Ogden closed the hearing.

COUNCIL DELIBERATIONS

Mayor Ogden said his hope is to be able to move forward and get an ordinance passed at this meeting. He reiterated the issues that have been raised at this meeting and prior discussions, such as vector control, garage conversions, off-street parking, occupancy rates, and density of rentals within a defined area that remain to be addressed.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the ordinance as written and amended with changes as discussed to Sections 6-13-040(8), 6-13-040(10)(e), 6-13-040(10)(b) and 6-13-040(10)(c) of the ordinance. MOTION CARRIED. [Vote: 6-0; Beikman absent]

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux noted she attended a great show at the Broadway Rose Theatre, a local professional summer theater company, and is looking forward to seeing more shows.

Councilor Harris reported on the Washington County Consolidated Communications Agency (WCCCA) and said WCCCA is proposing a district be formed with Portland and Washington's Clark County to enhance WCCCA's size. He will report as more information becomes available.

K. ADJOURNMENT

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adjourn the meeting at 9:36 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 13, 2008

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

ABSENT: None

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:01 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Fence Standards – Phase II Review

Assistant Planner Cindy Hahn began with a PowerPoint presentation. When the initial fence standards ordinance was passed in July of 2007 there were additional policy questions raised regarding requiring fences along freeway frontages, requiring more stringent vision clearance standards, and whether properties in the Low-Density Residential (RL) and Medium Low Density (RML) Planning Districts be required to meet the minimum requirements of the Fence Standards.

Staff reviewed with Council several policy considerations to Council's satisfaction, such as fencing along I-205 and I-5, vision clearance and area provisions, local and collector streets, vertical height restriction, stop sign rules and discussion points, and minimum material standards and the application of those fence standards. An example of the City of Milwaukie's clear vision areas and fence heights were also reviewed by staff.

Discussion followed on the what was discussed when the initial ordinance was passed in 2007, what the current standard requirements are and what can be done to address how the community will look in the future

Council discussed having staff bring examples of treatments that have been done in other cities, and the aesthetics of both directions. Also discussed were sound walls.

Safety concerns were discussed and Councilor Harris said he wants to be sure the City's current Tualatin Development Code (TDC) meets site distance standards. Councilor Truax said it appears we are looking for a solution to a problem we do not have; there is already somewhat of a process in place. Mayor Ogden said he cannot make that decision from what has been presented tonight. Councilor Truax said there does not appear to be huge issues of site distance problems, etc, and with a complaint-driven process, the system we have in place seems to work satisfactorily, particularly with the City's Community Service Officer (CSO) on board. Councilor Barhyte agreed with Councilor Truax. Councilor Harris suggested going back through the standards again, and make sure the vision clearance is adequate for safety, particularly at intersections.

City Manager Lombos said staff will make sure of all the legal aspects, and that the TDC meets safety standards, etc. and will bring back to Council at a future meeting.

Discussion continued regarding fence standards and material requirements. Ms. Hahn explained what and how a fence would have to be placed and constructed, and whether it would be masonry or some other material. Different fence styles were discussed and whether to apply design standards along frontage. Costs of fencing and having minimum materials standards was also discussed.

Councilor Maddux said she is somewhat uncomfortable regulating at the city level what is an aesthetic choice of the homeowner. Other Councilors said in response to how much it would apply to, could conceivably be a lot. Councilor Barhyte said he does not have a problem with regulating the aesthetic of the wall along an arterial street. Staff said there is enough built in the requirements now to how the fence is supposed to look and would look similar.

City Manager Lombos summarized that there appears to be consensus to not apply standards to single homes in relation to aesthetics. Councilor Maddux said if a homeowner has a fence however, it should be maintained. City Manager Lombos said the City's Development Code already addresses that issue. The question is whether Council wants to get into requiring minimum material standards. City Manager Lombos asked if there was interest by the Council of ramping up the Development Code to require a minimum standard. All Council present said no.

2. *80% Density Rule Discussion*

Community Development Director Doug Rux and Assistant Planner Colin Cortes presented information that Metro's requirement has been lifted on new residential development build that is at least 80% of the maximum number of dwelling units per acre permissible in a residential planning district. Staff is proposing to change the Development Code to reflect that. The City will still be held to the overall density target.

Brief discussion followed. Councilor Maddux asked and Mr. Rux replied that the consequences of rescinding the requirement and what could happen to future funding, are unknown at this point. Some other surrounding have not rescinded the 80% rule. However, Mr. Rux said in his opinion there is no reason not to lift this requirement. All Council present agreed.

3. *Code Enforcement Policy Discussion*

Police Chief Kent Barker presented a PowerPoint update on code enforcement activities, the approach currently taken by staff, and if changes should be made to that approach. Chief Barker introduced Community Services Officer (CSO) Crystal Reynolds and said she has been on board for a year now. The goal for the CSO is to enforce city codes, enhance the livability of the community, strive for voluntary compliance, and also to assist and handle police calls that do not require a sworn officer. Prior to 2008, some code enforcement was done in various City departments, with no specific department that managed complaints. Generally enforcement was "complaint driven". Since the CSO started, there has been over 500 self-initiated calls (separate from Police calls for service).

Chief Barker said the challenges the CSO faces is whether to focus on a particular complaint or be more broad-based, an example being if the CSO responds to an abandoned vehicle complaint and sees other violations while there. PowerPoint photos of various violations throughout the City were displayed and several examples were reviewed of a complaint-driven response and finding other minor violations while responding. Chief Barker said the question is whether the Council is satisfied with the current direction the CSO is taking or to modify.

Council discussed clarification on how enforcement of complaints is currently being done. Further discussion was held on dealing with complaint-driven issues and then proactively addressing other violations. Chief Barker said that is the direction staff would like to proceed with, but have pulled back some on the proactive side to see what types of complaints are actually coming in. The goal is to always get *voluntary* compliance and the CSO has only written five complaints.

Councilor Barhyte questioned the issue of how far to go with self-initiated versus complaint driven, and whether some of the *minor* violations should be addressed differently. Councilor Boryska said he is not sure how best to answer that, but rather to use some common sense.

Councilor Maddux said she agrees, but she does not want to put the CSO in a position of when and how to address minor violations. Councilor Maddux said she would be happy to be part of a work group to clean up areas and address housekeeping issues in the Code and review on a regular basis.

Mayor Ogden said these ordinances were created in the first place because there was a specific problem, and suggested the response be complaint-driven, however address the issue when there are obvious, blatant violations. Being consistent was also mentioned.

City Manager Lombos acknowledged Council's direction, however asked that Council briefly review the issue of signs in the rights-of-way, and whether to address as complaint-driven only. Ms. Lombos said the current Code does not allow for any signs in the rights-of-way, and noted the City cannot enforce based on content.

Political signage was discussed and it was asked and answered about regulation of signage in general and what is allowed. Discussion followed on the various types of signs that are displayed throughout the City and where to draw the line. City Manager Lombos said while the City cannot regulate content, it would be cleaner to not allow any signs in the rights-of-way.

Discussion followed and agreement by all Council present for staff to continue the enforcement of signs and what is currently done. Also, as the CSO comes across areas in the Code that should be modified to pass on to staff.

4. *Entertainment Ordinances Discussion*

City Attorney Brenda Braden presented information on proposed ordinances and that she raised this issue at various legal venues. Oregon is the only state in the union that allows obscenity as free speech. Ms. Braden said there is no authority to regulate an alcohol-free zone. The State makes the decision and she found no ability for the City to override. Ms. Braden mentioned how Portland is addressing the issue. Another proposed ordinance is on prohibiting patrons from paying entertainers directly. Ms. Braden said it would have to be defined, and there are not any cases on point on this. Ms. Braden said there is not much that can be done, and the City would have to come up with Findings to uphold.

Discussion followed. Councilor Maddux said her opinion is the City is in a losing posture and only inviting litigation, and it would be best to work with our local legislators and get a legislative referral. Ms. Braden said there is nothing that has been changed in these types of ordinances since 1987. She has spoken with many attorneys in surrounding cities and received basically the same opinion.

Mayor Ogden said he was doubtful the legislature would take up this issue as it has been before voters a number of times and has not passed. Councilor Beikman said she has formed a community group to do what it takes to get the legislature to address. The Council said the discussion is not over, only for now.

C. CITIZEN COMMENTS

City Manager Lombos said staff has transcribed verbatim portions of the June 23, 2008 work session and meeting minutes, and of the July 14, 2008 work session minutes to be added to the Consent Agenda. Mayor Ogden suggested the June 23, 2008 and July 14, 2008 minutes be removed from the agenda in their entirety and be placed on the next Council agenda.

D. CONSENT AGENDA

None.

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 6:59 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MINUTES OF OCTOBER 13, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Kent Barker, Police Chief; Dan Boss, Operations Director; and Maureen Smith, Recording Secretary

ABSENT: None.

Mayor Ogden called the meeting to order at 7:05 p.m.

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

A. CALL TO ORDER

Councilor Maddux led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Swearing-in of New Police Officer*

Chief Kent Barker gave a brief background and swore-in new Police Officer Tony Villa.

2. *Introduction of New Employees*

City Manager Sherilyn Lombos introduced and gave a brief background on new Library Manager Abigail Elder.

3. *Volunteer Update*

Volunteer Coordinator Victoria Eggleston gave a PowerPoint presentation. The second annual barbecue to honor the City's volunteers was recently held. Over 200 volunteers attended, along with 40 guests, and 15 staff. Ms. Eggleston also recognized the vendors that donated goods to the volunteer barbecue. Ms. Eggleston also mentioned that every business she has talked with wanted to assist the City of Tualatin and recognized the importance of volunteers. If anyone would like to make a difference and get involved, visit the City's website at www.ci.tualatin.or.us.

Mayor Ogden noted the City's astounding volunteer program, how much the community gives of their time, and the amount of volunteer hours logged last year which was the equivalence of 18 full-time positions.

4. *Giant Pumpkin Regatta Preview*

Parks and Recreation Coordinator Carl Switzer gave a brief PowerPoint presentation on the 5th Annual West Coast Giant Pumpkin Regatta. It is a community-wide event and all are invited to attend on Saturday, October 25, 2008 from 10:00 a.m. to 2:00 p.m., rain or shine, at the Lake at Tualatin Commons. Over 2,500 people attended last year and there will be lots to do. The Tualatin Youth Advisory Committee has a

big hand in putting on this event, and this year there will be a "medallion" event. The City has also received national attention on the event.

5. *Presentation of Certificate of Achievement for Excellence in Financial Reporting*
Finance Director Don Hudson and Sapphire Chen, Financial Operations Supervisor, were present and noted it is the 16th year in a row the City has been awarded the Certificate of Achievement in Financial Reporting, which is given by the Government Finance Officers Association (GFOA) to recognize excellence in the City's financial reporting. Many categories are looked at and a lot of work goes into the report. Mr. Hudson acknowledged Supervisor Sapphire Chen's work the past year in stepping up to the plate during a portion of the year there was not a full-time finance director on board, and said he is fortunate to have an outstanding staff.
6. *Tualatin Youth Advisory Committee Presentation*
Members of the Youth Advisory Committee (YAC) were present and gave an update on recent activities. A Tualatin youth summit was held on October 5th, and was an opportunity to learn about concerns that youth have in Tualatin. It was a great event and they will make a formal presentation to Council in November. Other upcoming events include the Haunted House, and the Giant Pumpkin Regatta.
7. *Road Closure Update – City Engineer Mike McKillip*
City Engineer McKillip said additional TriMet Commuter Rail construction work needs to be done to adjust the tracks at Tualatin Road, near Community Park, and will be closed from the evening of October 24 through the weekend, reopening at 5:00 a.m. Monday, October 27. If it is able to open sooner it will be. Detour signs will be going up any day.
8. *Tualatin Heritage Center Patio Project Update – Tualatin Historical Society*
Norman Parker,

Members of the Tualatin Historical Society and Heritage Center staff were present and gave a brief background and PowerPoint presentation on the Heritage Center project over the years. It has been successful and approximately 25,000 people have come through the doors since opening a little over two years ago. The patio project was the recently finished and it was done with all private funding.

C. CITIZEN COMMENTS

Michael Hulsman, 22395 SW Chilkat Terrace, Tualatin, OR, distributed information on nuisance activities in his neighborhood, and asked for Council to allow a fence he has placed that is located in the right-of-way, and ask to leave it there. Mr. Hulsman said the fence has deterred a lot of trespassing, however he realizes that the fence may have to be removed when development occurs.

Mayor Ogden said there obviously is a problem in that area, and the easement does not provide a transportation link. He, and don't know how to make it happen, but said there has to be a way to make it happen. Lombos said could be a revocable permit, or similar, but staff can make it happen.

D. CONSENT CALENDAR

The minutes for the meetings of June 23, 2008 and July 14, 2008 were removed by Council to be amended and brought back at a later meeting. MOTION by Councilor Harris SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Meetings of September 8, 2008 and September 22, 2008
[June 23, 2008 and July 14, 2008 minutes removed from agenda]

2. Approval of Change of Ownership Liquor License Application for Tualatin Gas & Food Services
3. Resolution No. 4832-08 Authorizing Merchant Services Agreement with West Coast Merchant Services
4. Resolution No. 4833-08 Accepting Public Improvements for Construction of the Tualatin Heritage Center Phase 2 Patio Improvements
5. Resolution No. 4834-08 Accepting Public Improvements for Haulaway Storage Containers
6. Resolution No. 4835-08 Authorizing the City Manager to Negotiate and Execute a Concession Agreement for Espresso Bar and Vending Services at the Tualatin Public Library
7. Resolution No. 4836-08 Approving an Intergovernmental Agreement with Metro for the 2006 Natural Areas Bond Measure Local Share Component

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

1. Plan Text Amendment Rescinding Requirements for Eighty Percent Residential Minimum Built Density (PTA-08-05)

Mayor Ogden opened the public hearing.

Community Development Director Doug Rux requested the hearing be continued to October 27, 2008.

MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to continue the hearing to October 27, 2008. MOTION CARRIED.

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Conditional Use Permit for Water Reservoirs and Wireless Communication Facility (WCF) at 8930 SW Norwood Road (CUP-08-04)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte contact noted by Council.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. Mr. Cortes gave a brief background on the conditional use permit (CUP) request. The property is approximately 1.5 acres at 8930 SW Norwood Road. The request is whether the Council approves the City's existing water reservoirs and wireless communication facility (WCF), i.e. cell tower, in an Institutional Planning (IP) District that was annexed into the City in July 2008. A "water reservoir" and a "wireless communication facility" are conditional uses per the Tualatin Development Code. This application is brought to Council as a pro forma measure, basically to acknowledge the cell tower and water reservoirs, and co-location to occur.

Staff recommends that Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-08-04.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

It was asked why a conditional use permit had to be done for this and Mr. Cortes said if the tower is being modified, in order to do that this application is required to be done.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Truax, SECONDED by Councilor Maddux to accept the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-08-04. MOTION CARRIED.

G. GENERAL BUSINESS

This item was heard first under *General Business*.

2. Ordinance No. 1270-08 Renaming SW Ottawa Street, SW Warm Springs Street, SW Tonka Street, SW 119th Avenue, an Unnamed Street, Quarry Access Road, and Portions of SW Leveton Drive, SW 118th Avenue and SW 124th Avenue

MOTION by Councilor Truax, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. The poll was unanimous. MOTION CARRIED.
MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the agenda as presented. MOTION CARRIED.

1. Resolution No. 4837-08 Adopting Service Levels and Rescinding Resolution No. 4825-08

Operations Director Dan Boss and Program Coordinator Kathy Kaatz presented information on the roll cart program. Part of implementing the roll cart program is to meet recycling goals consistent with other recycling programs within Washington County and regionally. The benefits of adding the roll cart would be the material is kept dry, customer convenience, and surveys conducted by other cities have shown satisfaction in the program. The City of Portland also received satisfaction in a recent customer survey. The action asked by Council tonight was discussed in August. Ms. Kaatz gave the alternatives that Council could adopt.

It was noted a letter was sent out a few week ago from Allied regarding the proposed rate increase. The letter did not give much information about the program itself and was suggested in the future it would be helpful if more information is provided. Mr. Boss said he was surprised by the letter also. It was sent without the City's review, and staff will be working with Allied to thoroughly review any future information and apologized for how the letter was written.

Councilor Maddux said she had asked for this to be taken off the agenda at the last meeting, and has since talked to many of her neighbors regarding the proposed program and rate increase. The resounding response was not to increase at this time; it would be an additional \$25/year and she cannot support it.

Councilor Beikman said in speaking with her neighbors she did not receive a resounding no about the proposed program. By having a larger can, customers may be able to increase their recycling, which could possibly mean going to a smaller gallon garbage can, and it is an easier way to recycle. Councilor Boryska agreed with Councilor Beikman. In trying to improve our sustainable environment, recycling goes hand in hand.

It was asked about the sizes of cans that are available.

Frank Lonergan, Allied Waste, 10295 SW Ritter Road, Wilsonville, OR said there are sizes ranging from 20 gallon up to 90 gallon cans, and mostly 35 gallon cans are used in Tualatin. It was asked if it is realistic to be able to go from a 35 gallon can to a 20 gallon. Mr. Lonergan said it would mostly likely be a 65 gallon can could reduce to a 40 gallon. There is a measurable opportunity to save money, and it was suggested if the proposal is adopted, to find ways to present opportunities to customers to be able to decrease their garbage bill. A promotional could be done not only that this is in support of environmental concerns, but could also address the financial concern.

Discussion followed. The proposed \$2.00 increase would be for capital costs. It may also be possible to see a rate decrease or efficiencies with the program. Mr. Boss noted that there has actually been rate "decreases" in the past. It was asked and answered that the rate increase would put Tualatin in the middle with other communities.

MOTION by Councilor Truax, **SECONDED** by Councilor Boryska to adopt the attached resolution approving a change in solid waste and recycling service levels set forth in Schedule A, by implementing a weekly residential roll-cart recycling service. **MOTION CARRIED.** [Vote: 5-2; YES: Ogden, Beikman, Boryska, Harris, Truax; NO – Barhyte, Maddux]

Councilor Maddux made mention again of the letter sent by Allied to customers containing misleading information. Brief discussion followed. Mayor Ogden said that any further information should not necessarily be on Allied letterhead, as it is the City's responsibility to communicate to our citizens about information such as this, not Allied.

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

*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.*

Councilor Beikman noted a public meeting will be held by Communities Helping All Neighbors Gain Empowerment (CHANGE), a citizen group in opposition of the proposed Stars Cabaret opening. It is being held at Rivergrove Elementary School, October 22, 2008 at 7:00 p.m.

K. ADJOURNMENT

MOTION by Councilor Boryska, SECONDED by Councilor Harris to adjourn the meeting at 8:37 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

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



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 10/27/2008
Recording Secretary G. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Debra Senger, Administration 

DATE: October 27, 2008

SUBJECT: Citizen Involvement Committee Appointments

ISSUE BEFORE THE COUNCIL:

Appointments to Citizen Involvement Committees and Boards.

RECOMMENDATION:

Approve the Citizen Involvement Committee recommendation and appoint the below listed individual.

EXECUTIVE SUMMARY:

On June 26, 2008, the Citizen Involvement Committee met and interviewed citizens interested in participating on City Committees and Boards. Ms. Demmon requested to delay her appointment until she had the opportunity to attend a Arts Advisory Committee meeting. She has now attended meetings and wishes to be formally appointed.

Individual
Patrice Demmon

Committee/Board
Arts Advisory Committee

Term
Partial Term ending 3/31/11

FINANCIAL IMPLICATIONS:

Not applicable.



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Brenda Braden, City Attorney *BB*

DATE: October 27, 2008

SUBJECT: A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (CUP 08-04).

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution that would grant a conditional use permit for to allow water reservoirs and a wireless communication facility (WCF) at 8030 SW Norwood Road, described as Tax Map 2S1 35D, Tax Lot 107.

RECOMMENDATION:

Staff recommends that the City Council approve the resolution granting CUP-08-04.

EXECUTIVE SUMMARY:

On October 13, 2008, the City Council held a quasi-judicial public hearing (CUP-08-04) to decide whether to grant a conditional use permit to allow water reservoirs and a wireless communication facility in the Institutional Planning District (IN) at 8930 SW Norwood Road. At the conclusion of the public hearing, the Council approved the Staff Report [Vote 7-0] with all members present, and directed Staff to bring back a resolution granting CUP-08-04.

FINANCIAL IMPLICATIONS:

Revenue for Conditional Use Permits has been budgeted for Fiscal Year 08/09.

PUBLIC INVOLVEMENT:

Engineering and Operations staff conducted a Neighborhood/Developer meeting at Horizon Community Church at 23370 SW Boones Ferry Road on February 4, 2008, to explain the pump station upgrade and WCF co-location to neighboring property owners

STAFF REPORT: CUP-08-04

October 27, 2008

Page 2 of 2

and to receive comments. No members of the public or nearby property owners attended the meeting.

Attachments:

A. Resolution

B. Exhibit A – Affidavit of Mailing

C. Exhibit B – Affidavit of Posting

D. Exhibit C – Staff Report dated October 13, 2008

RESOLUTION NO. 4838-08

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (CUP 08-04).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on October 13, 2008, upon the application of the City's Operations Department, to approve a Conditional Use Permit for water reservoirs and a wireless communication facility (WCF) in the Institutional (IN) Planning District at 8930 SW Norwood Road, described as Tax Map 2S135D, Tax Lot 107, Washington County, Oregon, and further described in the Staff Report dated October 13, 2008, and attached as "Exhibit C;" and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 7-0] with all council members present; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report dated October 13, 2008, marked "Exhibit C," attached and incorporated by this reference; and

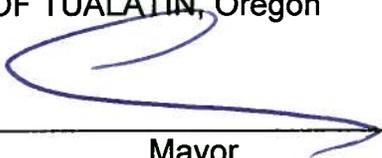
WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

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

Section 1. The City of Tualatin Operations Department is granted a Conditional Use Permit for water reservoirs and a wireless communication facility (WCF) in the Institutional (IN) Planning District at 8930 SW Norwood Road.

INTRODUCED AND ADOPTED this 27th day of October, 2008.

CITY OF TUALATIN, Oregon

By  _____
Mayor

ATTEST:

By  _____
City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

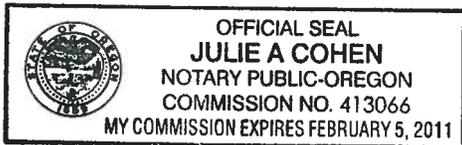
I, Stacy Crawford, being first duly sworn, depose and say:

That on the 16th day of September, 2008, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Proposed Conditional Use Permit Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 17th day of Sept., 2008.

Julie A. Cohen
Notary Public for Oregon
My commission expires: 2-5-11



RE: CUP-08-04—CONDITIONAL USE PERMIT TO ALLOW FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (TAX MAP 2S135D, TAX LOT 107)

EXHIBIT A



THE OREGONIAN
1675 SW MARLOW AVE, STE 325
PORTLAND, OR 97225-5136

LIBRARY

TUALATIN TIMES
PO BOX 22109
PORTLAND OR 97269

CITY ATTORNEY
BRENDA BRADEN

COMMUNITY SERVICES
PAUL HENNON

OPERATIONS

COUNCILORS (7)

PHIL HEALY
LAND DEVELOPMENT DIVISION
DEPT OF LAND USE & TRANS.
155 N FIRST SUTE 350
HILLSBORO OR 97124

MARYANN ESCRIVA
TIGARD/TUALATIN SCHOOL DIST.
6960 SW SANDBURG ST
TIGARD OR 97223-8039

ODOT REGION 1
ATTN: DEV REVIEW PLANNING
123 NW FLANDERS ST
PORTLAND OR 97209-4037

ODOT DISTRICT 2A
ATTN: SAM HUNAIDI
ASSISTANT MANAGER
6000 SW RAAB RD
PORTLAND OR 97221

RALPH REISBECK
PGE SERVICE & DESIGN
9480 SW BOECKMAN RD
WILONVILLE OR 97070

METRO GROWTH MGMT
COMMUNITY DEVELOPMENT MGR
600 NE GRAND AVENUE
PORTLAND OR 97232-2736

MARK WILCOX
CLEAN WATER SERVICES
155 N FIRST AVE #270
HILLSBORO OR 97124

BEN BALDWIN
TRI-MET
710 NE HOLLADAY ST
PORTLAND OR 97232

CAM GILMOUR, DIRECTOR
TRANSPORTATION & DEVELOPMENT
CLACKAMAS COUNTY
9101 SE SUNNYBROOK BLVD
CLACKAMAS OR 97015

COMCAST CABLE
MELODY MALONE
9605 SW NIMBUS AVE BLDG 12
BEAVERTON OR 97008

JIM EVERITT
TUALATIN VALLEY FIRE & RESCUE
7401 SW WASHO CT #101
TUALATIN OR 97062

HAZELBROOK NEIGHBORHOOD ASSN
ROBERT BOSAK
10605 SW HAZELBROOK ROAD
TUALATIN OR 97062

HEDGES CREEK NEIGHBORHOOD ASSN
DAVE ZIMMERMAN
21685 SW HEDGES DRIVE
TUALATIN OR 97062

TUALATIN ASSN OF NEIGHBORS
GINNI SNODGRASS
9203 SW CREE
TUALATIN OR 97062

DEVELOPMENT COORDINATOR

CITY MANAGER

CITY ENGINEER
MIKE MCKILLIP

ENGINEERING ASSOCIATE

DOUG RUX
COMMUNITY DEV DIRECTOR

JOHN STELZENMUELLER
BUILDING OFFICIAL

Exhibit "A"

2S135D000100
Dorothea Pennington & Paul
Pennington Trustee
9355 SW Stono Drive
Tualatin, OR 97062

2S135D000106
Grace Community Church
Assemblies of God Inc.
PO Box 2690
Tualatin, OR 97062



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at **7:00 p.m., Monday, October 13, 2008**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-08-04—CONDITIONAL USE PERMIT TO ALLOW FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (TAX MAP 2S135D, TAX LOT 107)

In reviewing the conditional use the City Council must find that:

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes, Associate Planner, at (503) 691-3024. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

file: CUP-08-04

Mailed: 9/15/08

AFFIDAVIT OF POSTING

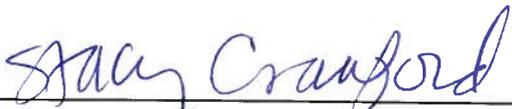
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 16th day of September, 2008, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

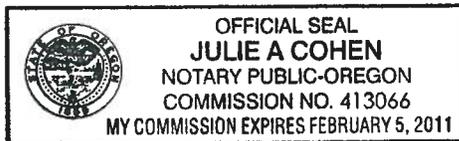
1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 16th day of September, 2008.



Stacy Crawford

Subscribed and sworn to before me this 17th day of Sept., 2008.





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

RE: CUP-08-04—CONDITIONAL USE PERMIT TO ALLOW FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (TAX MAP 2S135D, TAX LOT 107)

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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CUP-08-04—CONDITIONAL USE PERMIT TO ALLOW FOR WATER RESERVOIRS AND A WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD (TAX MAP 2S135D, TAX LOT 107)

In reviewing the conditional use the City Council must find that:

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes, Associate Planner, at (503) 691-3024. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

file: CUP-08-04

Mailed: 9/15/08



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: October 13, 2008

SUBJECT: CONDITIONAL USE PERMIT FOR WATER RESERVOIRS AND WIRELESS COMMUNICATION FACILITY (WCF) AT 8930 SW NORWOOD ROAD. (CUP-08-04)

ISSUE BEFORE THE CITY COUNCIL:

Should the City Council approve a conditional use permit (CUP) for the existing City water reservoirs and wireless communication facility, i.e. cell tower, in an Institutional (IN) Planning District that the City annexed in July 2008?

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting CUP-08-04.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a conditional use permit (CUP) request.
- The applicant is the Operations Department.
- The subject property is approximately 1.5 acres at 8930 SW Norwood Road on tax lot 2S 1 35D 107 in the Institutional (IN) Planning District, due east of Horizon (formerly Grace) Community Church. The property is the site of two 50-foot high municipal water reservoir tanks, a pump station, and a 100-foot wireless communication facility (WCF), i.e. a cell tower. Vicinity, tax, and aerial maps are included as Attachments A, B, and C.
- The existing water reservoirs and WCF were approved by Washington County prior to City annexation of the property.
- A "water reservoir" and a "wireless communication facility" (WCF) are conditional uses per TDC Sections 49.030(3) and (5)(d) respectively.
- A telecommunications company has discussed with the Operations Department co-location of equipment on the existing on-site cell tower. A CUP is necessary for this co-location to occur.

EXHIBIT C

- Attachment D is the Background Information, and staff has reviewed the request in the Analysis and Findings section of this report (Attachment E). Staff recommends no conditions of approval.
- Per the Operations Director, the reservoir generates one vehicle trip a week by City staff with a yearly total of about 60 trips, and a trip by cell tower maintenance workers occurs monthly with a yearly total of about 12 trips. Further auto traffic information is in Attachment F.
- The applicable policies and regulations that apply to the proposed conditional use in the IN Planning District include TDC 8.100 (IN Planning District objectives); 32.030 (Conditional Use); and 49 (IN Planning District). The Analysis and Findings (Attachment E) 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 E) compares the application with the criteria for granting a CUP.
- The Council has taken previous land use actions related to the subject property: annexation ANN-08-01 (Ord. No. 1262-08 effective 7/09/2008) and Plan Map Amendment PMA-08-02 (Ord. No. 1263-08 effective 7/09/2008).
- The following table may clarify the matter at hand:

IN Uses	Conditional
water reservoir	49.030(3)
WCF	49.030(5)(d)

OUTCOMES OF DECISION:

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

1. Allowance for the Operations Department to alter or expand the water reservoir tanks or co-locate equipment on the WCF.
2. Mitigate the need for future requests to construct new WCFs on other sites.

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

1. Preclusion of the Operations Department altering or expanding the water reservoir tanks or co-locating equipment on the WCF.
2. Failure to mitigate the need for future requests to construct new WCFs on other sites.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the proposed conditional use permit (CUP) with conditions the Council deems necessary.
- Deny the request for the proposed CUP.

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

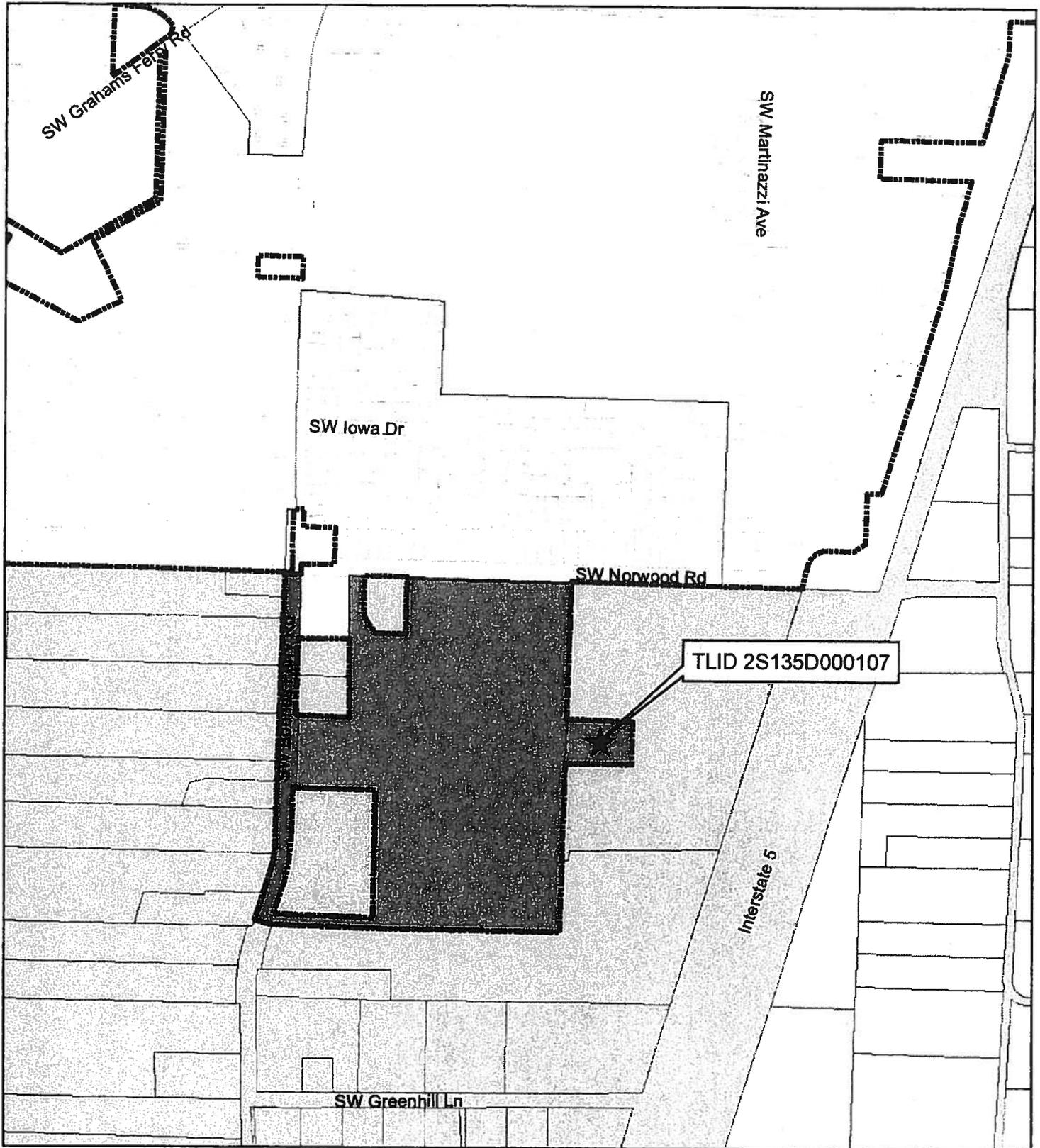
FINANCIAL IMPLICATIONS:

Revenue for conditional use permits has been budgeted for fiscal year 2007/08.

PUBLIC INVOLVEMENT:

Engineering and Operations staff conducted a Neighborhood/Developer meeting at Horizon Community Church at 23370 SW Boones Ferry Road on February 4, 2008 to explain the pump station upgrade and WCF co-location 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. Tax map
 - C. Aerial map
 - D. Background
 - E. Analysis and Findings
 - F. Traffic information memo



Tualatin Planning Districts

-  RL
-  RML
-  IN

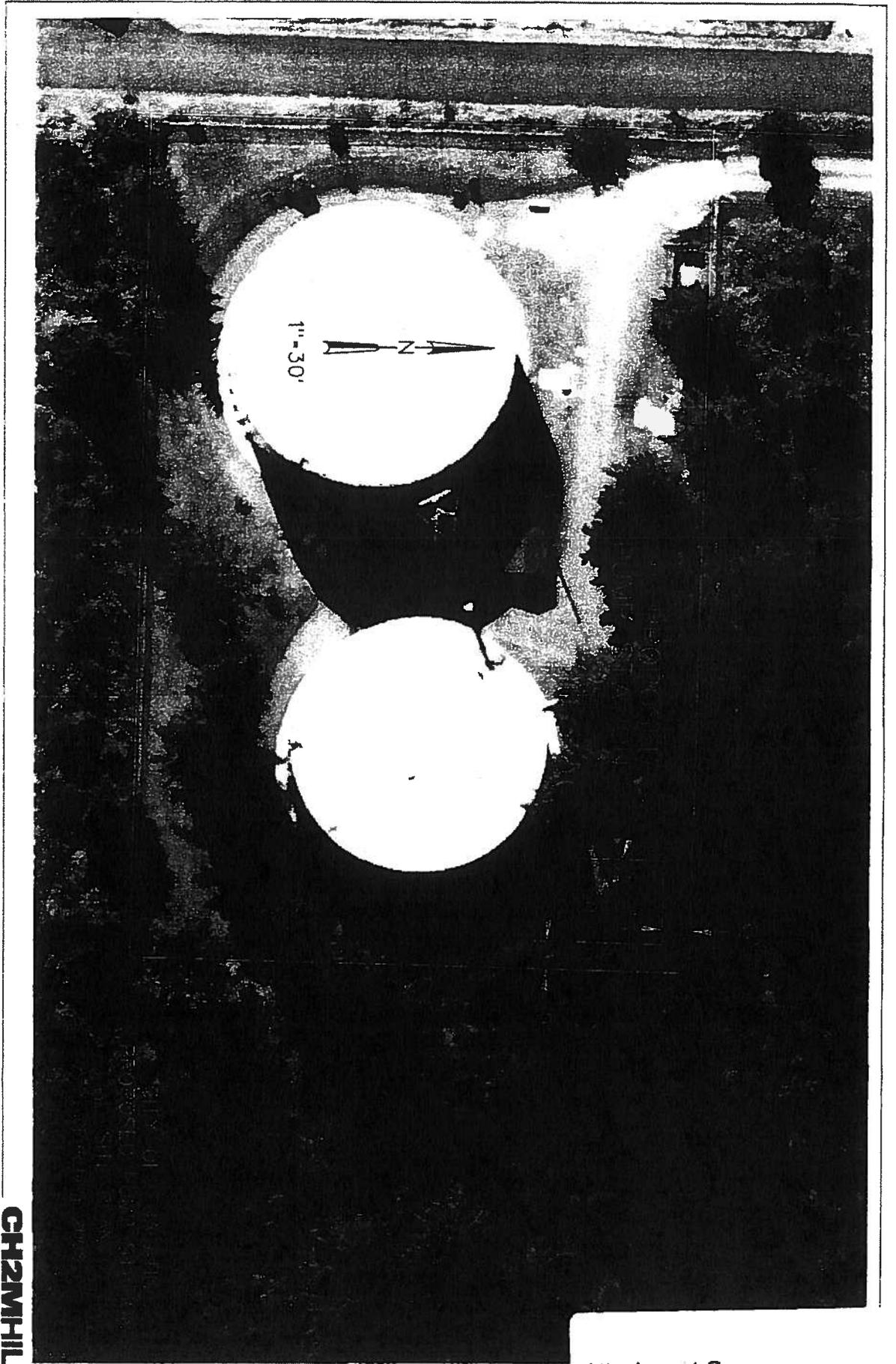
Washington County Zoning

-  FD-20



RF 1:7,1

Attachment A
Vicinity Map



CH2MHILL

Attachment D

CUP-08-04: Background Information

CUP-08-04 is a request to approve a conditional use permit for a "water reservoir" and a "wireless communication facility" (WCF), i.e. a cell tower, in the Institutional (IN) Planning District per Tualatin Development Code (TDC) Sections 49.030(3) and (5)(d) respectively.

The subject property is approximately 1.5 acres at 8930 SW Norwood Road on tax lot 2S 1 35D 107, due east of Horizon (formerly Grace) Community Church. The site is developed with a City water reservoir in the form of two 50-foot high tanks, a water pump station, and a 100-foot WCF (cell tower). The Operations Department wants to contract with a telecommunications company to co-locate equipment on the cell tower to generate extra revenue for the City. The tower has existing equipment used by another company and from which the City already collects revenue.

The site development existed prior to the City annexing the property from Washington County via ANN-08-01 and designating it IN via PMA-08-02.

Attachment E

CUP-08-04: Analysis and Findings

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. Staff has reviewed the information provided by Engineering and Operations Directors:

1. The use is listed as a conditional use in the underlying planning district.

The subject property, tax lot 2S 1 35D 107, is within the Institutional (IN) Planning District as defined in TDC 49. A "water reservoir" and a "wireless communication facility" (WCF) are conditional uses per TDC 49.030(3) and (5)(d) respectively. (A "water pump station" is a permitted use.) The criterion 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 minimum lot size within the IN Planning District is 1.5 acres, equal to 65,340 square feet (s.f.). The subject property is approximately 1.5 acres, meeting the minimum lot size requirement. The site is developed with two 50-ft high water reservoir tanks, water pump station, and a 100-ft WCF.
- Shape:** The rectangular subject property has access via an easement that traverses Lot 100 south from SW Norwood Road to the site. The lot shape is suitable for the proposed uses.
- Location:** The site is at 8930 SW Norwood Road, a Washington County road, within the IN Planning District. The site borders Horizon Community Church to the west. An unincorporated parcel borders the site to the north, east, and south of the property and has Washington County planning district FD-20, and the church is in the IN Planning District. The property is within the acreage that Metro brought within the regional Urban Growth Boundary (UGB) in June 2004. This area is the subject of the South Tualatin Concept Plan.
- Topography:** The site has minor downward slope with a net difference of five feet from the site boundaries towards the reservoir tanks. The topography accommodates the proposed uses.
- Improvements:** The site is developed with two 50-ft high water reservoir tanks, water pump station, and a 100-ft WCF.
- Natural Features:** The only natural features are trees as shown in recent satellite imagery.

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.

Transportation:

The site has access via an easement north to SW Norwood Road between SW Boones Ferry Road and I-5.

SW Norwood Road is a Washington County road; the Tualatin Transportation System Plan (TSP) does not designate its classification. SW Norwood Road is composed of two 11-foot travel lanes totaling 22 feet.

The pump station upgrade and WCF co-location will generate no additional peak period vehicle trips as described in Attachment F.

Potable water, sanitary sewer, & stormwater.

The reservoir site connects to the City potable water system. A sanitary sewer connection is not required because the uses have no occupants.

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 property is in the IN Planning District. Surrounding land uses include:

N:	FD-20	undeveloped Lot 100 (unincorporated)
E:	FD-20	Lot 100
S:	FD-20	Lot 100
W:	IN	Horizon Community Church

The closest residences are in the Norwood Heights subdivision within a Medium-Low Density Residential (RML) Planning District across SW Norwood Road within 700 feet of the north boundary of the subject property. The only immediately adjacent development is Horizon Community Church that developed in 2005. The anticipated WCF co-location 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.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC 8.100 (public and semi-public land uses); Other TDC Sections that are not part of the Community Plan yet are relevant include 32.030 (conditional use review); and 49 (IN Planning District).

Section 8.100 Institutional Planning District Objectives.

This section describes the purpose of the Institutional Planning District, and includes the objectives used to guide development of the Planning District Standards and to guide application of the planning district to particular areas of the City.

(1) The purpose of this district is to provide an environment exclusively for, and conducive to, the development and operation of religious institutions, schools, public parks, and related uses, in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses.

(2) The district is intended to accommodate large-scale campus-style developments, owned and operated by governmental or non-profit entities, consisting of multiple structures or facilities, which may serve multiple purposes and provide multiple services to the community.

(3) Permitted and conditional uses shall be developed and operated in a manner that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses. Additionally, conditional uses shall be allowed provided that the use is developed and operated in a manner that is consistent with the intent of the planning district, and that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

(4) The district may be applied to land that is able to accommodate large-scale campus-style development and operation of religious institutions, schools, public parks, and related uses, as follows:

(a) Contiguous land one and one-half acre in size or greater;

(b) Access to a collector or arterial street;

(c) Adequate public facilities are available to the property.

The Norwood reservoir site developed prior to the existence of the IN Planning District. Upon annexation via ANN-08-01, the City designated the site IN via PMA-08-02 because the planning district best accommodates the water reservoir and pump station. The IN designation also served to preclude residential redevelopment. The City owns the site, which the Operations Department uses to provide potable water to Tualatin. It meets the minimum lot size and has access to SW Norwood Road, a Washington

County road. The existing site development demands little of public facilities itself providing potable water to Tualatin.

Section 49.010 Purpose.

The purpose of the Institutional Planning District is to provide areas of the City that are suitable for educational, religious, recreational, and incidental support facilities in order to serve the community. The District is intended to be consistent with the Institutional land use designation in the Tualatin Community Plan. The District is intended to support lands and facilities that are owned and operated by governmental or non-profit entities. The District is intended to support lands and facilities that serve and benefit the community. The District is intended to provide for location and development of permitted and conditionally permitted uses in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses. The District is intended to provide for location and development of permitted and conditionally permitted uses in a manner which protects the health, safety, and general welfare of adjacent residential, commercial, and manufacturing uses. The City owns and operates the site for the distribution of potable water, a use that serves and benefits Tualatin. The anticipated WCF co-location would be a minor change to the site, and though most of the area surrounding the site is unincorporated and undeveloped, architectural review (AR) will address compatibility with surrounding properties.

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 analysis and findings, the Norwood reservoir and WCF conditional use permit (CUP) application meets the criteria of TDC 32.030.



City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062
Main (503) 692-2000
TDD (503) 692-0574

MEMORANDUM

DATE: September 17, 2008

FROM: Tony Doran
Engineering Associate

TO: Colin Cortes
Assistant Planner

SUBJECT: CUP 08-04, Traffic LOS

The most recent traffic study in this area was submitted for the annexation of Grace Community (Horizon) Church, dated August 25, 2006. This study indicated that at the intersection of SW Boones Ferry Road & SW Norwood Road the LOS would be D. The counts in this study are:

	AM Peak	PM Peak
SB	261	581
SBLT	127	96
WBRT	80	66
WBLT	62	34
NB	457	434
NBRT	20	67

Per the Operations Director, the reservoir generates one vehicle trip a week by City staff with a yearly total of about 60 trips, and a trip by cell tower maintenance workers occurs monthly with a yearly total of about 12 trips.

These trip totals would have a small effect any given day for either AM or PM Peak.

This small additional amount of traffic generated only by City and cell company vehicles provide such a small impact that no public improvements can be justified and given the current LOS, not needed.



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: October 27, 2008

SUBJECT: RESOLUTION ADOPTING THE CITY OF TUALATIN IDENTITY THEFT PREVENTION PROGRAM

ISSUE BEFORE THE COUNCIL:

Whether to approve a resolution adopting the City of Tualatin Identity Theft Prevention Program, as required by the Federal Trade Commission's Red Flag Rule.

RECOMMENDATION:

Staff recommends adoption of the attached resolution.

EXECUTIVE SUMMARY:

The Federal Trade Commission (FTC), the federal bank regulatory agencies, and the National Credit Union Administration (NCUA) have issued regulations (the Red Flags Rules) requiring financial institutions and creditors to develop and implement written identity theft prevention programs, as part of the Fair and Accurate Credit Transactions (FACT) Act of 2003. The programs must be in place by November 1, 2008, and must provide for the identification, detection, and response to patterns, practices, or specific activities – known as “red flags” – that could indicate identity theft. The Program must be approved by the City Council.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. Accounts maintained by a municipal utility that are covered by the Rule are all the individual utility service accounts held by customers of the utility whether residential, commercial or industrial.

OUTCOMES OF DECISION:

This action allows for the City to comply with the Red Flags Rules and the FACT Act of 2003.

DISCUSSION:

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. The City's program contains reasonable policies and procedures to:

1. Identify relevant Red Flags, through notifications from credit reporting agencies, alerts from others and identifying suspicious documents, identifications and account activity, for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program for new and existing accounts by taking appropriate steps to verify the identification of the customer and the validity of the information presented;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft. The Program lists a number of steps for City staff to take, depending on the degree of risk posed by an identified Red Flag; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

The Program will be administered by the Finance Director and will be periodically reviewed and updated to reflect changes in risks to customers. City staff is currently practicing many of the steps listed in the Program and the concepts listed for identification and detection of red flags are already a part of our general operating procedures.

FINANCIAL IMPLICATIONS:

There are no financial implications to complying with the new program, as many of the processes are currently in place citywide.

Attachments: A. Resolution

RESOLUTION NO. 4839-08

A RESOLUTION ADOPTING THE CITY OF TUALATIN IDENTITY THEFT PREVENTION PROGRAM

WHEREAS the Federal Trade Commission's Red Flag Rule, which implemented Section 114 of the Fair and Accurate Credit Transactions Act of 2003, 16 C.F.R. § 681.2, requires the City to establish an Identity theft prevention program; and

WHEREAS the requirements are to identify, detect and respond to relevant red flags of identity theft; and

WHEREAS the City Council desires to comply with the Fair and Accurate Credit Transactions Act.

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

Section 1. The attached Identity Theft Program (Exhibit A) is adopted in accordance with the Federal Trade Commission's Red Flag Rule.

INTRODUCED AND ADOPTED this 27th day of October, 2008.

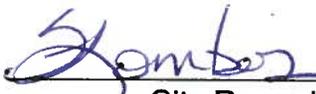
CITY OF TUALATIN, OREGON

BY _____


Mayor

ATTEST:

BY _____


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Resolution No. 4839-08

City of Tualatin

Identity Theft Prevention Program

Effective beginning December 1, 2008

I. PROGRAM ADOPTION

The City of Tualatin ("City") is adopting this Identity Theft Prevention Program ("Program") in accordance with the Federal Trade Commission's Red Flags Rule ("Rule"), to implement Section 114 of the Fair and Accurate Credit Transactions Act of 2003, 16 C.F.R. §681.2.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Purpose

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. The City's program contains reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Definitions

As used in this program, the following definitions apply:

1. "Identity Theft" means fraud committed using the identifying information of another person.
2. "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.
3. "Creditor" includes finance companies, automobile dealers, mortgage brokers, utility companies, telecommunications companies and non-profit and government entities who defer payment for goods or services, they, too, are to be considered creditors."
4. "Covered account" is:
 - a. Any account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions, such as individual utility service accounts; and
 - b. Any other account the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.
5. "Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth,

government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

6. "Security information" means government data, the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.

III. IDENTIFICATION OF RED FLAGS.

To identify relevant Red Flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The City identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person's failure to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Breach in the City's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

1. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

To detect any of the Red Flags identified above associated with the opening of a **new account**, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;

3. Verify the customer's identity (for example, review a driver's license or other identification card);
4. Review documentation showing the existence of a business entity; and
5. Independently contact the customer.

B. Existing Accounts

To detect any of the Red Flags identified above for an **existing account**, City personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

If City staff detect any identified Red Flags, staff shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify law enforcement; or
8. Determine that no response is warranted under the particular circumstances.

To further prevent the likelihood of Identity Theft occurring with Utility accounts, the City will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provides clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and, when appropriate, that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

City staff shall periodically review and update this Program to reflect changes in risks to customers and the soundness of the City from Identity Theft. In doing so, staff will consider the City's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the City will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, staff will update the Program or present the City Council with recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

The Finance Director is responsible for developing, implementing and updating this Program, Program administration, ensuring appropriate training of Utility staff on the Program for preventing and mitigating Identity Theft, and considering periodic changes to the Program.

B. Service Provider Arrangements

If the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the City's Program and report any Red Flags to the Finance Director.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 10/27/2008
Recording Secretary g Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAC*
Dayna Webb, Project Engineer *DW*

DATE: October 27, 2008

SUBJECT: RESOLUTION ACCEPTING AN ADDITIONAL APPLICATION FOR BANCROFT BONDING CONNECTION FEES AND AUTHORIZING THE CITY RECORDER TO ENTER CERTAIN REAL PROPERTIES WITHIN THE CITY OF TUALATIN ON SW KILLARNEY LANE ONTO THE CITY OF TUALATIN LIEN DOCKET

ISSUE BEFORE THE COUNCIL:

Should the Council accept an additional application for Bancroft Bonding the fees associated with building the SW Killarney Lane sewer line.

RECOMMENDATION:

Staff recommends that the Council approve the attached resolution accepting the application to pay the connection fees in installment payments and establishing the interest rate for the unpaid balance.

EXECUTIVE SUMMARY:

The City's budget contains a project to install a public sewer line and replace the existing public water line in SW Killarney Lane. The sewer line will allow for the current residences to be connected to public sewer lines as needed and removal of the existing septic systems. The water line that will be installed is a larger water line and will replace an existing AC water line.

Bancroft bonding is the ability for a property owner or developer to essentially finance through the City their System Development Charges. This option is available to any owner/developer in the City.

The contract for the construction of the sewer line has been awarded by the City Council. The construction work is proceeding; the public sanitary sewer line work is nearing completion and the public waterline work is just getting started.

The Council has previously approved Resolution No. 4810-08 accepting nine applications for Bancroft Bonding Connection Fees and Authorizing the City Recorder to enter certain real properties within the City of Tualatin on SW Killarney Lane onto the City of Tualatin Lien Docket. This is the last property to connect to the sanitary sewer line.

- With this connection all thirty-five of the homes currently on septic systems are participating in this project.
- Twenty-five property owners have paid the entire amount due (Plumbing permit fees and the System Development Charge).
- Including this property ten property owners have elected to Bancroft Bond their System Development Charge.
- They will be billed in 20 semi-annual installments, which include interest on the unpaid balance.
- The interest rate has been based on the state pool rate and will be set at 3.2%.

OUTCOMES OF DECISION:

All properties will be connected and the project will be completed in one effort.

FINANCIAL IMPLICATIONS:

This project is budgeted in the FY08/09 fiscal year for construction. All participating property owners have paid their plumbing permit fees and have either paid their System Development Charge or are a part of this resolution.

PUBLIC INVOLVEMENT:

There have been several open houses, Council meetings, and one-on-one meetings with the affected property owners.

Attachments:

- A. Resolution
- B. Application & Contracts for Installment Payments (On file with the Finance Director)



APPLICATION FOR INSTALLMENT PAYMENTS
SYSTEM DEVELOPMENT CHARGES

Date 10/10/08

To the City of Tualatin:

I/we hereby apply to pay the sewer system development charges (SDC's) of \$ 3135.00 in 20 semi-annual installments, which will include interest on the unpaid balance, in accordance with ORS 223.208. The charges apply to property described as Tax map and lot # 251 26CA #1000, address 9430 SW Killarney Lane

The interest to be charged on the installment payments, and for delinquent payment of such installments, shall be established and may be amended by resolution of the City Council. I/we agree to pay the interest rate, so established, on all unpaid assessments, together with a proportionate amount of the cost of administering the bond assessment program and bond issuance costs.

The City shall have first lien upon the described parcel for the amount of the SDC's together with the interest due on the unpaid balance. The lien shall be enforceable in the manner provided by ORS Chapter 223.

I/we declare that I/we have the authority to assent to the imposition of a lien on the described parcel as owner (specify whether owner or agent for owner) of the property, and I/we acknowledge that my/our property interest is adequate to secure payment of the lien by attaching a copy of the deed, mortgage or contract relative to the above described property.

I/we waive all rights to contest the validity of the lien, except for the correction of computational errors.

D. Wolk-Laniewski

Applicant's Signature

David Wolk-Laniewski

Typed name of Applicant

9430 SW Killarney Ln.
Tualatin, OR, 97062

Address of Applicant(s)

503-692-6414

Telephone No. of Applicant(s)

V. Wolk-Laniewski

Applicant's Signature

Vickie Wolk-Laniewski

Typed name of Applicant

**CONTRACT FOR INSTALLMENT PAYMENTS –
SYSTEM DEVELOPMENT CHARGES**

To the Tualatin City Recorder:

In accordance with ORS Chapter 223 and City of Tualatin Ordinance No. 833-91, I/we agree to pay the System Development Charges applicable to the property described below as have been determined and adopted by the City Council of the City of Tualatin.

I/We promise to pay the assessment in 20 semi-annual installments with interest at the rate of 3.2% * percent per annum on the unpaid balance. Interest shall be paid in addition to principal payments and shall be paid semi-annually as required under ORS 223.208.

If I/we neglect or refuse to pay any installment and interest within twenty days after they become due and payable, then the whole amount of the unpaid installments shall immediately become delinquent, and shall be collected in the same manner and with the same penalties as delinquent street, water and sewer assessments are collected or as provided by law.

In consideration of the rights and privileges granted to me/us by the Bancroft Bonding Act, I/we hereby expressly waive all rights to contest the validity of the lien, except for corrections of computational errors, on the affected property, as more particularly described property in Washington County, Oregon:

AMOUNT OF SYSTEM DEVELOPMENT CHARGES.....\$ 3135.00.

Property affected by System Development Charges:

Lot 9 Block — Subdivision Galway Hill
Tax Lot Account Number 1000 Section Number 2S1 26CA
(Attach copy of deed, mortgage or contract as your evidence of interest in the property)

Entered into this 10th day of October, 20 08.

Send the semi-annual
billing to this address:

9430 SW KILLARNEY LANE
Tualatin, OREGON 97062

D. Volk-Laniewski
(Signatures of Property Owners)

V. Volk-Laniewski

*At the rate established by Resolution of the City Council.



**PACIFIC NORTHWEST TITLE
TRI-COUNTY**

9020 SW Washington Sq. Rd., Suite 220
Tigard, OR 97223
Title: 503-671-0505 Fax: 503-643-3746
Escrow: (503) 350-5005 Fax: (503) 684-1005
Visit us at: www.pnwtor.com

**PRELIMINARY COMMITMENT
FOR TITLE INSURANCE**

October 12, 2005

Order Number: 05274356-W
Property Address: 9430 SW Killarney Lane
Tualatin, OR 97062

Pacific Northwest Title of Oregon, Inc.
5335 SW Meadows Rd., #144
Lake Oswego, OR 97035

Attention: Nanette L. Mitchell
Telephone: (503) 350-5005

Reference: Wolk-Laniewski

	<u>Amount</u>	<u>Premium</u>	
ALTA Loan Policy (1992)	\$ 201,000.00	\$ 788.00	STR
Government Service Charge		\$ 50.00	
City Lien Search – City of Tualatin		\$ 25.00	
Endorsements 7.4, 7.11 & 7.31		\$ 50.00	

This is a preliminary billing only; a consolidated statement of all charges, credits, and advances, if any in connection with this order will be provided at closing.

Pacific Northwest Title is prepared to issue on request and on recording of the appropriate documents, a policy or policies as applied for, with coverages as indicated, based on this preliminary commitment that as of September 29, 2005 at 5:00 p.m. title of the property described herein is vested in:

DAVID A. WOLK-LANIEWSKI and VICKIE L. WOLK-LANIEWSKI,
as tenants by the entirety

Subject only to the exceptions shown herein and to the terms, conditions and exceptions contained in the policy form. This commitment is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued, and the full premium paid.

Description:

Lot 9, GALWAY HILL, in the City of Tualatin, County of Washington and State of Oregon.

RESOLUTION NO. 4840-08

RESOLUTION ACCEPTING AN ADDITIONAL APPLICATION
FOR BANCROFT BONDING CONNECTION FEES AND
AUTHORIZING THE CITY RECORDER TO ENTER CERTAIN
REAL PROPERTIES WITHIN THE CITY OF TUALATIN ON
SW KILLARNEY LANE ONTO THE CITY OF TUALATIN LIEN
DOCKET

WHEREAS there is currently no public sewer system available to the residents of SW Killarney Lane; and

WHEREAS the City will construct a public sewer line in SW Killarney Lane during the 2008-2009 fiscal year; and

WHEREAS it is in the best interest of the public health and welfare to encourage this neighborhood to hook up to the public sewer system and decommission their existing septic systems; and

WHEREAS the City has offered incentives to the property owners on SW Killarney Lane to encourage them to hook up to the public sewer system; and

WHEREAS all properties along the new sanitary sewer line will specially benefit; and

WHEREAS there are adequate funds in the Sewer Operating Fund to construct the SW Killarney Lane sewer project; and

WHEREAS the City Council has established a policy with regard to the property owners' financial participation in connecting to the sewer line; and

WHEREAS thirty-five of the thirty-five property owners on SW Killarney Lane are participating in this project; and

WHEREAS one additional property owner on SW Killarney Lane has submitted Applications and Contracts for Installment Payments for the System Development Charges per the City's Bancroft Bond Ordinance and ORS 223.

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

Section 1. The City of Tualatin accepts the applications from the additional property owner on SW Killarney Lane.

Section 2. The City Recorder is authorized to enter the following properties onto the lien docket:

1. 9430 SW Killarney Lane, David & Vickie Wolk-Laniewski

Section 3. The property owners will be billed in 20 equal semi-annual installments, which include interest on the unpaid balance.

Section 4. The amount to be Bancroft Bonded is \$3,135.00.

Section 5. The interest rate is established as 3.2%.

INTRODUCED AND ADOPTED this 27th day of October, 2008.

CITY OF TUALATIN, OREGON

By _____

Mayor

ATTEST:

By _____

City Recorder

Approved as to Form:


Brenda L. Braden
City Attorney



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 10/27/2008

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A McKillip, City Engineer *MCK*
Dayna Webb, Project Engineer *DW*

DATE: October 27, 2008

SUBJECT: RESOLUTION REJECTING ALL BIDS FOR THE WATER PIPELINE UNDERCROSSING OF I-5 AT NORWOOD ROAD

ISSUE BEFORE THE COUNCIL:

Rejection of all bids received for the Water Pipeline Undercrossing of I-5 at Norwood Road.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution rejecting all bids received for the Water Pipeline Undercrossing of I-5 at Norwood Road project.

EXECUTIVE SUMMARY:

- The budget contains a project to replace 800 linear feet of 12-inch ductile iron water transmission pipeline, including two interconnections to existing 12-inch water transmission pipelines. The project also contains 210 linear feet of 24-inch casing undercrossing beneath Interstate 5.
- Currently, an 8-inch-diameter pipe crosses I-5 on SW Norwood Road. This project would parallel this crossing with a new 12-inch-diameter pipeline. This improvement would provide a redundant connection to the Frobase Reservoir and would increase the capacity of the I-5 crossing.
- This project would provide Service Level C fire flow and capacity for future growth.
- The Invitation to Bid was published in the *Daily Journal of Commerce* on September 11 and 18, 2008.

- The bids for this project were opened on Tuesday, October 7, 2008 at 2:00 p.m. eight bidders responded as follows:

Rutan Construction	\$363,841.66
Emery & Sons Construction, Inc	\$406,427.00
Kerr Contractors	\$424,786.00
Civil Works NW	\$437,115.00
Dirt & Aggregate Interchange Inc	\$439,435.00
Dunn Construction, Inc	\$478,272.00
Moore Excavation	\$497,313.00
James W Fowler Co.	\$898,298.00

- The Engineer's Estimate for the work was \$598,986.00.
- On October 9, 2008 the City issued the Notice of Intent to Award to all bidders.
- On October 9, 2008 the City received a Protest of Intent to Award from Kerr Contractors, Inc. The Protest stated that the two lowest bidders did not submit the certification statements for two items as required by the Proposal.
- Staff has reviewed the Protest and determined that two sections required by the Proposal were inadvertently omitted from the Contract Documents.
- These sections were the items that Kerr Contractors protested.
- Staff has determined that based on this irregularity the City proposes to reject all bids and re-bid the project.

OUTCOMES OF DECISION:

Rejecting of the bids will result in the following:

- Ability to correct the Contract Documents and re-bid the project giving all bidders an equal opportunity based on corrected Contract Documents.
- Avoid a potential lengthy and costly challenge to the contract award by eliminating the issue of whether the omission was material or minor.

Not rejecting the bids will result in the following:

- Inability to award the bid in the required timeframe and may result in a formal challenge to the award.

FINANCIAL IMPLICATIONS:

Funds are available for this project in the Water System Development Charges Fund.

DISCUSSION:

Three options were considered:

- 1) **Reject all bids**
This option will delay the project for approximately 2 months and cost approximately \$5,000.00 to reproduce bidding documents and rebid the project. This option will provide all bidders an equal opportunity to re-bid and remove the argument as to whether the two lowest bidders' failure to include required certifications is a material defect that would disqualify them from receiving the bid award.

- 2) **Award to Kerr Contractors**
This option would award the project to Kerr as the lowest responsive bidder since the two lower bidders were rejected for not submitting the required certifications. However, either of the two lower bidders could challenge the award to Kerr alleging that their failure to include the required certifications was not material and could be easily cured by allowing the low bidder to submit the required paperwork before the formal award of bid.

- 3) **Allow Rutan to submit the required statements**
This option could work in some situations, but the wording in our Contract Documents specifically requires the certifications to be submitted with the bid. Thus, even if Oregon's public contracting laws consider the failure to include the certifications as immaterial, the City's own requirements would have to be ignored to allow the lowest bidder to be considered. This may not be in the best interests of the City.

Option 1 is recommended because it will allow the project to move forward in a timely manner and removes the possibility of having this project tied up until all legal issues in awarding the bid are resolved.

Attachments: A. Resolution

cc: All Bidders

RESOLUTION NO. 4841-08

RESOLUTION REJECTING ALL BIDS FOR THE WATER
PIPELINE UNDERCROSSING OF I-5 AT NORWOOD ROAD

WHEREAS the project was advertised in the *Daily Journal of Commerce* on September 11 and 18, 2008; and

WHEREAS eight proposals were received prior to the close of the bid period on October 7, 2008; and

WHEREAS on October 9, 2008 the City issued the Notice of Intent to Award to all bidders; and

WHEREAS on October 9, 2008 the City received a Protest of Intent to Award from Kerr Contractors, Inc. The Protest stated that the two lowest bidders did not submit the required certification statements for two items; and

WHEREAS staff has reviewed the Protest and determined that two sections of the Proposal were inadvertently omitted from the Contract Documents; and

WHEREAS staff has determined that based on this irregularity the City proposes to reject all bids and re-bid the project.

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

Section 1. All bids are being rejected. The contract is not being awarded.

INTRODUCED AND ADOPTED this 27th day of October 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

APPROVED AS TO LEGAL FORM

Dorenda L. Braden
CITY ATTORNEY

ATTEST:

By Sombos
City Recorder

Resolution No. 4841-08



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Doug Rux, Community Development Director *[Signature]*
Eric Underwood, Development Coordinator *[Signature]*

DATE: October 27, 2008

SUBJECT: RESOLUTION AUTHORIZING AN AGREEMENT FOR OFF-SITE WETLAND MITIGATION AS PART OF THE HERMAN ROAD IMPROVEMENT PROJECT

ISSUE BEFORE THE COMMISSION

Whether the City of Tualatin should adopt a resolution authorizing an agreement for off-site wetland mitigation associated with Herman Road improvements.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This is a request of the Tualatin City Council to authorize agreement for off-site wetlands mitigation as part of the Herman Road Project.
- The project area consists of SW Herman Road from SW Teton Avenue to SW 124th Avenue.
- Clean Water Services (CWS) has required off-site wetland mitigation due to impact on existing wetlands existing within the Herman Road project area.
- There is no area within the LTID for wetlands mitigation based on evaluation and discussions with property owners, which forces mitigation associated with this project to occur off-site.
- The proposed area for off-site wetlands mitigation is located in Little Woodrose Park (Attachment A).
- The total area of proposed wetlands mitigation consists of 16,150 square feet (Attachment B).

STAFF REORT: *Resolution authorizing an agreement for off-site wetlands mitigation for Herman Road*

October 27, 2008

Page 2 of 3

- The Herman Road improvements include:
 - Construction of a 3-lane roadway with bike lanes, planting strip, sidewalks, street trees and landscaping
 - Traffic signal and railroad crossing improvements at 118th Avenue and SW Herman Road
 - Storm drainage improvements
 - Relocation of utilities
 - Driveways
 - Signage
 - Illumination
 - Irrigation
 - Acquisition of rights-of-way and easements
- The purpose of constructing the roadway is to better facilitate industrial traffic within the District and to improve storm water drainage as well as overall roadway conditions.
- Staff, in conjunction with CH2M Hill, has completed 100% design of the roadway based on the LTID plan. The project is currently entering into the construction phase.
- Before proceeding with the next stage of this project, the Council needs to authorize off-site wetlands mitigation for the proposed site.
- The Council needs to formally adopt a resolution that the off-site wetland mitigation is necessary in order to construct the capital improvement project.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION

Approval of the request to authorize off-site wetlands mitigation will result in the following:

1. Enable the SW Herman Road project to proceed as scheduled.
2. Improvement of traffic flow into and out of the Leveton Tax Increment District.
3. Improvement of storm water management along Herman Road.
4. Enhancement of the aesthetic qualities along Herman Road.
5. Provide for safer pedestrian passage through and enhance pedestrian facilities.
6. Enhance the existing vegetated corridor within Little Woodrose Nature Park.

Denial of the request to authorize off-site wetlands mitigation will result in the following:

1. Restriction of wetlands mitigation associated with the SW Herman Road project within the Leveton Tax Increment District Boundaries only.
2. Non-compliance with Clean Water Services requirement for off-site wetlands mitigation in relation to this project.
3. Delay construction of the SW Herman Road project.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing off-site wetlands mitigation are as follows:

1. Redesign roadway to lessen the impact of existing wetlands in the project area and resubmit design to Clean Water Services for review.
2. Evaluate other areas/options for off-site wetlands mitigation.

FINANCIAL IMPLICATIONS

Funds have been budgeted in the Fiscal Year 08/09 Tualatin Development Commission budget to cover design and construction of off-site wetlands mitigation related to the Herman Road project.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

- Attachments:**
- A. Off-Site Wetlands Mitigation Proximity Map
 - B. Wetlands Mitigation Area Map
 - C. Resolution with Exhibits





Figure 6
 Little Woodrose Park
 Wetland & Vegetated Corridor Boundaries

○ SP1 Sample Point
 ↖ P1 Photo Point

0 50 100 150
 Scale in Feet

Mapping Method: Mapped in the field with GeoXT GPS unit.
 Map Accuracy: +/- 1 meter

RESOLUTION NO. 4842-08

RESOLUTION AUTHORIZING AN AGREEMENT FOR OFF-SITE
WETLAND MITIGATION AS PART OF THE HERMAN ROAD
IMPROVEMENT PROJECT

WHEREAS the City of Tualatin and the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, wish to construct improvements to SW Herman Road from SW 124th Avenue to SW Teton Avenue in the City of Tualatin (the "Herman Road Project"); and

WHEREAS a part of the Herman Road Project is related to road improvements that impact existing wetlands within the project area; and

WHEREAS Clean Water Services, Tualatin's sewer and water resource protection agency, has required off-site wetlands mitigation as part of the Herman Road project; and

WHEREAS The Commission is requesting, by way of an agreement, the use of City-owned property for off-site wetlands mitigation.

WHEREAS the Commission has sufficient funds for constructing the off-site wetlands mitigation, to be funded by the Commission.

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

Section 1. The agreement between the City of Tualatin and the Tualatin Development Commission attached as Exhibit A is approved.

Section 2. Execution of this agreement is contingent on the Tualatin Development Commission authorizing the Chairman to sign the agreement.

Section 3. The Mayor is authorized to execute the agreement.

INTRODUCED AND ADOPTED this 27th day of October 2008.

CITY OF TUALATIN, OREGON

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

By 
Mayor

ATTEST:

By 
City Recorder

**TUALATIN DEVELOPMENT COMMISSION AND CITY OF TUALATIN
OFF-SITE MITIGATION AREA AGREEMENT
SW Herman Road Project – From SW Teton Avenue to SW 124th Avenue**

THIS AGREEMENT is entered into as of the date first indicated on the signature page by and between the Tualatin Development Commission, the Urban Renewal Agency for the City of Tualatin ("Commission") and the City of Tualatin ("City").

Recitals

Whereas, the Commission is the owner of the project known as the SW Herman Road Project; and

Whereas, as a result of the development of the project, Clean Water Services (the "District") has required off-site mitigation on property owned by the City identified as Tax Map 2S126DB, Tax Lot 100, which off-site mitigation area is identified as the Vegetated Corridor Enhancement Area on the map and is attached as Exhibit A and made a part of this Agreement (the "Property"); and

Whereas, the Commission has entered into a Service Provider Letter with the District dated 8/29/2008 (the "Letter") setting forth the mitigation requirements, which is attached (Exhibit B); and

Whereas, the Commission and the City wish to set forth their respective obligations with respect to the Property.

Now, therefore, in consideration of the foregoing premises and the terms and conditions specified below, the parties agree as follows:

- A. Term.** The term of this Agreement shall be from the date of execution by the parties and shall continue until the terms contained in paragraph G of this Agreement have been completed.
- B. Commission/City.** The City shall grant access to the Commission for the use of the Property as a mitigation area in accordance with the terms and conditions of the Letter, and any future amendments required by the District. The Property shall include 16,150 square feet.
- C. Commission.** The Commission shall comply with Clean Water Services Service Provider Letter 08-002292 and any future amendments, including but not limited to the landscape plans and maintenance plans referenced in the Letter, and shall comply with all present and future legal requirements imposed on Property by the District and any other

governments and agencies having or obtaining jurisdiction over the Property in the future with regard to the use of the Property for mitigation.

- D. Compensation.** The Commission shall pay for the cost of the development of a legal description for the off-site mitigation area and this Agreement. No additional compensation is due to the City from the Commission. The Commission agrees to pay all costs of mitigation per CWS and maintenance for a two-year period after which time the property shall revert to a natural state and thereafter maintained by the City.
- E. Indemnity.** The Commission agrees to indemnify, defend, and hold harmless the City from any fines, penalties, costs and expenses due to compliance with or the failure to comply with the District's Letter, as it may be amended from time to time, the landscape plans and maintenance plans referenced in the Letter, and any other requirements of the District or any other government or agency with regard to the use of the Property for mitigation. The Commission further agrees to indemnify, defend, and hold harmless the City from any loss, cost, and expenses claimed by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of the Commission, its employees, agents, or affiliates on the Property or as the result of any work on the Property or the use of the Property for mitigation.
- F. No Joint Venture.** Nothing in this Agreement shall be deemed to create a joint venture or partnership between the City and the Commission.
- G. Duration.** This Agreement shall be binding on the successors and assigns of the parties and shall end upon completion of the two-year vegetative corridor maintenance plan as described in Service Provider Letter 08-002292, at which time the off-site mitigation area will revert to a natural state. To assure the effectiveness of this covenant, this Agreement shall be recorded in the land records of Washington County.
- H. Corridor Protection** The Commission agrees to provide protection to the vegetative corridor by installing appropriate signage identifying the vegetative corridor as required by Clean Water Services described in Service Provider Letter 08-002292. No fencing will be required or will be installed.
- I. Corridor Maintenance** Maintenance of the corridor shall be carried out in accordance with Clean Water Services Service Provider Letter 08-002292 by the Commission. After the two-year requirement, the City will maintain the corridor.

J. Legal Description If approved, the Commission will create a legal description of the off-site mitigation area, along with the buffer, to be attached to the agreement once completed.

K. Integration This Agreement contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

Exhibit A Vegetated Corridor Enhancement Area Map
Exhibit B Service Provider Letter 8/29/2008

APPROVED AND ENTERED this 27th day of October, 2008.

Tualatin Development Commission

By: _____
Chairman

18880 SW Martinazzi Ave.
Tualatin, OR 97062

Telephone: 503-692-2000

Approved as to legal form:

Brenda L. Braden
City Attorney

City of Tualatin

By: _____
Mayor

18880 SW Martinazzi Ave.
Tualatin, OR 97062

Telephone: 503-692-2000

Attested By:

Sombor
City Recorder

STATE OF OREGON)
County of Washington) ss.

On this 27 day of October, 2008, before me the undersigned, a Notary Public, personally appeared Lou Ogden, as Mayor of Tualatin City (Developer), and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:

Maureen A Smith
Notary Public for Oregon

My commission expires: July 4, 2009

STATE OF OREGON)
County of Washington) ss.

On this 27 day of October, 2008, before me the undersigned, a Notary Public, personally appeared Lou Ogden, as Chair of the Tualatin Development Commission, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:

Maureen A Smith
Notary Public for Oregon

My commission expires: July 4, 2009



Figure 6
 Little Woodrose Park
 Wetland & Vegetated Corridor Boundaries

Mapping Method: Mapped in the field with GeoXT GPS unit.
 Map Accuracy: +/- 1 meter



CWS File Number

08-002292

Service Provider Letter

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction:	<u>Washington County</u>	Review Type:	<u>Tier 2</u>
Site Address / Location:	<u>Tualatin, OR 97062</u>	SPL Issue Date:	<u>August 29, 2008</u>
		SPL Expiration Date:	<u>August 29, 2010</u>

Applicant Information:

Name CITY OF TUALATIN
 Company _____
 Address 18880 SW MARTINAZZI AVE
TUALATIN OR 97062
 Phone/Fax (503) 691-3010
 E-mail: eunderwood@ci_tualatin.or.us

Owner Information:

Name CITY OF TUALATIN
 Company _____
 Address 18880 SW MARTINAZZI AVE
TUALATIN OR 97062
 Phone/Fax (503) 691-3010
 E-mail: eunderwood@ci_tualatin.or.us

Tax lot ID

Development Activity

2S122AD-00200,00300,
 00900
 2S122C-000502, 000604,
 002400, 000605, 000606,
 002300, 000501, 001700,
 002500,000801,000300,
 000602
 2S122D-000500, 000501,
 2S122-0000500,0000600

Widen Herman Road for approximately 5,100 lineal feet within ROW.

Pre-Development Site Conditions:

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: Variable 20-50
 Vegetated Corridor Condition: Degraded

Post Development Site Conditions:

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: Variable 20-50

Enhancement of Remaining Vegetated Corridor Required:

Square Footage to be enhanced: 25,884

Encroachments into Pre-Development Vegetated Corridor:

Type and location of Encroachment:	Square Footage:
<u>Widening of Herman Road</u>	<u>8,075</u>

Mitigation Requirements:

Type/Location	Sq. Ft./Ratio/Cost
<u>Off-site; Little Woodrose Park</u>	<u>16,150/2:1</u>

Conditions Attached Development Figures Attached (8) Planting Plan Attached Geotech Report Required

This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.

In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.
3. Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. **Permits obtained and activities authorized under NWP-2007-1030 and RF-39676.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

SPECIAL CONDITIONS

10. For Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3.
11. Prior to any site clearing, grading or construction, the applicant shall provide Clean Water Services with a Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated "good."
12. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Vegetation and Animal Management Guidance, 2003. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.
13. Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&O 07-20, Appendix A).
14. Maintenance and monitoring requirements shall comply with R&O 07-20, Section 2.11.2. If at any time during the warranty period the landscaping falls below the 80% survival level, the

owner shall reinstall all deficient planting at the next appropriate planting opportunity and the two year maintenance period shall begin again from the date of replanting.

15. Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2, Table 2-1 and Section 2.10, Table 2-2.
16. Clean Water Services may require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services or the City that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

FINAL PLANS

17. Final construction plans shall include landscape plans. In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
18. A Maintenance Plan shall be included on final plans including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
19. Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
20. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. Fencing and signage details to be included on final construction plans.

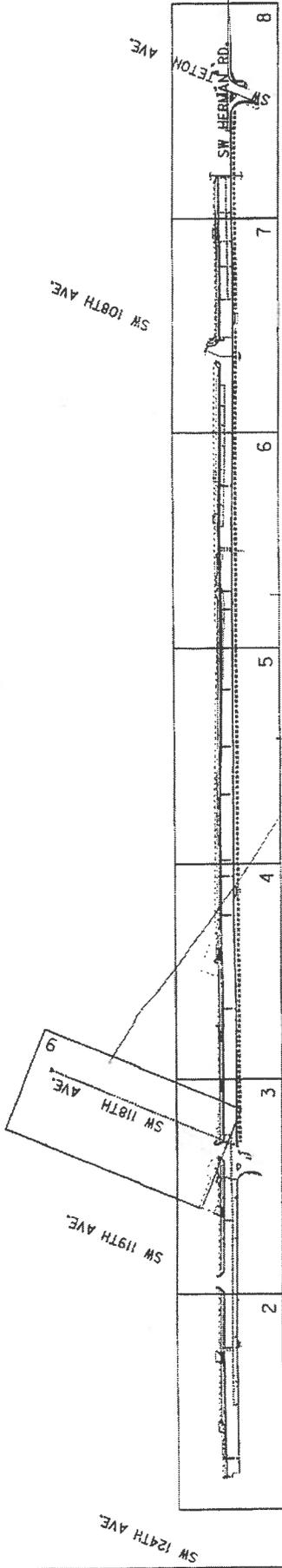
This Service Provider Letter is not valid unless CWS-approved site plan is attached.

Please call (503) 681-3653 with any questions.



**Amber Wierck
Environmental Plan Review**

Attachments (8)



Note: SENSITIVE AREAS ONLY
EXIST WITHIN THESE LOCATIONS
OF THE STUDY AREA



Approved
Clean Water Services
By AW Date 7/2/08

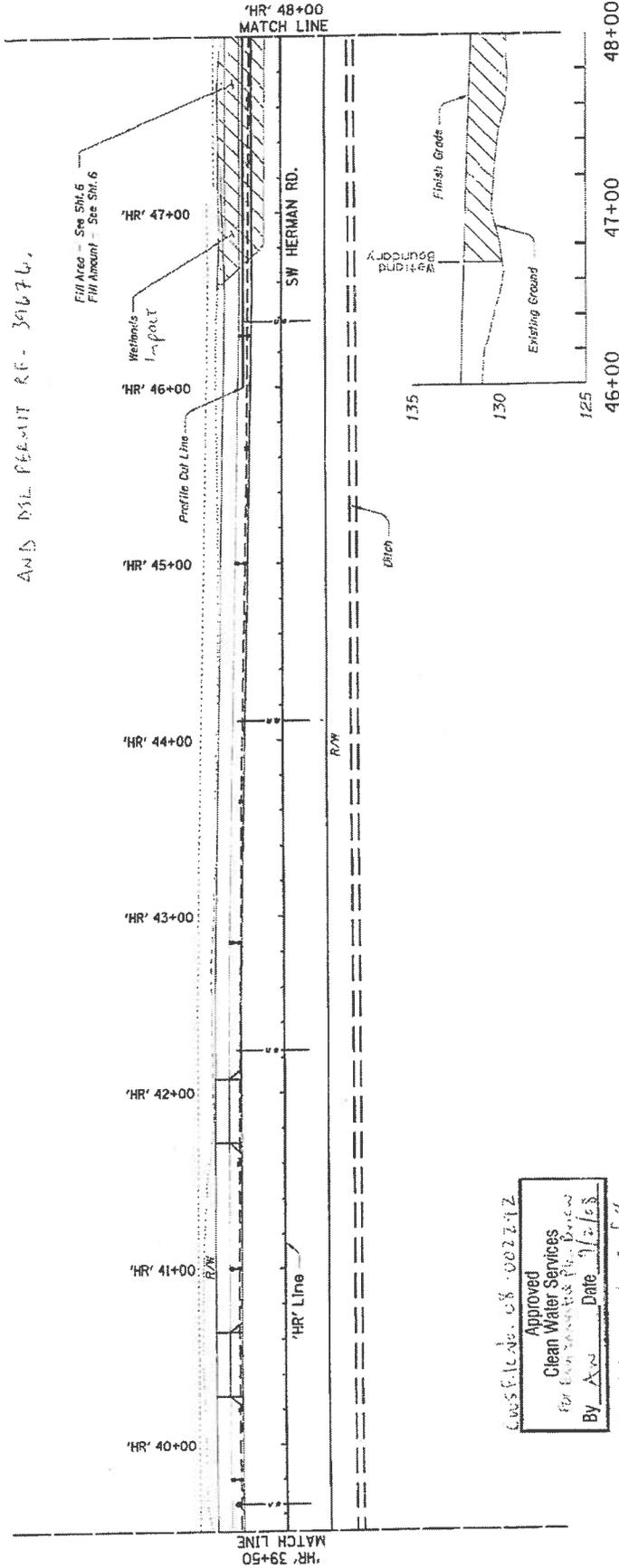
SFC ATTACHMENT 1 OF 8

- LEGEND:
- Westland Boundary
 - Call
 - Fill
 - Drainage Pipe

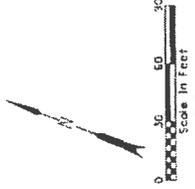
TUALATIN DEVELOPMENT COMMISSION	
S.W. HERMAN RD. S.W. 124TH AVE. TO S.W. TETON AVE.	
PREPARED BY: STEVE CARTER DESIGNED BY: BOB BISHOP/STETTLER DRAFTED BY: PRISCILLA FERRER/BOB/STETTLER	
KEYMAP	1

PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

NOTE: WETLANDS OR SENSITIVE AREA LIMITS
AUTHORIZED BY CDE'S PERMIT NWP-2007-1030
AND NAL PERMIT RC-39676.



Approved
Clean Water Services
For Construction by Review
By AW Date 7/2/08
See Attachment 2 of 8



- LEGEND:
- Wetland Boundary
 - Cut
 - Fill
 - Drainage Pipe

TUALATIN DEVELOPMENT
COMMISSION

S. W. HERMAN RD.
S. W. 124TH AVE. TO S. W. TETON AVE.
WASHINGTON COUNTY

Reviewed By: Steve Johns
Designed By: Darren Harnett
Drafted By: Priscilla Perot-Rodas

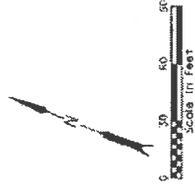
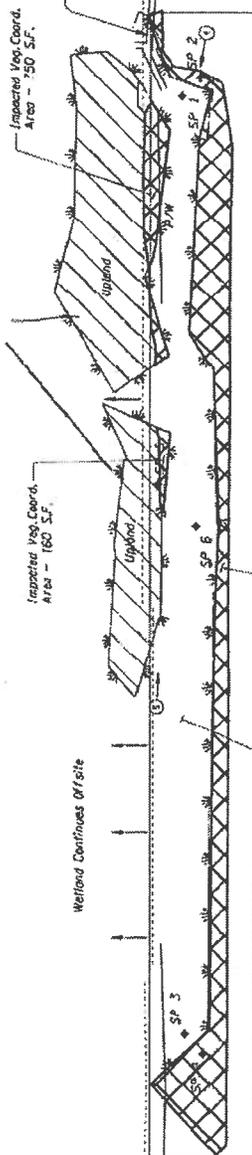
PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

WETLAND PLAN
'HR' 39+50 TO 'HR' 48+00

SHEET
NO. 5

REMAINING VEGETATED
CORRIDOR OF 9480 SF. BE REQUIRED TO
BE ENHANCED TO
WOOD CONDITION

Wetland Continues Offsite



CWS File No. 08-002292

Approved
Clean Water Services
For Environmental Plan Review
By AW Date 9/2/08

SP Attachment 4 of 8

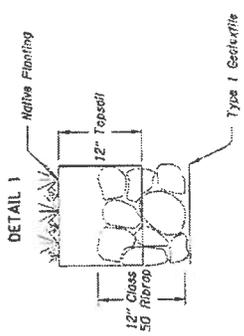
VEGETATED CORRIDOR
ENCROACHMENT = 7885 SF
* DRAWING NOT TO SCALE

- LEGEND:
- Wetland Boundary
 - Photo Locations
 - Sample Locations
 - Existing Wetland Area
 - Existing Vegetated Corridor
 - Vegetated Corridor Permanent Impacts
 - Existing Vegetated Corridor To Be Enhanced

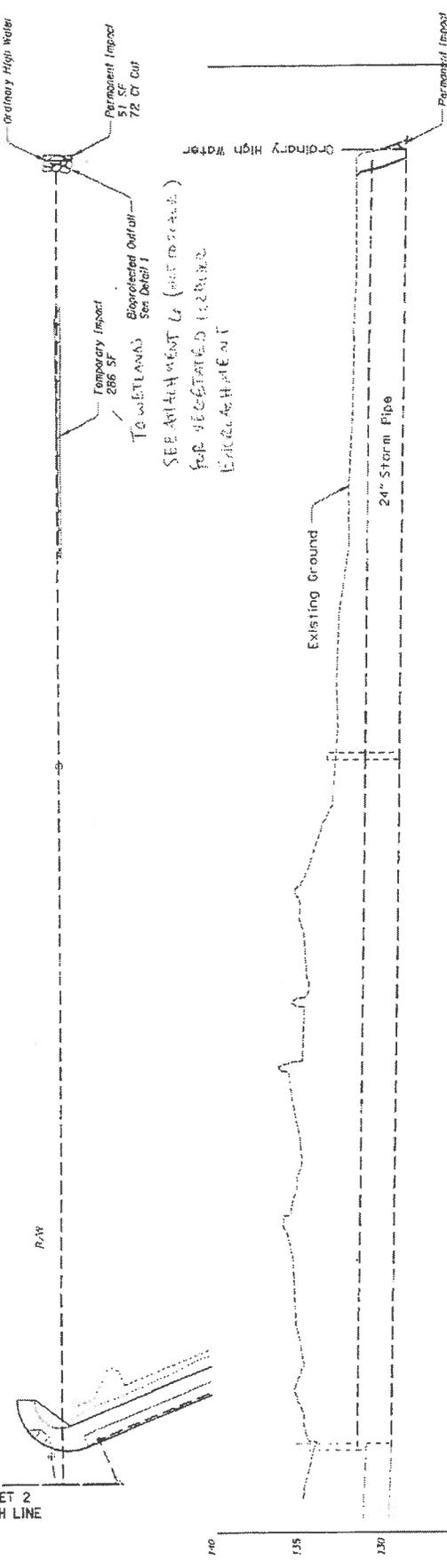
PRELIMINARY COPY
NOT FOR
CONSTRUCTION
IMPROBATION ONLY

NOTE:
Mapping Method - GED RT Triable GPS
Map Accuracy - ±3ft

	TUALATIN DEVELOPMENT COMMISSION
S.W. HERMAN RD. S.W. 124TH AVE. TO S.W. TETON AVE. WASHINGTON COUNTY	
Designed By - Steve Koser Drafted By - Priscilla Perera-Ramirez	
WETLAND VEGETATED CORRIDOR BOUNDARIES HERMAN ROAD	SHEET NO. 2A



SW 118TH AVE.



SHEET 2 MATCH LINE

- LEGEND:
- Wetland Boundary
 - - - - - Cut
 - Fill
 - - - - - Drainage Pipe

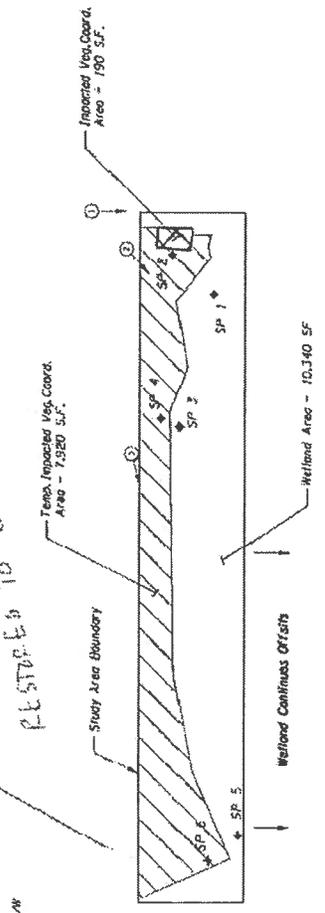


Approved
Clean Water Services
By: [Signature] Date: 1/2/08
File # 05-002272
Site Attachment 5 of 8

TUALATIN DEVELOPMENT COMMISSION

S.W. HERMAN RD.
S.W. 124TH AVE. TO S.W. TETON AVE.
WASHINGTON COUNTY
Reviewed By: Steve Erickson
Designed By: Brian Hopperstad
Drafted By: Priscilla Perini
DATE: 1/2/08
SHEET NO: 9

TEMPORARILY IMPACTED
VEGETATED CORRIDOR TO BE
RESTORED TO GOOD CONDITION



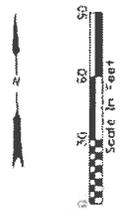
WETLAND TO REMAIN

CWS File No. 08-002242

Approved
Clean Water Services
for Environmental Plan Review
By AW Date 7/2/08

SPL Attachment 10 of 8

- LEGEND:
- Wetland Boundary
 - Photo Locations
 - ◆ Sample Locations
 - Existing Wetland Area
 - ▨ Existing Vegetated Corridor
 - ▩ Vegetated Corridor: Permanent Impacts



NOTE:
Mapping Method - GSD XT Trimble GPS
Map Accuracy = ±3ft

PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

TULALATIN DEVELOPMENT COMMISSION	
S.W. HERMAE RD. S.W. 124TH AVE. TO S.W. TETON AVE.	
Reviewed By - Steve Eising Designed By - Darren Rappenstein Drawn By - Prichard Perales-Simic	
WETLAND & VEGETATED CORRIDOR BOUNDARIES	SHEET NO. 28

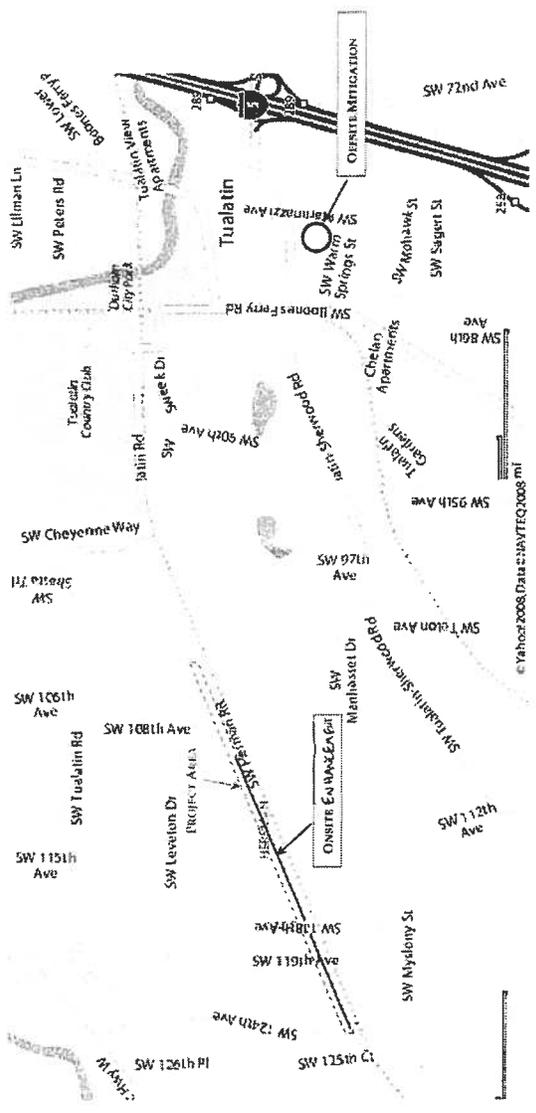


Figure 2
Mitigation Site Locations
Herman Road Improvement Project
Tualatin, Oregon

7/13/15 File No. CS-15-2292
 Approved
 Clean Water Services
 for Environmental Permit
 By: [Signature] Date: 7/13/15
 See Attachment 7 of 8





EXISTING VEGETATED CORRIDOR

AREA = 16,404 SF

PROPOSED MITIGATION AREA = 16,150 SF



Figure 4

Herman Road Project
Proposed Mitigation Area
Temporary Irrigation
7/8/2008

CH2MHILL



CASS FILE NO. 08-002292

Approved
Clean Water Services
By Environmental Services
By AW Date 9/2/08

SPL Attachment 8 of 8

10/27/08
City Council Agenda Item # D.7
Tualatin Development Commission Item # D.2

From: dennis lively [engineer.lively@gmail.com]

Sent: Friday, October 24, 2008 5:09 PM

To: SHERILYN LOMBOS

Subject: Written input to Tualatin Council Herman Rd Off-site Mitigation - Proposed Resolution Pg. 102 of packet

Mayor and City Council, City of Tualatin

Why, when we are building all of the improvements we are with taxpayer funds is it not possible to find any location within the project for the mitigation of damaged wetlands that is required. It is wasteful and entirely illogical to come to the high end of town and use Urban Renewal funds to do "mitigation" in an existing city park. An URD should not be used to fund improvements outside the district or outside of the projects outlined in the original plans for that district. Anyone even slightly knowledgeable in wetlands would have seen long ago that the roadway needed a wetlands determination and when it was found, it should have been handled within the design and URD boundary. Nothing about this should have been a surprise and those benefiting from this public improvement should have helped solve the problem where it originated, yet they didn't because of they don't want to give up any of their property.

According to the Washington County tax bills, a typical house in Tualatin pays \$1.96 per \$1000 to the City Tualatin and \$1.73 per \$1000 to Urban Renewal Tualatin. If we have to pay these rates then those getting the most benefit in increased land values ought to be solving problems of the URD in the URD. None of this is "free money", it is just redirected property taxes.

Dennis Lively
21058 SW 90th Ave
Tualatin, OR 97062

10/27/2008



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: October 27, 2008

SUBJECT: PLAN TEXT AMENDMENT RESCINDING REQUIREMENTS FOR RESIDENTIAL MINIMUM BUILT DENSITY; AMENDING TDC SECTIONS 5.040(1) THROUGH (5), 36.160(7), 36.162(2)(d) AND (3)(d), 36.242(4) AND (5), AND SECTION 15 OF CHAPTERS 40 THROUGH 44. (PTA-08-05)

ISSUE BEFORE THE CITY COUNCIL:

City Council consideration of a proposed Plan Text Amendment (PTA-08-05) to rescind the requirement that new residential development build at least 80% of the maximum number of dwelling units (DUs) per acre permissible in a residential planning district.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 4-1 on 9/11/2008, recommending that the City Council approve PTA-08-05.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-05 based on the draft ordinance in Attachment F.

EXECUTIVE SUMMARY:

- This matter is legislative.
- This matter is a plan text amendment to the Tualatin Development Code (TDC).
- The applicant is the Community Development Director.
- The Council considered this issue during the work session of 10/13/2008.
- Background information is in Attachment B, and the draft ordinance is in Attachment F.

- Metro in 2002 approved Ordinance No. 02-969B that amended the Urban Growth Boundary (UGB), the Regional Framework Plan (RFP), and the Metro Code (MC) to increase the capacity of the land within the UGB to accommodate population increase to 2022. Metro Code Chapter 3.07 constitutes the Urban Growth Management Functional Plan (UGMFP), applicable to local governments in the tri-county area.
- Metro Ordinance No. 02-969B rescinded MC 3.07.120(A)(1)(a) that a given development must develop at 80% or more of the maximum number of dwelling units per net acre permitted by the zoning designation for the subject property. Several TDC sections codify this former requirement.
- The City originally incorporated the Metro 80% built density requirement into the TDC on 8/09/1999 via Ordinance No. 1026-99 (PTA-99-03).
- The applicant proposes striking the text shown in Attachment A.
- The 80% requirement presently applies to the following residential planning districts:

<i>Residential District</i>	<i>Acronym</i>	<i>Min. No. of DUs</i>	<i>Max. No. of DUs</i>
Low Density	RL	5.36	6.70
Medium-Low Density	RML	8	10
Medium-High Density	RMH	12	15
High Density	RH	20	25
High Density High Rise	RH-HR	24	30

Each minimum number of DUs is 80% of the maximum number. This information is displayed in the legend of the Map 9-1, the Community Plan Map. Staff would revise the legend on the Plan Map to revise the minimum densities, and this would not require a Plan Map Amendment (PMA). Attachment E is a copy of the map with a handwritten revised legend for demonstration; the minimums are as they were prior to PTA-99-03.

- Attachment D is page 10 of Exhibit A to Ordinance 02-969B that presents Table 3.07-1 “Zoned Capacity for Housing and Employment Units – Year 1994 to 2017,” which shows Tualatin having a DU capacity of 4,054 based on the planning area of the city and that Metro and Tualatin last revised in 2002.
- The City volunteered the target number of DUs for Tualatin in Table 3.07-1; the City must reach the target with or without the 80% density rule. The capacity is based on the gross acreages of and the maximum densities allowed by the planning districts. (Calculation of net developable acreage typically results in a 15 to 20% reduction of gross acreage.)

- The Metro Title 1, Table 1 (Table 3.07-1) housing target number established for Tualatin remains applicable if the Council approves the amendment.
- While this number is a target, the consequences of failing to achieve the target are unknown. The Community Development Director stated during the 10/13/2008 City Council work session that Metro has considered abolishing housing targets for cities in the region and addressing density as part of the urban and rural reserves initiative under the topic of local aspirations.
- If the Council approves the amendment and residential development occurs at the maximums allowed by residential planning districts, the City would meet the Metro target; but, if residential development occurs at the minimums allowed by residential planning districts without the 80% rule, the City would fail to meet the Metro target. Variables such as market conditions, potential mixed-use development in non-residential planning districts, the draft Town Center Plan, and possible Plan Map Amendments (PMAs) influence the low end of projected built housing units to the target year 2017. Attachments G and H illustrate and quantify the subject lands.
- If the Council approves the amendment, reaching the target depends on additional factors such as the Town Center Plan, amendment of planning district development standards, some properties developing toward minimums and others toward maximums, and whether a few key properties are redeveloped or not (such as the Tualatin Country Club and golf course.)
- Lake Oswego, Sherwood, and Tigard have not rescinded the 80% rule.
- Independent of the 80% density rule, the Low Density Residential (RL) Planning District has a requirement in TDC 40.050 "Lot Size for Permitted Uses" (1) that, "The minimum lot area shall be an average of 6,500 square feet provided the smallest lot shall be at least 6,000 square feet." Ordinance No. 1010-98 (PTA-98-08) created TDC 40.050(1). This requirement becomes clearer when explained that the number 6,500 results from dividing the maximum density allowed by RL of 6.7 DUs per acre into 43,560 square feet, the number of square feet in an acre. Given that one single-family (SF) platted lot will yield one such dwelling, subdivisions in RL planning districts must therefore accommodate a higher density.
- The amendment does not affect the requirement of an average minimum lot size of 6,500 square feet (sq ft) in the Low Density Residential (RL) Planning District (TDC 40.050).
- The 80% density rule presently applies to planning districts and subdivisions, but not partitions.
- An 80% density rule exists in Oregon Revised Statutes (ORS) that applies to expedited land division. Whether the City grants the amendment or not, any future request for an expedited land division through TDC 36 must comply with ORS 197.360(a)(E).

- Before granting the proposed PTA, the City Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment C) examines the application.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

1. Rescindment of the requirement that the entitlement of developments and the subdivision of land in RL, RML, RMH, RH, and RH-HR Planning Districts lead to the construction of least 80% of the maximum number of DUs per net acre granted by these residential planning districts.
2. Allowance for larger single-family lots, larger yards and other open spaces, and a perception of increased openness of development.
3. Staff revision of the legend on Map 9-1 "Community Plan Map" to remove the listed 80% minimum densities. (This would not constitute a plan map amendment.)
4. Existing and future lands designated as residential planning districts may develop at less than 80% of the maximum number of allowable DUs per net acre.
5. Lower built densities may make less efficient the provision to new residential development of adequate public facilities and services relating to sanitary sewer, solid waste, stormwater treatment, potable water, parks, schools, and transportation including mass transit; though, this is unlikely given the little undeveloped residential land remaining within the City's planning area as shown on Map 9-1 "Community Plan Map."
6. The Metro housing target number for Tualatin remains applicable.

Denial of the PTA request would result in the following:

1. The 80% requirement for residential planning districts remains in effect.
2. Residential development continues to be built at 80% or more of the maximum densities that residential planning districts allow.
3. The City meets the Metro housing target number.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the recommendation by TPAC are:

- Recommend the Council approve the proposed amendment with alterations.
- Recommend the Council deny the request for the proposed amendment.
- Continue the discussion of the proposed amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Because a City department is the applicant, an application fee is not applicable. Funds have been allocated in the FY 2008/09 budget to prepare City-initiated amendments.

PUBLIC INVOLVEMENT:

The City mailed notice of application to interested parties including Clean Water Services (CWS); Metro; the Oregon Department of Transportation (ODOT), Region 1; and the Sherwood, Tigard-Tualatin, and West Linn-Wilsonville School Districts. The City also mailed over 6,000 copies of a combined notice of public hearing and Measure 56 notice to all owners of property within City limits.

- Attachments:**
- A. Proposed Text Amendment Language
 - B. Background
 - C. Analysis and Findings
 - D. Metro Table 3.07-1
 - E. Map 9-1 “Community Plan Map”
 - F. Draft local ordinance
 - G. Maps: Vacant and Redevelopable Lands
 - H. Tables: Housing capacity

Attachment A

PTA-08-05: Proposed Text Amendment Language

5.040 Planning District Objectives.

This section describes the purpose of each residential planning district.

- (1) Low Density Residential Planning District (RL). To provide areas of the City suitable for single family dwellings and manufactured homes. Common-wall dwelling units and small-lot sub-divisions may be allowed by conditional use permit. ~~Residential development less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 10 dwelling units per net acre and small-lot subdivisions and partitions and subdivisions affected by TDC 40.055, which shall not exceed 7.5 dwelling units per net acre, the maximum density of any residential use in this district shall not exceed 6.76.4 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.
- (2) Medium-Low Density Residential Planning District (RML). To provide areas of the City suitable for common-wall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. ~~Residential development less than 80% of the allowed maximum density shall not be permitted.~~ Condominiums and small-lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed 10 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.
- (3) Medium-High Density Residential Planning District (RMH). To provide areas of the City suitable for townhouses, garden apartments and condominium developments. ~~Residential density less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 22.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 15 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the district designated on the Plan Map.
- (4) High Density Residential Planning District (RH). To provide areas of the City suitable for townhouse, high density garden apartment and condominium development. ~~Residential density less than 80% of the allowed maximum density~~

- ~~shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 37.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 25 dwelling units per net acre.
- (5) High Density Residential/High Rise Planning District (RH-HR). To provide areas of the City suitable for high density apartment or condominium tower development to provide a maximum amount of preserved open space. ~~Residential density less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 45 dwelling units per net acre, the maximum density of any residential use shall not exceed 30 dwelling units per net acre.

36.160 Subdivision Plan Approval.

- ~~(7) A subdivision in the RL District for single family residential development or in the RML District for a small lot subdivision shall not be approved unless the number of lots meets the minimum 80 percent density requirement in the RL or RML Planning District.~~

36.162 Modifications to Subdivision Plan Approval.

- (2) Immaterial modifications to a subdivision plan approval are changes which do not result in noncompliance with subdivision approval criteria, and include:
- (a) lot dimension changes;
 - (b) street location changes;
 - (c) lot pattern changes; and
 - ~~(d) density decreases provided the 80 percent minimum density requirement is met.~~
- (3) Immaterial modifications shall meet the following standards:
- (a) Accessways to adjacent streets or properties shall not be relocated more than 25 feet from the location approved on the subdivision plan. In addition, accessways shall not be relocated to a different adjacent property.
 - (b) Stub streets shall not be changed to non-through streets.
 - (c) Cul-de-sacs shall not be changed to stub streets.
 - ~~(d) Density decreases shall not exceed a 20 percent reduction in the total number of approved lots or dwelling units provided the 80 percent minimum density requirement is met. For an Expedited Subdivision Application, the density shall not be decreased to a density that would violate the density criterion for the Expedited Subdivision Application process nor violate the 80 percent minimum density requirement.~~

36.242 Modifications to Final Decision.

- (4) If the proposed modifications are found to be immaterial and the partition plan as modified meets the conditions of the final decision, ~~the requirements of the TDC including the 80 percent minimum density requirement and other applicable~~

~~regulations~~, the City Engineer shall approve in writing the proposed modifications with or without conditions. The decision shall be filed and mailed as set forth in TDC 31.074 or in accordance with state law for Expedited Partition Plans:

- (5) A proposed modification that is determined to be material in nature or which results in a partition plan that no longer meets the conditions of the final decision or the requirements of the TDC ~~including the 80 percent minimum density requirement and other applicable regulations~~, shall require a new application in accordance with TDC 36.220:

Low Density Residential Planning District (RL)

40.015 Permitted Density.

~~Except for lots created through the partition process for single family dwellings, housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed ~~6.76.4~~ units per net acre, except as set forth below:

- (1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre. ~~The 80% minimum density shall be based on 6.7 dwelling units per net acre, not 10.~~

Medium Low Density Residential Planning District (RML)

41.015 Permitted Density.

~~Housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 41.150.
- (2) The maximum density for single-wide manufactured dwelling parks or parts of parks used for single-wide units shall not exceed 12 dwelling units per net acre. ~~The 80% minimum density shall be based on 10 dwelling units per net acre, not 12.~~
- (3) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre. ~~The 80% minimum density shall be based on 10 dwelling units per net acre, not 15.~~

Medium High Density Residential Planning District (RMH)

42.015 Permitted Density.

~~Housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed 15 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 42.150.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 22.5 dwelling units per net acre. ~~The 80% minimum density shall be based on 15 dwelling units per net acre, not 22.5.~~

High Density Residential Planning District (MH)**43.015 Purpose.**

~~Housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed 25 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 43.180.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 37.5 dwelling units per net acre. ~~The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5.~~

High Density High Rise Planning District (RH-HR)**44.015 Permitted Density.**

~~Housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed 30 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 44.160.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 45 dwelling units per net acre. ~~The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5.~~

ATTACHMENT B

PTA-08-05: BACKGROUND

PTA-08-05 is a plan text amendment to the Tualatin Development Code (TDC) that rescinds the requirement that new residential development build at least 80% of the maximum number of dwelling units (DUs) per acre permissible in a residential planning district.

The City had adopted this Metro requirement that Metro rescinded in 2002. Because Metro rescinded it, and a plurality of councilors and residents desire larger-lot single-family (SF) development in Tualatin, the Community Development Director initiated the amendment.

The Tualatin Planning Advisory Committee (TPAC) voted 4-1 on 9/11/2008, recommending that the City Council approve PTA-08-05.

Approval of the amendment would have the minimum number of DUs per acre established for each residential planning district revert to those established in the Tualatin Community Plan (TCP), the City's comprehensive plan, and the Tualatin Development Code (TDC) as shown as Attachment E. The City may not meet a housing target for 2017 that is a separate Metro requirement, but the City would be able to approve larger-lot single-family developments.

ATTACHMENT C

PTA-08-05: ANALYSIS AND FINDINGS

Tualatin Development Code (TDC) Section 1.032 lists the eight criteria for approval of a plan amendment.

Before granting an amendment to the Plan Text or Plan Map of the Tualatin Development Code (TDC), including the Tualatin Community Plan, the Council shall find that:

1. Granting the amendment is in the public interest.

In 2002, Metro rescinded the 80% requirement for cities in the Portland metro area.

The 80% requirement is related to and helps the City to achieve the Metro housing target of 4,054 by 2017. Tualatin and Metro last revised this number in 2002 and it is based on lands within the present planning area. Little acreage exists within the planning area, and much of the undeveloped or redevelopable land is constrained. The Tualatin Country Club and golf course constitute 91% of all redevelopable land within the planning area, and its residential redevelopment within 9 years is highly doubtful.

The consequences for failing to achieve the Metro target are unknown. The Community Development Director stated during the 10/13/2008 City Council work session that Metro has considered abolishing housing targets for cities in the region and addressing density as part of the urban and rural reserves initiative under the topic of local aspirations.

Lastly, historical and conventional market forces have led developers to build the maximum number of DUs allowed by planning districts. The amendment would allow for larger single-family lots, larger yards and other open spaces, and a perception of increased openness of development.

In short, Metro rescinded the 80% requirement. Failing to meet the separate housing target may not generate any ill consequences and Metro may abolish the target. The City has other regulations to encourage dense development that regional planning and market forces have usually manifested and thereby obtain the public benefits of dense development. For these reasons, granting the amendment is in the public interest.

The criterion is met.

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

Metro had rescinded the 80% requirement. Tualatin and Metro last revised this number in 2002 and it is based on lands within the present planning area. Little acreage exists within the planning area, and much of the undeveloped or redevelopable land is

constrained. The Tualatin Country Club and golf course constitute 91% of all redevelopable land within the planning area, and its residential redevelopment within 9 years is highly doubtful. The Community Development Director stated during the 10/13/2008 City Council work session that Metro has considered abolishing housing targets for cities in the region and addressing density as part of the urban and rural reserves initiative.

Failing to meet the separate housing target may not generate any ill consequences and Metro may abolish the target. The City has other regulations to encourage dense development that regional planning market forces have usually manifested and thereby obtain the public benefits of dense development. For these reasons, granting the amendment at this time best protects the public interest.

The flexibility allowed by the amendment is in keeping with two particular goals of the Tualatin Tomorrow Community Vision & Strategic Action Plan (June 2007):

Strategy GHT 11 - Housing Choices and Types. Develop a range of housing choices and types in Tualatin, accommodating the needs of both traditional and non-traditional households, and promoting a balanced community with a diversity of persons living, recreating, shopping and working within the city

Strategy GHT 14 - Mixed-Use in Town Center. Develop mixed-use in Tualatin Town Center, with amenities such as mixed-use development, financial and retail services, a non-commercial district with government and social services, civic and cultural features, and high-density housing

The criterion is met.

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

Tualatin Development Code (TDC) Section 5.030 “[Residential Planning Growth] General Objectives” – a part of the Tualatin Community Plan (TCP) – lists objectives of the residential development. The applicable objectives are listed below:

Provide for the housing needs of existing and future City residents.

The 80% requirement came about after the City's comprehensive plan that established residential planning districts. These districts that provide for the housing needs of existing and future City residents have minimum and maximum numbers of allowable DUs. Approval of the amendment would allow the minimums to revert from 80% to the minimums as originally stated in the Plan and would not interfere with the provision of housing itself.

Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.

In addition to Metro rescindment, impetus for the amendment comes from the desire of a plurality of councilors and residents for lesser density in the form of large SF houses on large lots. Apart from the 80% requirement is the metro housing rule in Oregon Administrative Rules (OAR) 660-007 that there be an overall density citywide of 8.0 DUs per acre. This proposal provides for a density of 8.17 dwelling units per acre. Tualatin is at liberty to determine the form and placement of housing types that achieve this overall density. The Town Center Plan that the City drafted is one means by which the City can have housing that is primarily multi-family, and denser and more urban in the town center that compensate for SF development at the outskirts of town. Approval of the amendment would not preclude the City from providing housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.

Provide areas that will accommodate small-lot subdivisions.

The City requires that SF development have a minimum average lot size of 6,500 sq ft with any given lot being no smaller than 6,000 sq ft. These lot sizes are small compared with typical SF house lots of the 1960s and 70s regionally and nationwide. Market forces have led developers to building SF housing more densely than historical in the region and nationwide. Approval of the amendment would not affect the accommodation of small-lot subdivisions through TDC 40.030(3) or 41.020(4) for RL and RML Planning Districts respectively; small-lot subdivisions are subject to different standards than ordinary subdivisions and may have lots as small as 5,000 sq ft.

The criterion is met.

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

The various characteristics of the areas in the City;

Support information for the amendment shows little undeveloped and redevelopable land remaining within the planning area. (The Metro target revised in 2002 is premised on this planning area.) Much of the land is constrained, and the Tualatin Country Club and golf course alone constitute about 91% of all redevelopable land. Its redevelopment into housing within 9 years is highly doubtful. (The target year is 2017). The amendment considers the various characteristics of the areas in the City.

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

The plan text amendment is legislative because it is not specific to any property. While undeveloped and redevelopable properties are limited in number and extent, the amendment is not related to any specific landowner's development or redevelopment intentions. Because of this, the criterion is not applicable.

Trends in land improvement and development;

Historically, regional planning and market forces have combined to create denser SF development than nationally. Approval of the amendment would leave in place other requirements affecting SF development. The current minimum SF average lot size of 6,500 sq ft with any given lot being no smaller than 6,000 sq ft helps to provide balance between the desire of a plurality of locals for large houses on large lots and regional planning and market forces. The metro housing rule in Oregon Administrative Rules (OAR) 660-007 sets an overall citywide density of 8.0 DUs per acre. The City would be able to accommodate dense development as compared nationally, particularly in the town center through the Town Center plan, with leeway for larger lots and larger SF houses. The criterion is met.

Property values;

The plan text amendment is legislative because it is not specific to any property and will have no material detriment to any particular property, so the criterion is not applicable.

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

The amendment directly affects only residential development, and approval would not preclude residential or other development or imperil economic enterprises. The criterion is not applicable.

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

Because the amendment is legislative it is not specific to any property, it does not affect any specific existing or future right-of-way or other public access and so the criterion is not applicable.

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

Because the amendment is legislative and not specific to any property, it does not hinder specific natural resources within the city or the protection and conservation of any resources themselves. The criterion is not applicable.

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

Because the amendment is legislative and not specific to any property, it does not hinder prospective requirements for the development of natural resources within the city. The criterion is not applicable.

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

The amendment is in keeping with healthful, safe, aesthetic surroundings and conditions by allowing for larger single-family lots, larger yards and other open spaces, and a perception of increased openness of development.

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

The City does not allege a mistake in the plan text or plan map, and the amendment is not specific to any particular property and so no change in a neighborhood or area is relevant. The criterion is not applicable.

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

Staff received no comments from the Tigard-Tualatin School District (TTSD). Modifying the density range for Low Density Residential (RL) Planning District could reduce the number of built DUs, thereby reducing the number of school-age children who attend public school. The criterion is met.

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

The PTA must comply with the plan amendment criteria in Section 1.032 of the TDC that incorporates the Tualatin Community Plan (TCP), which reflects Metro Code provisions and has been acknowledged by the Oregon Department of Land Conservation and Development (DLCD) as complying with state planning goals. Therefore, compliance with the TCP by definition includes compliance with state and regional minimum planning requirements, including Oregon Administrative Rules (OAR) 660-008 housing. OAR 660-008-0000(1) elaborates the purpose of Oregon Statewide Planning Goal 10 "Housing." Goal 10 "assure[s] opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs." The proposed text amendment would not interfere with this statewide planning goal. The City's comprehensive plan continues to apply and provide for needed housing, and the City may attain an overall citywide efficient use of land by averaging town center development with larger-lot SF development. The criterion is met. The proposal further meets the Metro Housing Rule for a required planned density of a minimum of 8 dwelling units per acre. The proposal provides for a planned density of 8.17 dwelling units per acre.

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

Part of the impetus for the amendment is Metro's rescindment of the 80% requirement from the Urban Growth Management Functional Plan (UGMFP), specifically Metro Code 3.07.120(A)(1)(a).

Tables 2a and 2b in Attachment H show how the City might or might not achieve the Metro housing target for 2017, which remains in Metro Code, without the 80% requirement. If the residential developers continue to build toward the maximums of the planning districts as has historically been the case, the City will meet the target. If developers build toward the minimums, the City will not meet the target. Variables such as market conditions, potential mixed-use development in non-residential planning districts, the draft Town Center Plan, and possible Plan Map Amendments (PMAs) influence the low end of projected built housing units to the target year 2017. In short, approval of amendment still allows the City the possibility of meeting the housing target.

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

Approval of the amendment would have the requirements for minimum residential densities revert to those established through the comprehensive plan. The transportation portion of the plan relates to the housing portion, and the amendment would not disrupt this relationship. The criterion is not applicable.

City or County	Dwelling Unit Capacity	Job Capacity
Beaverton	13,635	21,368
Cornelius	1,285	3,054
Durham	243	522
Fairview	2,929	7,063
Forest Grove	3,054	5,943
Gladstone	880	1,569
Gresham ³	20,020	27,679
Happy Valley ⁴	5,705	1,418
Hillsboro ⁵	16,106	59,566
Johnson City	38	82
King City ⁶	461	470
Lake Oswego	4,049	13,268
Maywood Park	12	5
Milwaukie	3,188	3,650
Oregon City	9,750	8,298
Portland ³	72,136	209,215
Rivergrove	20	0
Sherwood	5,216	9,518
Tigard	6,308	17,801
Troutdale	3,260	7,222
Tualatin ⁷	4,054	12,301
West Linn	3,732	1,935
Wilsonville ²	4,425	15,030
Wood Village	458	1,074
Clackamas County ^{1,3}	13,340	31,901
Multnomah County ⁸	0	0
Washington County ¹	51,649	55,921
Regional Total	246,053	516,873

¹Standards apply to the urban unincorporated portion of the county only.

²Wilsonville has not completed its capacity analysis (as of October 2002), 1996 Title I data used.

³Includes capacity for Pleasant Valley Concept Plan, former Urban Reserve Nos. 4 and 5.

⁴Includes capacity for former Urban Reserve Nos. 14 and 15.

⁵Includes capacity for former Urban Reserve No. 55.

⁶Includes capacity for former Urban Reserve No. 47.

⁷Includes capacity for former Urban Reserve No. 43.

⁸Capacity for unincorporated Multnomah County is included in the capacities of the Cities of Gresham, Portland and Troutdale.



Community Plan Map -Planning Districts- Map 9-1

NOTES:

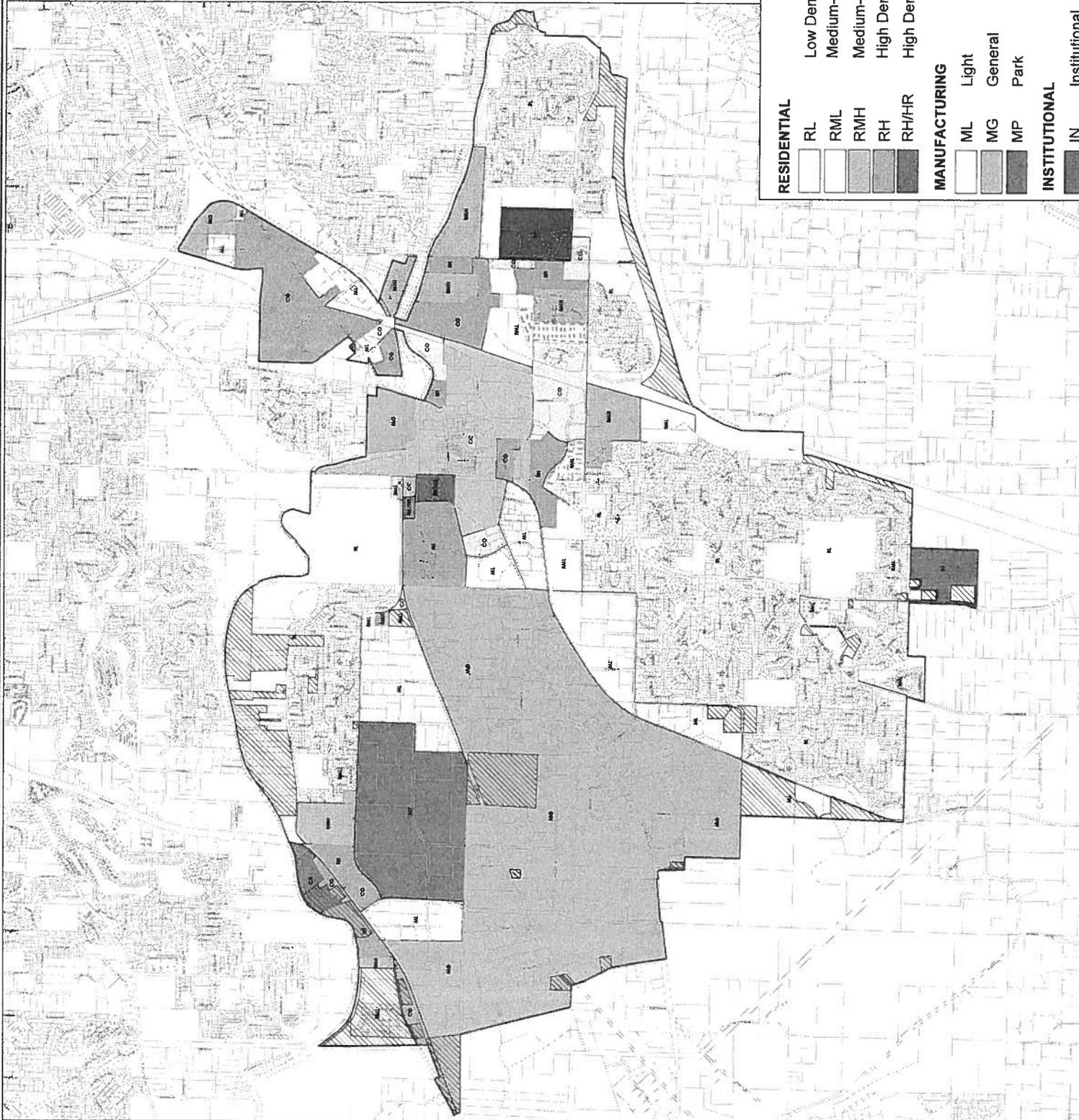
- All plan designation boundaries are intended to follow the boundaries of streets, or can be scaled pursuant to the scale of the map. If a discrepancy occurs, the City Council shall be the sole arbitration body to decide the location of boundaries.
- Specific requirements for each Planning District are found within the Tualhain Development Code.
- The Welland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualhain Development Code. Maps of the districts are available from the Planning Department.
- Properties within the Tualhain Urban Renewal Area boundary are subject to the Tualhain Urban Renewal Act which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.

- Planning Area Boundary
- Manufactured Dwelling Park Permitted
- City Boundary
- ▨ In Planning Area/ Outside of City



RF 1:9,600

Effective November 21, 2007



RESIDENTIAL

RL	Low Density	DU/Acre	5-36-6-7	1-6-4
RML	Medium-Low Density		8-40	7-10
RMH	Medium-High Density		12-15	11-15
RH	High Density		20-25	16-25
RH/HR	High Density/High Rise		24-30	26-30

MANUFACTURING

ML	Light
MG	General
MP	Park

INSTITUTIONAL

IN	Institutional
----	---------------

COMMERCIAL

CO	Office
CC	Central
CG	General
CR	Recreational
MC	Medical Center

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PLAN TEXT AMENDMENT
RESCINDING REQUIREMENTS FOR RESIDENTIAL MINIMUM BUILT
DENSITY; AMENDING TDC 5.040(1) THROUGH (5); 36.160(7);
36.162(2)(d) AND (3)(d); 36.242(4) AND (5); AND SECTION 15 OF
CHAPTERS 40 THROUGH 44. (PTA-08-05)

WHEREAS Tualatin Development Code (TDC) 5.040(1) through (5); 36.160(7); 36.162(2)(d) and (3)(d); 36.242(4) and (5); and, Section 15 of Chapters 40-44 establish residential minimum built densities for development within residential planning districts; and

WHEREAS said minimum built densities are the result of a requirement in Section 3.07.120(A)(1)(a) of Metro Code (MC) Chapter 3.07, the chapter commonly known as the Urban Growth Management Functional Plan (UGMFP), that applies to local governments in the Portland metro area; and

WHEREAS Metro has rescinded said requirement via Ordinance 02-969B; and

WHEREAS, the staff recommends to Council that the Tualatin Development Code be amended; and

WHEREAS, Council finds the amendment to be appropriate.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC Section 5.040 is amended to read as follows:

- (1) Low Density Residential Planning District (RL). To provide areas of the City suitable for single family dwellings and manufactured homes. Common-wall dwelling units and small-lot sub-divisions may be allowed by conditional use permit. ~~Residential development less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 10 dwelling units per net acre and small-lot subdivisions and partitions and subdivisions affected by TDC 40.055, which shall not exceed 7.5 dwelling units per net acre, the maximum density of any residential use in this district shall not exceed ~~6.76~~4 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.
- (2) Medium-Low Density Residential Planning District (RML). To provide areas of the City suitable for common-wall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. ~~Residential development less than 80% of the allowed maximum density~~

~~shall not be permitted.~~ Condominiums and small-lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed 10 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

- (3) Medium-High Density Residential Planning District (RMH). To provide areas of the City suitable for townhouses, garden apartments and condominium developments. ~~Residential density less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 22.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 15 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the district designated on the Plan Map.
- (4) High Density Residential Planning District (RH). To provide areas of the City suitable for townhouse, high density garden apartment and condominium development. ~~Residential density less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 37.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 25 dwelling units per net acre.
- (5) High Density Residential/High Rise Planning District (RH-HR). To provide areas of the City suitable for high density apartment or condominium tower development to provide a maximum amount of preserved open space. ~~Residential density less than 80% of the allowed maximum density shall not be permitted.~~ Except for retirement housing and nursing and convalescent homes which shall not exceed 45 dwelling units per net acre, the maximum density of any residential use shall not exceed 30 dwelling units per net acre.

Section 2. TDC Section 36.160 is amended to read as follows:

- ~~(7) A subdivision in the RL District for single family residential development or in the RML District for a small lot subdivision shall not be approved unless the number of lots meets the minimum 80 percent density requirement in the RL or RML Planning District.~~

Section 3. TDC Section 36.162 is amended to read as follows:

- (2) Immaterial modifications to a subdivision plan approval are changes which do not result in noncompliance with subdivision approval criteria, and include:
 - (a) lot dimension changes;
 - (b) street location changes;
 - (c) lot pattern changes; and
 - (d) ~~density decreases provided the 80 percent minimum density requirement is met.~~
- (3) Immaterial modifications shall meet the following standards:
 - (a) Accessways to adjacent streets or properties shall not be relocated more than 25 feet from the location approved on the subdivision plan. In addition, accessways shall not be relocated to a different adjacent property.
 - (b) Stub streets shall not be changed to non-through streets.
 - (c) Cul-de-sacs shall not be changed to stub streets.
 - (d) Density decreases shall not exceed a 20 percent reduction in the total number of approved lots or dwelling units ~~provided the 80 percent minimum density requirement is met.~~ For an Expedited Subdivision Application, the density shall not be decreased to a density that would violate the density criterion for the Expedited Subdivision Application process nor violate the 80 percent minimum density requirement.

Section 4. TDC Section 36.242 is amended to read as follows:

- (4) If the proposed modifications are found to be immaterial and the partition plan as modified meets the conditions of the final decision, ~~the requirements of the TDC including the 80 percent minimum density requirement~~ and other applicable regulations, the City Engineer shall approve in writing the proposed modifications with or without conditions. The decision shall be filed and mailed as set forth in TDC 31.074 or in accordance with state law for Expedited Partition Plans:
- (5) A proposed modification that is determined to be material in nature or which results in a partition plan that no longer meets the conditions of the final decision or the requirements of the TDC ~~including the 80 percent minimum density requirement~~ and other applicable regulations, shall require a new application in accordance with TDC 36.220:

Section 5. TDC Section 40.015 is amended to read as follows:

~~Except for lots created through the partition process for single family dwellings, housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 6.76.4 units per net acre, except as set forth below:~~

- (1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.

- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre. ~~The 80% minimum density shall be based on 6.7 dwelling units per net acre, not 10.~~

Section 6. TDC Section 40.050 is amended to read as follows:

Except as otherwise provided, the lot size for a single-family dwelling shall be:

- (1) The minimum lot area shall be an average of 6,500 square feet ~~provided the smallest lot shall be at least 6,000 square feet.~~

Section 7. TDC Section 41.015 is amended to read as follows:

~~Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:~~

- (1) Where provided by TDC 41.150.
- (2) The maximum density for single-wide manufactured dwelling parks or parts of parks used for single-wide units shall not exceed 12 dwelling units per net acre. ~~The 80% minimum density shall be based on 10 dwelling units per net acre, not 12.~~
- (3) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre. ~~The 80% minimum density shall be based on 10 dwelling units per net acre, not 15.~~

Section 8. TDC Section 42.015 is amended to read as follows:

~~Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 15 dwelling units per net acre, except as set forth below:~~

- (1) Where provided by TDC 42.150.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 22.5 dwelling units per net acre. ~~The 80% minimum density shall be based on 15 dwelling units per net acre, not 22.5.~~

Section 9. TDC Section 43.015 is amended to read as follows:

~~Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 25 dwelling units per net acre, except as set forth below:~~

- (1) Where provided by TDC 43.180.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 37.5 dwelling units per net acre. ~~The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5.~~

Section 10. TDC Section 44.015 is amended to read as follows:

~~Housing density shall be at least 80% of the maximum density allowed.~~ Housing density shall not exceed 30 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 44.160.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 45 dwelling units per net acre. ~~The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5.~~

INTRODUCED AND ADOPTED this 10th day of November, 2008.

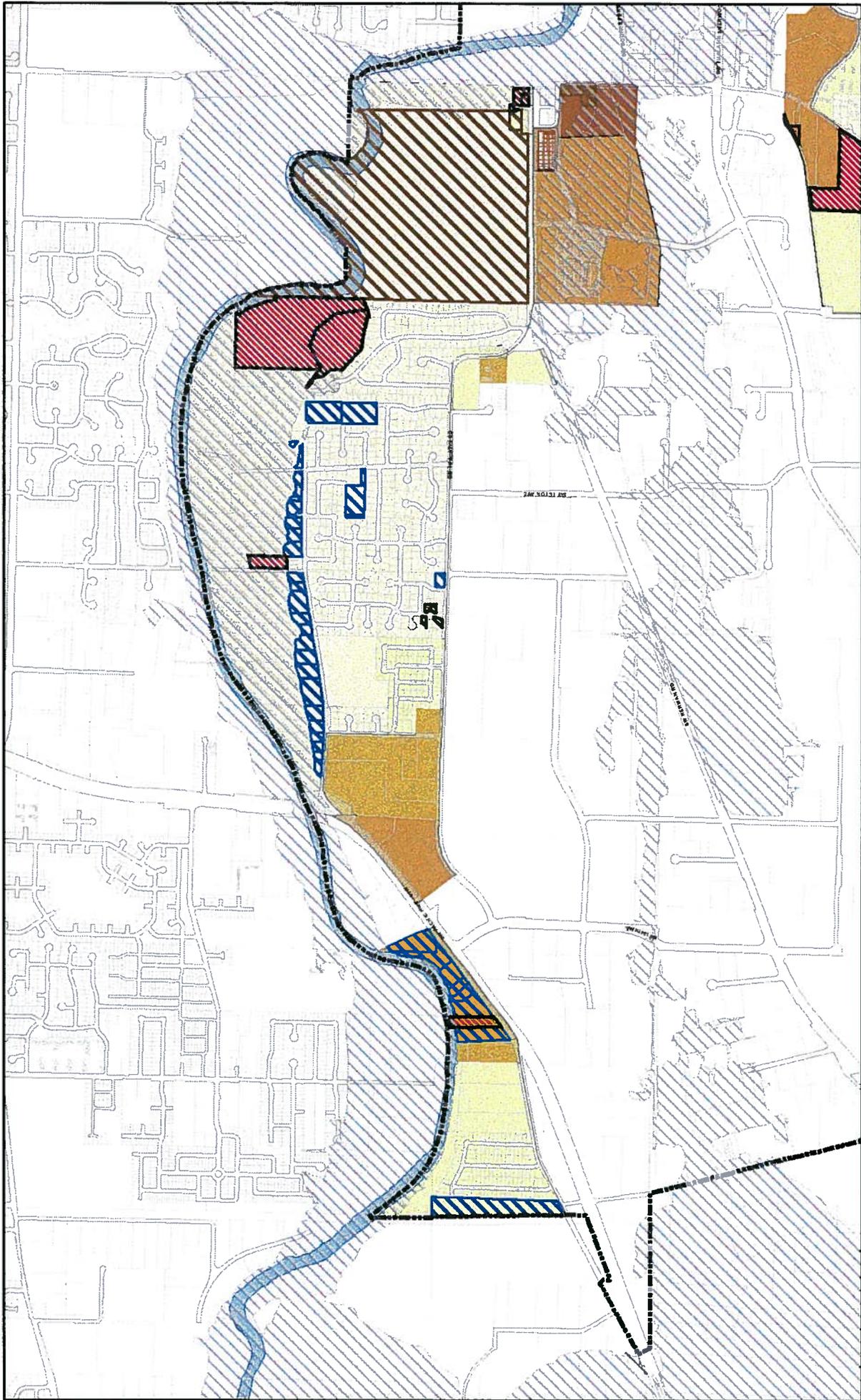
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

Vacant and Redevelopable Residential Parcels - Tualatin (North) As of: October 3, 2008

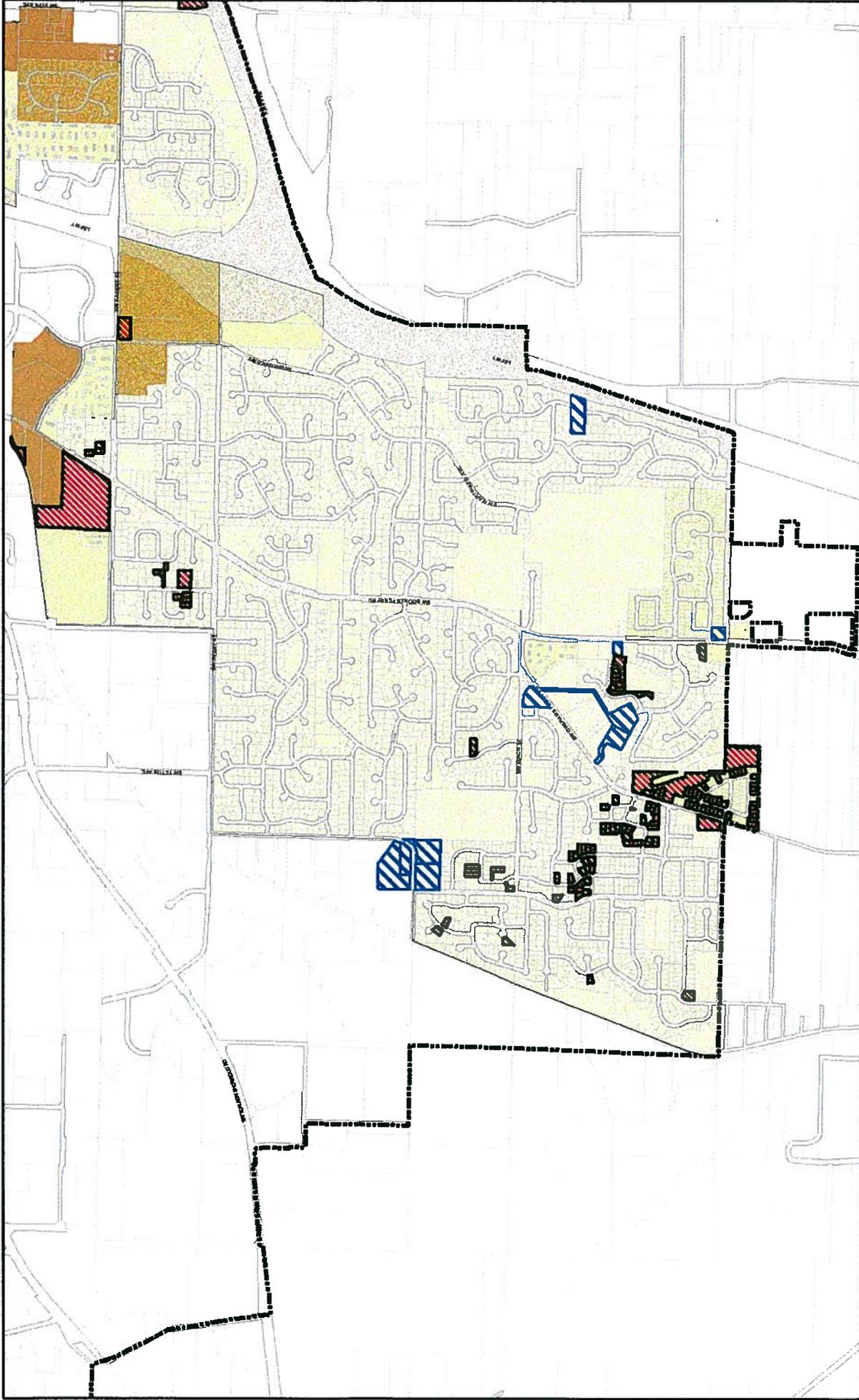


- Vacant Land
 - Planning Area Parcels
 - Parcels Identified as Redevelopable
 - Urban Growth Boundary
 - 100 Year Floodplain
- Residential Planning Districts**
- RH
 - RH/HR
 - RL
 - RMH
 - RML



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City and County are not responsible for the information. This map is provided "as is" without warranty and is subject to change without notice. Product 10032008

Vacant and Redevelopable Residential Parcels - Tualatin (South) As of: October 3, 2008



Vacant Land

Planning Area Parcels

Parcels Identified as Redevelopable

Urban Growth Boundary

Residential Planning Districts

	RH		RML
	RH/HR		RL
	RMH		



This map is derived from a vector digital database over an aerial photograph. While an attempt has been made to provide an accurate map, the user should verify all data with the local planning department. This map is provided "as is". Engineering and Planning Dept. Phone: 11832400

Redevelopable Residential Land - Constraints

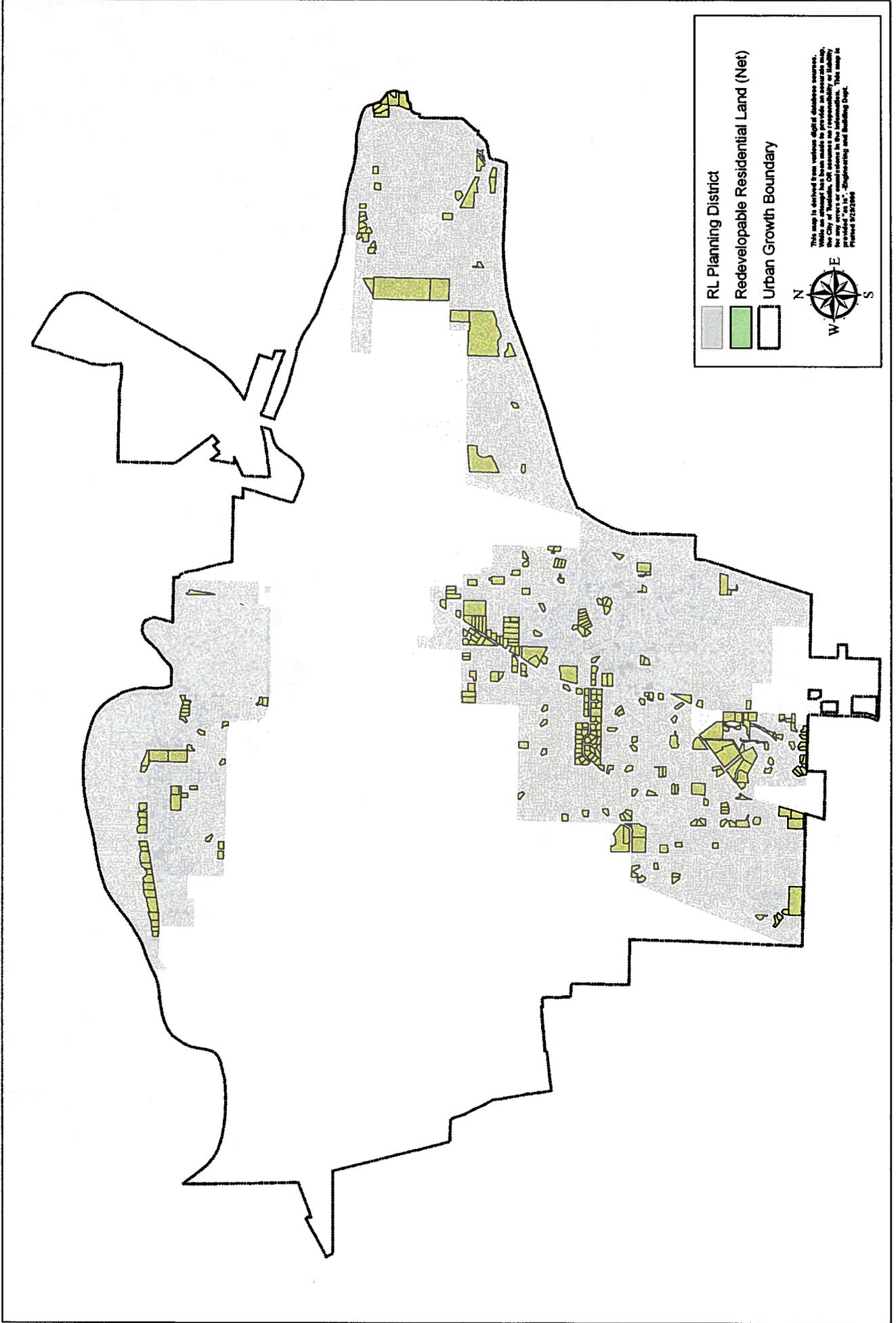


Table 1a: Capacity on Vacant Residential Lands at 80% of Maximum Density

Planning District	Acreage	Density Range	D.U. at the Low end of the range	D.U. at the High end of the range
RL	66.9	5.36-6.7	358	448
RML	44.9	8-10	359	449
RMH	1.0	12-15	12	15
RH	2.7	20-25	55	68
RH/HR (no vacant land)	0	26-30	0	0
Total	115.5		784	980

Table 1b: Capacity on Vacant Residential Lands at Proposed Reduced Density Range

Planning District	Acreage	Density Range	D.U. at the Low end of the range	D.U. at the High end of the range
RL	66.9	1-6.4	67	428
RML	44.85	7-10	314	449
RMH	1.0	11-15	11	16
RH	2.7	16-25	44	68
RH/HR (no vacant land)	0	26-30	0	0
Total	115.5		436	960

Table 2a: The Metro Target

Part A. Dwelling Unit Status as of July 31, 2007

Metro Target number of Dwelling Units (DUs) for 2017:	4,054	100%
Existing DUs counting toward target as off 2007:	2,517	62%
Reaming DUs to meet target:	-1,538	-38%

Part B. Getting to the Target - 80% of Maximum Density

Residential Land Category	Acreeage	DU at Low end of Range	DU at High end of range
Vacant/ Undeveloped (from Table 1a)	115.46	784	980
RL Parcels 13,000 sq or more Redevelopable with Tualatin Country Club (TCC)	131.84	707	883
Redevelopable without TCC*	113.0	772	964
Unincorporated and within the Planning Area**	11.55	228	285
Entitled/ At building permit stage***	61.86	492	615
Subtotal including TCC	422.2	2755	3572
Subtotal excluding TCC	320.71	2211	2893
Revised deficit including TCC		1,217	2,034
Revised deficit excluding TCC		673	1,355

* The TCC alone constitutes over 91% of all redevelopable land.

** Separate from vacant/undeveloped lands.

*** The Alexan at Bridgeport

Source: Community Development Department draft housing capacity study and vacant land

Table 2b. Getting to the Target- Proposed Reduced Densities

Residential Land Category	Acreeage	DU at Low end of Range	DU at High end of range
Vacant/ Undeveloped (from Table 1a)	115.46	436	960
RL Parcels 13,000 sq or more Redevelopable with Tualatin Country Club (TCC)	131.84	132	659
Redevelopable without TCC*	113.0	293	792
Unincorporated and within the Planning Area**	11.55	192	285
Entitled/ At building permit stage***	61.86	226	529
Subtotal including TCC	422.2	1087	3070
Subtotal excluding TCC	320.71	986	2563
Revised deficit including TCC		-451	1,532
Revised deficit excluding TCC		-552	1,025

* The TCC alone constitutes over 91% of all redevelopable land.

** Separate from vacant/undeveloped lands.

*** The Alexan at Bridgeport

Source: Community Development Department draft housing capacity study and vacant land